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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 25, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

SEE NO CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it has been my privilege to work on issues of reduction of greenhouse gases for over 25 years. I was Portland's commissioner of public works when we became the first American city with a comprehensive approach to deal with greenhouse gases. For 4 years I was pleased to serve on Speaker PELOSI's Select Committee on Global Warming and Energy Independence, where we had an opportunity to work with people around the world looking at climate impacts, dealing with dozens of hearings, hundreds of experts concerned with the challenge, the even greater problems that we are facing in the future.

Yet, I would say that in the years that I have been working on this issue, I have never seen a better, more effective statement than what appeared in yesterday's Washington Post, an essay by Bill McKibben entitled ''See no climate change.'' He said, you should not wonder, is this somehow related to the tornado outbreak 3 weeks ago in Tuscaloosa, or the enormous outbreak a couple weeks before with the most active tornado season in America's history. You should not connect in your mind the fires burning across Texas, fires that have burned more of America at this point this year than any wildfires in previous years. Or that the adjoining parts of Oklahoma and New Mexico are drier now than they have ever been, much worse than during the Dust Bowl. You should not wonder whether this year's record snowfalls and rainfalls across the Midwest, resulting in record flooding along the Mississippi, could somehow be related.

There have been tornadoes before. There will be tornadoes again. That's the important thing. Be careful to make sure you don't let yourself wonder while all these record-breaking events are happening in such proximity. Wondering why there have been unprecedented megafloods in Australia, New Zealand, and Pakistan in the last year. Why it's just now that the Arctic has melted for the first time in thousands of years.

He goes on, because if you ask yourself what it meant that the Amazon has just gone through its second hundred-year flood in 5 years, or that the pine forests across the West of this continent have been obliterated by bark beetles, you might have to ask other questions. It's better to join with the U.S. House of Representatives, who voted 240–184 this spring to defeat a resolution saying simply that climate change is occurring, caused largely by human activities, and poses significant risks for human welfare.

Propose your own physics. Ignore physics altogether. Just don't start asking yourself whether there might be some relationship among last year's failed grain harvest in the Russian heat wave and Queensland's failed grain harvest from its second flood, and Germany and France's current drought-related crop failures. It's important, Bill says, to remain calm. If the worst ever did come to worst, it's reassuring to remember that the U.S. Chamber of Commerce told the Environmental Protection Agency in recent filings that there's no need to worry because populations can acclimate to warmer climates via a range of behavioral, physiological, and technological adaptations. Bill says, I'm sure that's what the residents in Joplin, Missouri, are telling themselves today.

Mr. Speaker, I couldn't agree more. It is important for Americans to think about how these pieces fit together. And Members of Congress should ask themselves two questions. First, even if you don't believe the experts on the danger of climate change, shouldn't we be taking extraordinary steps to stop wasting more energy than anybody in the world and exporting billions of dollars overseas to other countries for our

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energy? That's question one. The second question that I hope Members of Congress will ask themselves, what if 99.9 percent of the scientists are right and we are doing it to ourselves?

[From the Washington Post]

SEE NO CLIMATE CHANGE

(By Bill McKibben)

Caution: It is vitally important not to make connections. When you see pictures of rubble like this week's shots from Joplin, Mo., you should not wonder: Is this somehow related to the tornado outbreak three weeks ago in Tuscaloosa, Ala., or the enormous outbreak a couple of weeks before that (which, together, comprised the most active April for tornadoes in U.S. history). No, that doesn't mean a thing.

It is far better to think of these as isolated, unpredictable, discrete events. It is not advisable to try to connect them in your mind with, say, the fires burning across Texas—fires that have burned more of America at this point this year than any wildfires have in previous years. Texas, and adjoining parts of Oklahoma and New Mexico, are drier than they've ever been—the drought is worse than that of the Dust Bowl. But do not wonder if they're somehow connected.

If you did wonder, you see, you would also have to wonder about whether this year's record snowfalls and rainfalls across the Midwest—resulting in record flooding along the Mississippi—could somehow be related. And then you might find your thoughts wandering to, oh, global warming, and to the fact that climatologists have been predicting for years that as we flood the atmosphere with carbon we will also start both drying and flooding the planet, since warm air holds more water vapor than cold air.

It's far smarter to repeat to yourself the comforting mantra that no single weather event can ever be directly tied to climate change. There have been tornadoes before, and floods—that's the important thing. Just be careful to make sure you don't let yourself wonder why all these record-breaking events are happening in such proximity—that is, why there have been unprecedented megafloods in Australia, New Zealand and Pakistan in the past year. Why it's just now that the Arctic has melted for the first time in thousands of year. No, better to focus on the immediate casualties, watch the videotape from the store cameras as the shelves are blown over. Look at the news anchorman standing in his waders in the rising river as the water approaches his chest.

Because if you asked yourself what it meant that the Amazon has just come through its second hundred-year drought in the past five years, or that the pine forests across the western part of this continent have been obliterated by a beetle in the past decade—well, you might have to ask other questions. Such as: Should President Obama really just have opened a huge swath of Wyoming to new coal mining? Should Secretary of State Hillary Clinton sign a permit this summer allowing a huge new pipeline to carry oil from the tar sands of Alberta? You might also have to ask yourself: Do we have a bigger problem than $4-a-gallon gasoline?

Better to join with the U.S. House of Representatives, which voted 240 to 184 this spring to defeat a resolution saying simply that "climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare." Propose your own physics; ignore physics altogether. Just don't start asking yourself whether there might be some relation among last year's failed grain harvest from the Russian heat wave, and Queensland's failed grain harvest from its record flood, and France's and Germany's current drought-related crop failures, and the death of the winter wheat crop in Texas, and the inability of Midwestern farmers to get corn planted in their sodden fields. Surely the record food prices are just freak outliers, not signs of anything systemic.

It's very important to stay calm. If you got upset about any of this, you might forget how important it is not to disrupt the record profits of our fossil fuel companies. If worst ever did come to worst, it's reassuring to remember what the U.S. Chamber of Commerce told the Environmental Protection Agency in a recent filing: that there's no need to worry because "populations can acclimatize to warmer climates via a range of behavioral, physiological, and technological adaptations." I'm pretty sure that's what residents are telling themselves in Joplin today.

CUT SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. Thank you, Mr. Speaker.

And I quote, "Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better." Senator Barack Obama, March 16, 2006.

Mr. Speaker, cutting spending is critical to creating jobs. Without bold action, our budget situation will get worse, not better. House Republicans are the only group in Washington showing leadership on this issue. We have voted repeatedly to cut spending. And we have passed a budget that would reduce spending by $6.2 trillion over 10 years. By contrast, it's been more than 750 days since Senate Democrats passed a budget.

Last week, Senator REID said, "There's no need to have a Democratic budget in my opinion. It would be foolish for us to do a budget at this stage." By law, the Senate is required under the Congressional Budget Act to pass a budget.

Now the White House is asking us to raise the debt limit. Secretary Geithner wrote, "Never in our history has Congress failed to raise the debt limit when necessary." But what good is a debt limit that is always increased? The truth is that Democrats spent this money. They made this mess. And now they should help us clean it up. If the White House wants us to consider raising the debt limit, they should be at the table proposing significant reforms that yield trillions, not billions, in savings to the American people. So far, that has not happened.

□ 1010

HONORING MR. LEMANUEL "LEE" JONES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise today to honor Lemanuel "Lee" Jones, who passed away on the 23rd of April after many years of remarkable service to his country and to other veterans. Lee Jones was born in Crockett, Texas, on September 24, 1942, and entered the U.S. Army in 1963.

He served in Vietnam as a sergeant and a squad leader with the First Cavalry Division in 1965 and 1966. He fought in multiple engagements in Vietnam with enemy forces, including the fierce battle of Ia Drang Valley, a battle that was recounted in the best-selling book and as well in a Hollywood movie, "We Were Soldiers." Lee considered this battle to be the prime source of the PTSD that afflicted him for the rest of his life. Lee recently died of physical health problems connected to his service in Vietnam.

In recognition of his military service, he was awarded the Combat Infantry Badge and the Air Medal.

Upon leaving the military in 1966, Lee earned a B.A. in counseling from Western Washington University in Bellingham, Washington. He went on to serve veterans as a counselor at the Seattle Veterans Center created with other vet centers by an act of Congress in 1979. Lee soon was promoted to direct the vet center as a team leader, the first African American to achieve this position in the Western United States.

By 1984, Lee was increasingly aware of the cultural and communication barriers that prevented many African American veterans with PTSD from benefiting from therapy groups that were primarily composed of Caucasian members, so he started an African American veterans PTSD group that facilitated culturally sensitive and open communication, education, and therapeutic interactions among its members. Lee's efforts were recognized by the City of Seattle when Lemanuel Jones Day was proclaimed on November 9, 1989.

This PTSD group was such a success that it continued to meet at the vet center until Lee retired in 1995. The group then convinced Lee to return as a leader of the newly named African American stress disorders program at the VA Medical Center in Seattle, which continues to meet today.

From modest beginnings, this nationally unique program has grown to include hundreds of African American veterans. It has been of great benefit to veterans and to the community. None of this would have been possible without Lee's leadership, therapeutic skills, and compassion for fellow veterans.

I had the privilege of making Lee's acquaintance. In 2008, I asked him to share his experience and perspective on a panel at a veterans town hall meeting in Seattle. The purpose of the town hall was to increase awareness of the hidden injuries of PTSD and traumatic brain injury. It was also to honor soldiers and veterans and their families and to educate them on where they could get help.

The African American Veterans Group of Washington State, which Lee founded in 1984, is planning a community memorial service on May 28. I know there will be an outpouring of grief and appreciation for this soft-spoken hero. He touched so many lives with his healing skills and lessons of his great pain and sacrifice. Our country is a better place because of Lemanuel Jones.

Rest in peace.

THE NATIONAL DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Speaker, let me just read a quote here:

''Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better.''

Some things never change. That was Senator Barack Obama in 2006 talking about the seriousness of the debt problem and the crisis that we find our Nation in. And today, we've spent over $1.5 trillion of money that we don't have.

Republicans have put forward a budget, a proposal, a blueprint to begin to have the serious discussion that our country needs to have to make sure that the children and we are not left with an unrecoverable debt situation. Americans expect leadership. Even if you don't agree, Americans expect leadership from us, and what do they get? They get demonization. They get accusations. They get fear tactics.

You know, our senior citizens in many cases sit at their homes and wonder what's going to happen. They find themselves concerned with their financial situation. And people on the other side of the aisle sometimes get together and figure out how they can take that fear and use it to a political advantage. That's terrible. Has it been done on both sides? It has.

But today is the day that we get together, and we have to hit the reset button and say for the future of our country, we have got to have a real serious conversation about how to save this Nation for the generation to come after us. This country is the greatest country in the world, and we are not about to give that up. It will never happen. We are going to be the strongest country for the foreseeable future.

There are a lot of folks talking ourselves down thinking that we are going to be usurped by another country. No, we are not. But we do have to come together, and we do have to have the serious conversations if we are going to maintain our place as the world's superpower and as a shining example to other countries all around the world.

I fully believe in what this country is. I fully believe in what we represent, but the days of demonizing each other and not leading have got to end.

It has been 756 days since Senate Democrats have passed a budget. The most basic job of a legislator is to pass a budget, and we haven't done it. Instead, we bicker. Instead, we argue. Instead, we run 30-second television ads and try to scare people so that we can win a reelection again. It's happened on both sides.

But today, please, I implore my friends on the other side of the aisle, on both sides of the aisle, stop today and let's have adult conversations. America is too great, America is too important, and America is too excellent of an example for the rest of the world to be mired down and bickering and to be mired down in debt.

HONORING GARY WILLIAMS AND RALPH FRIEDGEN OF THE UNIVERSITY OF MARYLAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Before I start, Mr. Speaker, let me say that I hope the words of my young friend, who is now leaving the floor, are adhered to by both of us. Too infrequently that is the case. The problems are serious. We must address them in a serious way.

Mr. Speaker, however, I raise a happier point of discussion now. I am a proud alumnus of the University of Maryland, and recent months, however, have brought some bittersweet news.

An era is coming to an end in the Terrapin athletic program as our successful coaches of basketball and football have left the school. I want to take this opportunity, therefore, to honor Coaches Gary Williams and Ralph Friedgen for all they have meant to the Maryland community, both on and off the court and field. Both of them are good friends of mine.

Gary Williams was my neighbor for a number of years. Gary retired as Maryland's basketball coach after 22 hard-working, successful college years in College Park and 33 years in college coaching ranks. At his retirement, Gary Williams ranked as the fifth winningest college basketball coach in America, with 668 wins stretching over his remarkable career. He is also the third winningest coach in Atlantic Coast Conference history behind two legends, Dean Smith and Mike Krzyzewski.

Gary Williams inherited a struggling program and turned it into a perennial national contender. Under his guidance, the Terrapins reached the NCAA tournament 14 times, 11 times consecutively, won three ACC regular season titles and an ACC tournament championship, made seven sweet sixteens, two elite eights, two final fours, and, in a memory that all Terrapins still treasure and I had the opportunity of attending in Atlanta, won the national championship in 2002. Coach Williams was honored as National Coach of the Year in 2002 and as ACC Coach of the Year in 2002 and 2010.

But numbers alone do not capture his impact on the lives of his players or on the life of the Maryland community where he stood out as a leader and as a philanthropist. Maryland's Athletic Director Kevin Anderson correctly summed it up best when he said ''Gary Williams is a legend.'' That is true.

□ 1020

Terrapins will also miss our football coach, Ralph Friedgen, who coached his last game with the program on December 29. Fittingly, it was a decisive win—a 51–20 victory in the Military Bowl in Washington, DC.

''The Fridge,'' as he is affectionately known, also took over a struggling program and led it to notable success. He guided Maryland to the ACC championship in his very first year as coach. And of the 10 years in his tenure, 7 of them ended with postseason appearances.

In both his first year as Maryland football coach and his last, he was named ACC Coach of the Year. Coach Friedgen won 74 games for the University of Maryland, brought new energy to our football program and left a lasting mark in College Park. He was respected by his players and looked to as a role model. I was proud to call him a friend as well. He, too, will be missed by all who love Maryland, who love football, who love basketball and who live the principles that sports teaches.

Both Gary Williams and Ralph Friedgen are good men and outstanding leaders. And while I know that the Maryland athletic program will build on the proud foundation they laid, their shoes will be tough to fill.

Good luck, thank you and Godspeed to Gary Williams and Ralph Friedgen.

THE DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Ms. HERRERA BEUTLER) for 5 minutes.

Ms. HERRERA BEUTLER. Mr. Speaker, decades of a spending party by both parties have led to the point where we are today. We're under crushing amounts of debt. Now we are borrowing about $58,000 per second—$58,000 per second.

As some of my colleagues have shared, I'm going to read this as well. It's a quote for those who can't see it:

''Leadership means that 'the buck stops here.' Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem. America deserves better.'' Senator Barack Obama in 2006.

Now the President has asked those of us in this Chamber to vote to increase the debt limit without any structural spending reforms. Let me repeat that. He has now asked us to send a bill to him that has no structural spending reforms.

We are borrowing $58,000 a second. Does that sound like a failure of leadership? I think it does. Here is what

that's like. It's like an irresponsible teenager taking out a credit card in your name. They fill it out. The bill will come to you. You get that bill and you see that your irresponsible teenager has run up that credit card, and now the bill is coming due. You have a couple of choices. You could pay that credit card and let it be. That's what the President is asking us to do, pay the credit card and then walk away. I don't think very many parents would say okay to that. Or you could not pay the credit card. That's going to impact your credit. Or you could pay that credit card and then cut it up.

Those are the choices before us.

I would agree with the 2006 Senator Barack Obama when he said that the buck has to stop here. The buck does stop here, which is why House Republicans have put forward over $6 trillion worth of spending reform ideas. We actually don't need them to enact all $6 trillion of those. We could enact $2 trillion of those and avert a debt crisis. But the President and some of my friends on the other side of the aisle have said, no, no, no, that's irresponsible. Coming back to this quote, I would agree with the then-Senator Barack Obama that those bad choices are being shifted onto our children and our grandchildren, and the buck does have to stop here.

Since 1964, Congress has voted to raise the debt limit, the debt ceiling, 74 times—74 times. I suggest to you that unless we require a cut-up of the credit card, unless we require structural spending reforms, 20 years from now—if our economy can subsist that long—our children are going to be asking why did no one do something about this? Because we are under crushing, crushing debt burdens. And it's going to impact jobs not just today. We're talking about our future and our children's ability to grow, prosper, and thrive. In an America where we had those opportunities, they are not going to have those same opportunities.

I refuse to make it easier to allow our debt to get so crushing that economic recovery is permanently beyond our reach. It's time for a culture change in Washington, DC, and that starts with real spending cuts accompanying any debt limit negotiations.

COMMEMORATING THE FALLEN SONS OF THE SECOND DISTRICT OF INDIANA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, as Memorial Day approaches, I rise to commemorate the men and women in the Armed Forces of the United States who have died in the line of duty to our country. This past year, three sons from the Second District of Indiana lost their lives to preserve and protect the American ideals that have made this country great. To honor the legacies of these men, I would like to share with this body and with the American people a little bit about our Hoosiers.

Staff Sergeant Kenneth McAninch, of Logansport, Indiana, a proud member of the United States Army, died on October 21, 2010, in Afghanistan from injuries sustained when his unit was attacked by small arms fire. Kenneth attended Lewis Cass High School and enlisted in the United States Army in 2003. He was assigned to A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division out of Fort Campbell, Kentucky. For his service, Kenneth was awarded the Joint Service Commendation Medal and Joint Service Achievement Medal in addition to many other commendations.

His loved ones remember Kenneth as a hardworking man and dedicated son, husband, father, and friend. Kenneth was an avid artist and also enjoyed fishing and hunting. He is survived by his wife, Shawnna; four sons, Jeremiah, Braxton, Brayden and Colby; one daughter, Shyanne; his mom, Cheryl, and her husband Richard; his dad, Marvin, and his wife Regina; his three sisters, Kayla Ann, Katie Lee and Brianna; two brothers, Jason and Briar; and his extended family and friends.

He is missed by all.

Sergeant Marvin Calhoun, Jr., of Elkhart, Indiana, a proud member of the United States Army, died on September 21, 2010, in Qalat, Afghanistan, of injuries sustained when his Black Hawk helicopter crashed during combat operations. Marvin died alongside eight fellow soldiers who were also his brothers.

Marvin attended Elkhart Central High School where he played football and enlisted in the Army in 2006. He was assigned to B Company, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division out of Fort Campbell, Kentucky. He was on his second tour of duty as a gunner on the Black Hawk helicopter. Marvin's awards include the Army Commendation Medal and the Army Good Conduct Medal in addition to many other commendations.

Marvin's English teacher told folks that he exhibited leadership qualities in the classroom, and if any of his peers needed help, he would jump right in for them. He was a happy man who always wanted everyone else around him to be happy.

He leaves behind his wife, Yamili; his daughter, Yohani; his dad and stepmom, Marvin and Susan Calhoun; his mom and stepdad, Shirin and Michael Reum; his sister Shanon; his brothers, Travis, Marcus, Sydney, Jermael and Zachary; and his extended family and friends.

He is missed by all.

Specialist Justin Shoecraft of Elkhart, Indiana, a proud member of the U.S. Army, died on August 24, 2010, in Kakarak, Afghanistan, of wounds sustained when his Stryker vehicle was hit by a roadside improvised explosive device. Justin was only 5 weeks into his first deployment.

Justin graduated from Elkhart Memorial High School in 2001 and worked for UPS for 7 years before enlisting in the Army. He was assigned to B Troop, 1st Squadron, 2nd Stryker Cavalry Regiment out of Vilseck, Germany. His regiment had assumed control of Tarin Kowt in July of 2010.

Posthumously, Justin was promoted to the rank of Specialist. His awards include the Bronze Star, the Purple Heart, and many other commendations. He enjoyed working on old cars and motorcycles, and stock car racing. He had always wanted to drive tanks for the U.S. Army.

Justin will be remembered by his friends, family and fellow soldiers for his generosity, work ethic, and sense of humor. He is survived by his wife, Jessica, whom he married the day before he left for basic training; his parents, Carroll ''Blue'' and Donna; his brother, Michael, and sister, Sherry; and extended family and friends.

He is missed by all.

□ 1030

We owe a debt of gratitude to these three great Hoosiers and to all the sons, daughters, moms, and fathers who have fallen while serving our country. It is our duty to honor and remember their sacrifice, patriotism, and virtue. Let us also remember those brave Americans who are serving right now both here and at home.

On behalf of a grateful Nation, we want to thank our three heroes and all of the people who serve our country.

God bless Indiana, and God bless the United States of America.

AMERICANS DESERVE BETTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise today to join my colleagues this morning to deliver a simple message, and that message can be summed up by reading a quote from our President when he was a former Senator dealing with the issue that we will face in the upcoming months when it comes to raising our debt ceiling. As then-Senator Barack Obama stated on the floor of the Senate: ''Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better.''

Mr. Speaker, I stand firmly here today to tell you that I do believe over the next 90 days that this will be the critical moment of this Congress, that this will be the critical moment in our Nation's history when we either succeed or we fail. And I will heed Senator Obama's words because the buck will stop here in this Chamber.

Mr. Speaker, the question we face with raising the debt ceiling is a very

serious question. We cannot kick the can down the road any longer. We do not have any more road to kick it to.

So what I ask of my colleagues on the other side of the aisle is let us set aside politics. Let us not worry about a reelection campaign. Let us not worry about our own personal interests. Let us come together as one Nation and deal with this problem because it is a serious threat and a clear and present danger to our very existence as a country.

Let me also be very clear that what we need to do with handling this debt is to send a message that we have answered the call and send a message to the world and to all the markets that America is strong; America is the place that you can invest in again. And by that investment, we will put people back to work. We will provide for families for generations, not only now but for generations we do not even see. This is about putting people back to work and being the voice that leads this Nation to greatness once again.

I have no doubt we will succeed in this effort, but it will take true leadership. There is no doubt in my mind that I join my colleagues on this side of the aisle and say no more of the petty political bickering. It is time to stand and lead, and we shall.

NO BOOTS ON THE GROUND IN LIBYA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Puerto Rico for allowing me to speak out of order. Thank you very much.

We recently passed the 2-month mark since the military air campaign in Libya began. This is significant because the War Powers Act requires that a President must receive a congressional mandate for any military action within 60 days. The deadline came and went without any resolution being brought before this body, which is a signal that our engagement in Libya is lingering without much accountability or checks, without a vigorous debate about the consequences of what we are doing there.

Who knows exactly what our mission is and how we will know when we have achieved it? What is the end game? What are the metrics or benchmarks for success?

At the same time, this week we will debate an amendment to the defense bill that would expand the authorization for use of military force, empowering the President, any President, to fire bombs and missiles against any nation or nonstate actor that appears to pose a threat. And without so much as a check-in or consultation with Congress.

Mr. Speaker, I have had enough. I have had enough of this state of permanent warfare. I have five grandchildren, and not one of them knows what it is like to live in a country that is not at war with someone and killing someone else's grandchildren. It is time to put the brakes on. It is time for Congress to draw some clear lines, and Libya is the perfect place to do so.

I am proud to support the amendment offered today by my friend, the gentleman from Michigan (Mr. CONYERS), that will specifically prohibit the deployment of ground troops in Libya. We cannot afford any further expansion of this engagement. We owe it to the American people who are footing the bill and, of course, to our servicemen and -women who are already fighting on two fronts.

To keep this mission from mushrooming into a full-blown ground war and military occupation, we must stop now. We must not put boots on the ground in Libya, and we must close any loophole that allows any President to do so.

We still have combat troops in Iraq. We are spending a staggering $10 billion a month on an ongoing war in Afghanistan that has been a devastating moral and strategic failure. We can't keep doing this, Mr. Speaker. Our military is at a breaking point. The American people's patience is wearing thin. Two wars are already more than we can handle.

Let's define the mission in Libya, let's complete it, and let's get out. Anything less is a replay of Iraq and Afghanistan, where we must move quickly to bring our troops home.

THE LAST NAIL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. Mr. Speaker, the last nail is being driven into the coffin of the American Republic. Yet Congress remains in total denial as our liberties are rapidly fading before our eyes.

The process is propelled by unwarranted fear and ignorance as to the true meaning of liberty. It is driven by economic myths, fallacies, and irrational good intentions. The rule of law is constantly rejected and authoritarian answers are offered as panaceas for all our problems.

Runaway welfarism is used to benefit the rich at the expense of the middle class. Who would have ever thought that the current generation and Congress would stand idly by and watch such a rapid disintegration of the American Republic?

Characteristic of this epic event is the casual acceptance by the people and the political leaders of the unitary Presidency, which is equivalent to granting dictatorial powers to the President.

Our Presidents can now, on their own: order assassinations, including American citizens; operate secret military tribunals; engage in torture; enforce indefinite imprisonment without due process; order searches and seizures without proper warrants, gutting the Fourth Amendment; ignore the 60-day rule for reporting to the Congress the nature of any military operations as required by the War Powers Resolution; continue the Patriot Act abuses without oversight; wage war at will; treat all Americans as suspected terrorists at airports with TSA groping and nude x-raying.

And the Federal Reserve accommodates by counterfeiting the funds needed and not paid for by taxation and borrowing, permitting runaway spending, endless debt, and special interest bailouts.

And all of this is not enough. The abuses and usurpations of the war power are soon to be codified in the National Defense Authorization Act now rapidly moving its way through Congress.

Instead of repealing the 2001 Authorization for the Use of Military Force, as we should now that bin Laden is dead and gone, Congress is planning to massively increase the war power of the President.

Though an opportunity presents itself to end the wars in Iraq, Afghanistan, and Pakistan, Congress, with bipartisan support, obsesses on how to expand the unconstitutional war power the President already holds.

The current proposal would allow a President to pursue war any time, any place, for any reason, without congressional approval. Many believe this would even permit military activity against American suspects here at home.

The proposed authority does not reference the 9/11 attacks. It would be expanded to include the Taliban and ''associated'' forces, a dangerously vague and expansive definition of our potential enemies.

□ 1040

There is no denial that the changes in section 1034 totally eliminate the hard-fought-for restraint on Presidential authority to go to war without congressional approval achieved at the Constitutional Convention.

Congress' war authority has been severely undermined since World War II, beginning with the advent of the Korean War, which was fought solely under a U.N. resolution.

Even today we're waging war in Libya without even consulting with the Congress, similar to how we went to war in Bosnia in the 1990s under President Clinton.

The three major reasons for our Constitutional Convention were to: guarantee free trade and travel among the States; make gold and silver legal tender and abolish paper money; and strictly limit the executive branch's authority to pursue war without congressional approval.

But today: Federal Reserve notes are legal tender, gold and silver are illegal; the Interstate Commerce Clause is used to regulate all commerce at the expense of free trade among the States;

and now the final nail is placed in the coffin of congressional responsibility for the war power, delivering this power completely to the President—a sharp and huge blow to the concept of our Republic.

In my view, it appears that the fate of the American Republic is now sealed, unless these recent trends are quickly reversed.

The saddest part of this tragedy is that all these horrible changes are being done in the name of patriotism and protecting freedom. They are justified by good intentions while believing the sacrifice of liberty is required for our safety. Nothing could be further from the truth.

More sad is the conviction that our enemies are driven to attack us for our freedoms and prosperity, and not because of our deeply flawed foreign policy that has generated justifiable grievances and has inspired the radical violence against us. Without this understanding, our endless, unnamed, and undeclared wars will continue and our wonderful experiment with liberty will end.

RECRUITMENT AND RETENTION OF FEDERAL LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, government's most solemn obligation is to protect the people it serves. Since 9/11 our government has rightly placed much of its attention on defending the American people from terrorism. But we should not forget that government has a responsibility to safeguard the public from all forms of violence, including violent crime.

Violent crime exacts a terrible price. Its costs are measured not only in the number of lives lost but in the number of citizens who live in fear that they or someone they love might be the next victim. Data released on Monday show that violent crime in the United States has fallen over the past few years. However, we cannot become complacent. Despite the positive national trend lines, certain American communities have become less, rather than more, secure.

The Federal Government has a particularly strong duty to protect its citizens from violence when that violence is linked to a crime that crosses State or national borders. That is why our government has worked hard to stem the flow of drugs entering the United States through Mexico and to combat drug-related violence along the southwest border.

But these efforts, while essential, are not enough. To protect the American people, we must protect the full length of our southern border. As Federal programs like the Merida Initiative choke off drug routes through Central America, narcotraffickers have increasingly turned to the Caribbean, including Puerto Rico. Because of Puerto Rico's role as a key transit point for drugs destined for consumption in the 50 States, the island has one of the highest murder rates in our Nation.

Given the unacceptably high level of violence in Puerto Rico, and its close connection to the drug trade, one would expect that most Federal law enforcement agencies would have their positions filled there. But that is not the case. Over 50 percent of authorized ATF positions are vacant, 22 percent of ICE positions are also unfilled, and 17 percent of DEA positions are vacant. Puerto Rico has 31 Federal law enforcement officers for every 100,000 residents, well below the national average of 36.

This mismatch between the severity of the problem in Puerto Rico and the scale of the Federal response prompts this question: Why do Federal law enforcement agencies have such high vacancy rates in such a high-need jurisdiction?

The budget shortfall is certainly one reason. The Departments of Justice and Homeland Security are being asked to do more with fewer resources, including fewer agents.

But the problem goes beyond money. Fewer workers are entering law enforcement than in the past. Those who do seek to enter the profession are more likely to be disqualified by health problems such as obesity or substance abuse. And military recruitment, which has risen in recent years, is competing with law enforcement for the same talent.

In the face of these challenges, the Federal Government is not without tools. For example, executive agencies can pay a recruitment incentive to a newly hired employee if the position is difficult to fill.

But our government must go beyond piecemeal efforts. It needs a comprehensive plan to recruit, assign, and retain law enforcement officers in those jurisdictions that have the highest rates of violent crime.

Puerto Rico is one example of a jurisdiction where an increased Federal presence is needed. But there are also many other jurisdictions with high crime rates and too few Federal law enforcement agents. The primary reason for high crime in these States or cities may be the nexus with the drug trade, or it may have different roots. Regardless of the cause, the harm that results is the same. In communities beset by violent crime, residents become hostage to fear—fear that makes them think twice before walking to the store to buy milk, fear that makes them hug their kids for an extra moment before leaving them or sending them off to school, fear that prevents children from using the neighborhood playground.

It is imperative that the Federal Government reduce personnel shortages in Federal law enforcement agencies in high-need jurisdictions. Congressman GRIMM and I recently introduced legislation to direct the Departments of Justice and Homeland Security to establish a program to recruit, assign, and retain agents to serve in locations that have experienced high rates of violent crime.

The Federal Government cannot be passive in filling law enforcement shortages, hoping the right candidates will volunteer. Nor can it simply expect agents to remain with the government, particularly when the private sector often pays more. Instead, the Federal Government must proactively address personnel challenges by dedicating staff to recruitment and retention.

I urge the Departments of Justice and Homeland Security to take action now to make recruitment and retention a priority. Vacancies at law enforcement agencies are not a minor administrative hassle but an urgent public safety problem. Too much is at stake to accept the status quo. For every moment we wait, we risk losing another American citizen to senseless violence.

WASHINGTON HAS A SPENDING PROBLEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I rise today to talk about a very serious problem, a problem that all Americans face and one that is not new here in Washington.

I would like to read a quote that some of my colleagues have also used during this morning's debate, and if I may, let me just quote it once again:

''Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership.''

□ 1050

That was said by Senator Barack Obama back in 2006, and I frankly agree.

Just to put it in perspective, back in 2006, we were running a deficit. We had an administration that was running a deficit of about $400 billion, just highlighting the point that this spending problem that we have here in Washington is on both sides of the aisle. This doesn't rest with one political party or another. It just outlines the problem that Washington has a spending problem.

The debt that we have today, we're up against our debt ceiling. It's about $14 trillion. The real debt, however, is much greater than that. It's closer to $100 trillion. The deficit that we deal with—it was at about $400 billion back in 2006. Today, it's about $1.5 trillion.

Now, what does that mean? My daughter, who is 9, she knows what 1.5 is. She says it's a little bit more than one and not quite two. But $1.5 trillion

works out to be about $3.4 million a minute. To put that in better perspective, it's $58,000 a second. We can't even say it fast enough. This is a problem.

How do we get out of this problem? We have to map out a course. It's a budget. The Republicans passed a budget. The House passed a budget outlining a way for us to be able to cut back over $6 trillion over the next decade. I would argue that American families and households all across the land operate on a budget. Businesses do the same. Yet we happen to not be able to do that here in Washington.

The United States Senate has not picked up or passed a budget in over 750 days. The American family wouldn't operate like that. I know as a small business owner I couldn't keep my doors open if I didn't have a budget to outline where our priorities were going to be. It is a blueprint. It's not a final standing bill or thing that's going to say exactly how we're going to spend it, but it is a blueprint going forward so that we can get those in the Senate and elsewhere to be able to come together so that we can map out how we are going to get out of this mess. Because I do agree with the President when he says that the choices that we're making today, the bad choices of today are going to be placed on the backs of our children and grandchildren. For me, that's unacceptable.

I decided to run for Congress largely because the amount of money that we were spending in Washington was going to be unconscionable for me to pass along to my children. I have a 9-year-old, a 7-year-old, and a 4-year-old. By the time they're my age, we are going to have to pay exactly double in taxes just to service the government. We pay 42 cents of every single dollar we have just to service our debt.

The administration now is asking us to raise the debt ceiling. This is an important issue. But I'm here to tell you that we need to have some leadership. Leadership is critical at this point in time.

What is the plan? I don't want to talk about bickering. I want to make sure that colleagues on both sides of the aisle come to the table. We know that there are negotiations going on right now, but I still would like to have a plan articulated to the American public. What is the plan? Because simply raising the debt ceiling without a plan on how we're going to pay down this debt is like—well, it's like sitting around the kitchen table and not worrying about the credit card debt of an irresponsible teenager. You wouldn't do that at home. We wouldn't do that in business. You should expect that your government does the same.

Now, when we look at this debt crisis that we have, as a small business owner, I look at it somewhat like a business. I look at it that we have just purchased a business, and we think it's the greatest business in the world with the United States of America. That business has some debt, and we're obligated to pay that debt. We just have to figure out how it is that we are going to restructure that business so that we can pay down that debt and make it a strong, viable business going forward. That's what we have to do. To simply raise the debt ceiling and not have to restructure would be a violation of everything that we hold dear.

With that, I call on leadership, leadership here in Washington from those on both sides of the aisle, to come together to solve the problems of our time and put our country first.

HONORING THE LIFE AND MEMORY OF BERNADETTE McARN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, this past Saturday in my home town of Wilson, North Carolina, the Wilson Community College held its annual commencement exercise. From all accounts, it was a wonderful occasion. But for one family in the community, the McArn family, there was great sadness on this occasion because their loved one was due to graduate; but sadly, she passed away on January 14, 2011, at the young age of 45. And so I take this opportunity today to honor the life and memory of that individual, Ms. Bernadette McArn.

The youngest of four children, Bernadette was born on July 12, 1965, to Isiah and Wynomia Crocker McArn. She was a graduate of Ralph L. Fike High School and, but for her passing, would have earned an associate's degree from the college. It is fitting to note that last spring Bernadette distinguished herself and pleased her family when she made the Dean's List.

This has been a very difficult time for the McArn family. They were very proud of Bernadette, and her memory will live within their hearts forever.

I ask my colleagues to join me in offering our deepest condolences to the McArn family, friends, and loved ones.

FOOD INSECURITY

Mr. Speaker, I want to use my remaining time to talk about the issue of hunger.

In this same community where Bernadette McArn lived her entire life, many are suffering from what I call food insecurity. At 11 p.m. last night, a line began to form at the Wilson OIC to receive food commodities today. Hundreds of citizens in this small community—black, white, and brown—stood all night long to be positioned to receive the basic commodity of food.

Earlier this year, a study by the Food Research and Action Center showed that the First District of North Carolina ranks as the second worst for food insecurity in the country. Last Thanksgiving, about 2,000 people waited overnight—again—for a 25-pound bag of groceries at this same community-based program. For those of us living in eastern North Carolina, this comes as no surprise and underscores the need for a strong nutrition safety net.

Unfortunately, this is not an isolated incident in our country. As a State, North Carolina ranks sixth worst in the country for food security, with a food hardship rate of 23.5 percent, and the numbers are even worse in my district in eastern North Carolina.

The Food Bank of Central & Eastern North Carolina is called on to serve more than 500,000 people annually in 34 counties in central and eastern North Carolina, and about 73,000 different people receive emergency food assistance in any given week. Of those people, the food bank reports that 40 percent choose between paying for food and paying for utilities or heat; 33 percent choose between paying for food and paying their rent or mortgage; 37 percent choose between paying for food and paying for medicine or medical care; and 38 percent choose between paying for food and paying for transportation.

Mr. Speaker, as we continue our work, we must keep in mind that as many as 50 million Americans are struggling with food security. The Federal Government certainly needs to find ways to cut costs and reduce spending, but that burden should not fall heaviest on the people with the greatest needs.

As I close, let me just encourage our citizens to stay strong in their faith and know that Democrats will fight for you.

And I would like to thank Mr. Howard Jones of the Wilson OIC, his staff, and all of the volunteers for their extraordinary contribution to the Wilson community.

DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. GARDNER) for 5 minutes.

Mr. GARDNER. Mr. Speaker, creating jobs and growing the economy is the number one goal of the 112th Congress, everything we can do to create jobs and help this country move forward and get our economy back on track, but long-term economic growth and job creation is only possible if we control the uncontrolled debt and deficit situation that is driving this country into bankruptcy.

Last week, I had the opportunity to visit with a number of voters in my district who were very concerned about the direction of our country, and I read the following quote to them: ''Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better.''

I didn't tell them who had said that. I just asked them if they agreed with that statement. Everybody clapped and cheered. I mentioned that this was said

by then-Senator Barack Obama in 2006 when our debt was $8.4 trillion. We had an $8.4 trillion debt in 2006, and the President of the United States then said, ''We have a leadership failure. The buck stops here. America deserves better.''

Well, if $8.4 trillion was a failure of leadership, what, Mr. President, is $14 trillion of debt?

The debt isn't Republican. The debt isn't Democrat. It is both Republicans and Democrats that have put us in the position that we are in today, and this Congress, our obligation is to clean up the mess.

□ 1100

We're told, though, by the White House that we are to raise the debt ceiling—in effect to ''do as I say and not as I do,'' according to the President.

It is irresponsible to take the steps of increasing the debt ceiling without finding solutions to our spending problems that put us here in the first place. I continue, along with my colleagues, to look for those solutions.

We've passed a budget to cut spending and to get our deficit under control. Speaker BOEHNER is negotiating in good faith. But what do we hear from our colleagues in the Senate who have failed to pass a budget for 756 days? They have failed to pass a budget for 756 days. ''There's no need to have a Democratic budget,'' Senator REID said.

The President talks about caps but no real cuts.

The debt ceiling is exactly that. It is a ceiling. It is not an arbitrary number that should simply be moved whenever it's easy to do so. The debt ceiling has been raised 10 times in the past 10 years. That's too much for something that was intended to be an actual check on government spending. If the debt is to be raised again, this country needs and deserves an honest effort to control spending and make sure that we are not in the same position in the future.

The past Congress spent a lot of time dealing with credit card reform to help American consumers. Well, perhaps it's time that we treat the Federal Government itself to a little bit of credit card reform to make sure that the Federal credit card doesn't continue to increase over and over without an end.

Ladies and gentlemen, I am concerned that the future job growth in this country, unless we reel in our Nation's debt, unless we address the deficit, is DOA—debt on arrival.

America deserves better, Mr. President, it certainly does, and we are here to work with you to make sure that it gets better policies, a better future, and that we protect America from future economic catastrophe.

THE GOP VERSUS PUBLIC SERVANTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise regretfully this morning and sadly this morning to discuss what I believe is a true transgression that took place in our House yesterday.

I was appalled by the behavior displayed by the chairman of the Subcommittee on TARP and Financial Services. After repeatedly changing the time of yesterday's hearing with Professor Elizabeth Warren to discuss the Republican majority's efforts to terminate the Consumer Financial Protection Bureau just weeks before it was to be born, the chairman began the hearing with a petty partisan swipe alluding to whether the witness may or may not be running someday for the U.S. Senate. As if, Mr. Speaker, political ambition is taboo around here.

While the overall tone of the hearing was contentious, that's to be expected. After all, the goal of the hearing was, for my colleagues on the Republican side, to paint the Consumer Financial Protection Bureau as something that is bad for consumers. Why? Because this new consumer bureau's mission is to make Wall Street play by the rules. What a novel idea. But, you see, Wall Street believes that it can take care of itself.

As it turned out, the hearing was a wonderful opportunity for Americans to see not only how far the influence of financial institutions reaches into Congress, but also how competent, confident, and unflappable a public servant Professor Warren is.

Were it up to me, the President would just appoint her to head the CFPB and let her get on with leveling the playing field for American consumers when they borrow or invest their hard-earned money.

Mr. Speaker, Professor Warren answered every question posed to her for the entire hour for which she was asked to testify. When members were called to the floor for two votes, the chairman asked her to stay and wait, and Ms. Warren politely responded that she was told she'd be released at 2:15 and had another meeting at 2:30. What followed was a scene that, had it happened in a junior high student council meeting, would have been stopped by the faculty adviser. Unfortunately, though, our subcommittee is without any kind of adult supervision.

The chairman repeatedly made the same request ad nauseam of Professor Warren, who answered the same each time. She explained that the majority staff had changed the meeting logistics several times, including a 9 o'clock call the previous night to move the hearing from 1:30 to 1:15 to accommodate the congressional calendar. Professor Warren, through her staff, agreed to the change and was told that she would be done at 2:15. Pretty simple, right?

This is when the chairman crossed the line and told Professor Warren, ''You're making this up.'' That's right. He called her a liar. A witness at his committee who juggled her schedule to accommodate him, an adviser to the President of the United States, who was given an oath at the start of the hearing to tell the truth and nothing but the truth. He called her a liar.

Mr. Speaker, I ask today that the chairman of the subcommittee, the gentleman from North Carolina (Mr. MCHENRY) immediately and sincerely apologize to Professor Warren. I also believe he should apologize to the members of the subcommittee—both in the majority and the minority—for denigrating the proceedings of our body and pledge to never allow the political agenda to interfere with the common decency and respect that the rest of us understand is absolutely necessary in order to do the people's work.

However, I won't hold my breath, because this is part of a much larger strategy by my colleagues on the Republican side to paint everyone in public service as liars, cheats, or otherwise as despicable.

On the same day, the chairman of the Oversight Committee did virtually the exact same thing to Mr. Hayes, the Deputy Secretary of the Department of the Interior, advising him not to answer a question because he's under oath, implying that certainly anything the Deputy Secretary might say would be untrue.

Mr. Speaker, we need to do better. Regardless of political affiliation, the American people demand it. Civility and common respect are not signs of weakness or capitulation. They are hallmarks of a functioning democracy.

An apology probably won't be forthcoming, but civility must be restored to this House—or at least school monitors to prevent spitballs from being thrown around in committee hearings.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 8 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Rev. Gene Mills, Louisiana Family Forum, Baton Rouge, Louisiana, offered the following prayer:

We bow our hearts before You, the great and Mighty King.

May today's deliberations be pleasing in Your sight. Let our heart's desire honor each of Heaven's treasures—faith, family, and freedom.

Father, let Your grace touch each need present here today. May every family member represented know the love of the Father, the presence of His

Son, and the guidance of the Holy Spirit.

Protect and guide our soldiers in the field and all of those who uphold law and order across this country and around this world.

Cause the muddy waters of the Mississippi, Arkansas, Missouri, and Ohio Rivers to recede rapidly and do no additional harm. But allow the rivers of living water to flow freely throughout this land.

Let Providence be evident in our actions today, and may we possess Your talking points, Your heart, and Your mind in the matters of national importance.

Finally, we pray, as we were instructed by Your word, for the peace of Jerusalem and throughout the Middle East. May Thy will be done today. In the name of the Father, His Son Jesus, and the Holy Spirit. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. CLARKE) come forward and lead the House in the Pledge of Allegiance.

Mr. CLARKE of Michigan led the Pledge of Allegiance as follows:

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

WELCOMING REV. GENE MILLS

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. SCALISE) is recognized for 1 minute.

There was no objection.

Mr. SCALISE. Mr. Speaker, I want to thank my friend, Pastor Gene Mills, for opening us up in prayer today.

I have had the privilege of working with Gene Mills for years now in his role as the head of the Louisiana Family Forum, which has been a beacon of light defending family values throughout our State and working with ministers all across the country to spread the good word of the Lord Jesus Christ.

I also want to commend Pastor Mills for the work that he did after Katrina, organizing faith-based groups all around the State and all around the country to go in and do the Lord's work. When government couldn't even get there to help people, the pastors and the faith-based organizations around this country came together and they got that work done.

So I want to thank Gene Mills for being with us here today and for leading us in prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NUNNELEE). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO ARMY CORPORAL BRANDON M. KIRTON

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

Mr. COFFMAN of Colorado. Mr. Speaker, many heroes from the great State of Colorado have answered our Nation's call to serve in the military. Today I rise in honor of one of these heroes who made the ultimate sacrifice and laid down his life for freedom: U.S. Army Corporal Brandon Michael Kirton.

Corporal Kirton of Centennial, Colorado, graduated from Englewood High School, and chose to serve in the U.S. Army. In the Army, he deployed with his unit in support of Operation Enduring Freedom and fought at the tip of the spear in Kandahar Province, Afghanistan. On May 18, 2011, his unit came under fire, and he gave his life fighting the Taliban.

Brandon is remembered not only for his heroics on the battlefield, but for the tremendous impact he had on his family, friends, and community. His absolute devotion to his family, his selfless attitude, and his ever-present sense of humor were all the trademark characteristics of a young man who made a lasting impression on all who knew him.

Corporal Brandon Michael Kirton personifies the honor and selflessness of service in the United States Army. My deepest sympathies go out to his family, his fellow soldiers, and all who knew him.

JOBS ACT CRUEL REPUBLICAN HOAX

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

Mr. MORAN. Mr. Speaker, despite a slow recovery, despite millions suffering on the unemployment rolls, the Republican leadership has failed to bring a jobs bill to this floor during the first 100 days. Now we learn that one in name only is under consideration. It is called the Jobs Opportunity Benefits and Services Act, which of course cleverly has the acronym JOBS, but it is not going to create jobs. It is actually designed to cut off emergency unemployment benefits, eliminating the guarantee of Federal payments for temporary extended unemployment benefits, on July 6.

It is kind of a cruel hoax to call a plan that cuts aid to working people a jobs bill. It enables States to divert more than $32 billion in Federal unemployment funds that is intended for unemployment benefits into block grants that can be used to cut taxes for businesses, pay off State's debts, or backfill their own State unemployment funds, but not necessarily to pay out benefits to those on the unemployment rolls. In fact, it grants some States permanent waivers to divert future unemployment funds from the people they were intended to help.

Our unemployment rate has gone from 10.6 percent when President Obama took office to 9 percent, but it is still too high. We ought to be in the business of creating new jobs and not forcing breadwinners to foreclose on their mortgages and to default on their loans, but to provide for their families. That's the congressional agenda that we ought to be about.

AMERICANS WANT SERIOUS SPENDING CUTS

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

Mr. BROUN of Georgia. Mr. Speaker, it is long past time that we stop rewarding irresponsibility. If we continue to give the Democrat administration everything that they ask for, they will never learn fiscal discipline or how to control their outrageous spending.

Taxpayers do not want to write the administration yet another blank check out of their own checkbooks, only to see it bounce and further worsen our economy, along with job creation. Americans have said loudly and clearly that they want serious spending cuts, and I will not support raising the debt ceiling unless this liberal administration begins to practice some self-control.

NUCLEAR ARMED IRAN THE REAL THREAT

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

Mr. QUIGLEY. Mr. Speaker, I rise today because I fear that lost amidst the controversy surrounding recent statements on the Israel-Palestinian peace process, lost amidst the hopeful events of the Arab Spring, and lost amidst Syrian sanctions and military action in Libya, lies the real and greatest threat to the entire region: a nuclear Iran.

As we debate the trajectory of America's policy in the Middle East, we must never forget that as we speak, Iran is hurtling toward a nuclear weapon. A nuclear Iran would destabilize the entire region, upend the nuclear nonproliferation treaty, set off an arms race, and expose our closest friend and ally, Israel, to grave danger. The threat is real. As Prime Minister Netanyahu noted yesterday morning, they could put a bomb anywhere: on a missile, a ship, in a suitcase, or on a subway.

Last year we implemented strong sanctions against Iran, but more must

be done to close loopholes, ensure enforcement, and take additional steps to stop a nuclear Iran. No matter the challenges that arise in the Middle East, we must never lose sight of the most dangerous threat of all, a nuclear armed Iran.

□ 1210

PEACE THROUGH STRENGTH FOR ISRAEL

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

Mr. WILSON of South Carolina. Mr. Speaker, it was an honor to have Prime Minister Binyamin Netanyahu speak to a joint session of Congress yesterday. Israel is one of our country's closest allies, and the partnership shared between our two countries is vital in achieving peace and stability in the Middle East.

The Prime Minister is correct that reinstatement of the 1967 borders makes the country indefensible. I am grateful to the American Israel Public Affairs Committee for two tours of Israel, where I saw the strategic importance of the Golan Heights to stop Hezbollah and I learned of the inhumanity of rocket attacks by Hamas on Sderot. Israeli families are vulnerable to cowardly murderers.

Israel should not be forced to negotiate with those who refuse to acknowledge its right to exist. The United States must remain committed to Israel to promote peace and democracy in the Middle East.

I look forward to continuing to work with Israel in promoting peace, freedom, and stability. Ronald Reagan was right: peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THIS IS NOT THE TIME TO CUT BACK ON HOMELAND SECURITY

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

Mr. CLARKE of Michigan. Mr. Speaker, this morning, as a member of the House Homeland Security Committee, I heard testimony that was very compelling. Even though bin Laden is dead, the terrorist threat to our country still exists, and it's a threat that's increasingly coming from within the United States.

My message to Congress: This is not the time to cut back on homeland security. Our local police, fire, and emergency medical providers are our first line of defense against any national emergency and against terrorist attacks. They need the funding right now to upgrade their communication systems so that they can better address this issue that faces Americans.

Again, let's protect our citizens by investing more in homeland security. Redirect the money from Afghanistan to protect our people here at home.

STANDING WITH AMERICA'S MOST STEADFAST ALLY IN THE REGION

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, I rise today to express disappointment with President Obama's proposal for Israel to return to its pre-1967 borders.

President Obama's call for Israel to make more sacrifices in the pursuit of peace in the Middle East is unacceptable. The borders that were established in 1967 followed three wars launched against Israel. For Israel, acceptance of the 1967 borders would mean that Israeli sacrifices were for nothing. The territory acquired by the Israelis after they were subjected to unprovoked attacks serves as a buffer between Israel and enemies intent on destroying her.

We all want to see peace in the Middle East. But it is unrealistic and naive to think that peace will come as a result of Israel, the only democratic state in the region, making more concessions. Restoring the pre-1967 borders would be a victory for Hamas, a terrorist group committed to Israel's demise. This is not the path to peace, and the President should acknowledge this.

President Obama must stand by our most steadfast ally in the region. He must acknowledge that peace cannot be achieved through Israel's weakening its ability to defend itself against terrorists. The President, and all of us, must stand with Israel.

WALL STREET SPECULATORS

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

Mr. DEFAZIO. This Memorial Day weekend, families all across America have cancelled their travel plans. Others are digging deep to pay 60 bucks for a fill-up. And $10 of that $60 is going to speculators on Wall Street.

Just yesterday, finally, the Commodity Futures Trading Commission filed its first suit against Wall Street market manipulation and speculation gouging the American people. The Republican reaction: Cut the budget of the Commodity Futures Trading Commission—that's what they proposed this week—and block any regulation of energy speculators.

So while families across America are struggling to keep their lifestyle, fill their tanks, and have a little fun with their families, the Wall Street speculators can ride down in their private elevators and relax in the backseat of their limousines while the chauffeur whisks them out to their third house in the Hamptons, because the Republicans have their backs and will protect the speculators at any cost.

STANDING WITH ISRAEL

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

Mr. NUNNELEE. Mr. Speaker, yesterday in this Chamber, we listened as Prime Minister Netanyahu outlined a viable plan for peace in the Middle East, a plan that includes a free Palestinian state and a secure Israel.

Earlier, President Obama used the phrase, ''The United States believes,'' to articulate his beliefs that this peace should be based on the 1967 borders.

This is not how the United States feels or has ever felt about Israel, an ally and a close friend; a friendship based on common democratic values, religious affinities, and security interests. As a friend, we cannot force Israel into indefensible borders ultimately leading to its destruction, because Israel is surrounded by people who want to see it wiped off the face of the Earth.

Israel is our friend, and we, the United States of America, believe in standing with our friend.

KOREAN WAR VETERANS ASSOCIATION RHODE ISLAND CHAPTER

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

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the 15th anniversary of the Korean War Veterans Association in Rhode Island.

As we look toward Memorial Day, we remember all of our Nation's heroes who put their lives on the line because our country asked them to.

More than 54,000 deaths resulted from the Korean War, which occurred between 1950 and 1953, and more than 103,000 were wounded. In Rhode Island, more than 12 percent of our veterans served in the Korean War. Because of these servicemembers, we are able to enjoy the freedoms that we have here at home today.

We owe our veterans and their families our utmost gratitude and respect for the great sacrifices they have made on our behalf. In honor of their sacrifices, we must fulfill our promise to our veterans and their families by providing access to the highest quality health care, education, mental health services, housing, and employment.

I commend the Korean War Veterans Association of Rhode Island on its achievements and its hard work to support veterans and organizations like the Veterans of Foreign Wars and the Ladies Auxiliary, Veterans.

I wish all veterans and their families a happy Memorial Day.

LIBYA

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

Mr. BURTON of Indiana. Mr. Speaker, I was disturbed this morning when I

was watching the news and I saw the President with the Prime Minister having a press conference in England and the President, in his comments, indicated that we are in a war and we're going to be all together to win this war in Libya.

As far as I know, the Congress of the United States has not declared war. We have not been really consulted about Libya. Yet we're spending probably a couple billion dollars over there right now. And with the President's remarks, you might wonder if we're going to have boots on the ground and be involved not only in the Middle East but now over in Libya. We don't have the money to do that nor has Congress been consulted.

Section 3 of the War Powers Act says: ''The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities.'' He ''shall.''

He didn't. And we ought to be very concerned about that, whether we're Democrats or Republicans.

The power to go to war must be vested in the Congress of the United States. Not just the President but the Congress. He is not a king; he's a President. And we must make sure that Congress is involved in the decision-making process.

□ 1220

REPUBLICANS' ROAD TO RUIN BUDGET

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

Mr. TONKO. Mr. Speaker, the ''Road to Ruin'' Republican budget will end Medicare. It will end a program that 46 million seniors and disabled individuals depend on for their health care. In fact, the end of Medicare will mean seniors are forced to pay more for prescription drugs, they will lose free wellness visits, and they will be forced to pay more out of pocket. In fact, the Republican plan will cause seniors to dip into their pockets twice as deeply as they do today by the year 2020 and three times more by 2030.

And what do we get with the end of Medicare? Where are these funds directed? To continue tax breaks for Big Oil, to continue loopholes for corporations that ship jobs overseas, and to provide tax breaks for the wealthiest amongst us—those who need them least.

Mr. Speaker, Americans oppose the efforts to end Medicare. I ask my colleagues to work with us to strengthen the program, not destroy it.

MEDICARE

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

Mr. YARMUTH. Mr. Speaker, yesterday on this floor a number of my Democratic colleagues took the floor to talk about the Republican plan to eliminate Medicare as we know it. Now, in response to that, some of my Republican friends stood up and said, well, where is the Democratic plan? I don't know whether they were sleeping through the 111th Congress or just failed to read the bill that they voted against and now want to repeal, but our Democratic principles were very much reflected in the Affordable Care Act that we passed in the last Congress. We found savings in Medicare, we extended the life of the program for at least 10 years, we are closing the doughnut hole, we are providing new services for seniors, all of that in addition to saving $1 trillion in the second 10 years of the program.

So the Democrats have a plan for Medicare, and we passed it in the last Congress. The Republican response: repeal what we did and end Medicare as we know it—a very creative approach to solving one of the problems that faces this country and many of our seniors.

MEDICARE

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

Mr. PERLMUTTER. Mr. Speaker, first I want to echo the words of my colleague from Colorado, MIKE COFFMAN, in expressing our sympathies to the families of Corporal Kirton from Centennial, Colorado, who died this past week in combat. That is a loss to Colorado, that is a loss to the Nation, and we just express our sympathies.

I want to really turn to a big issue at hand, and that is over the last 10 years starting with Bill Clinton, we had a surplus, revenues exceeded expenses. But after the Bush tax cuts, which cost a trillion dollars or more, two wars which cost a trillion dollars or more and collapse of Wall Street a couple trillion dollars, that budget surplus was turned upside down. But instead of focusing on the tax cuts for millionaires and billionaires or tax cuts for the oil companies, the Republicans want to take money out of Medicare to try to get the budget right. Well, that's just going the wrong direction.

Under the Republican budget even $100 a barrel, we are going to maintain those tax cuts for oil companies? Instead we're going to stop programs under Medicare? That's just wrong. Medicare is a program that has worked for this country for a long time, and I want to see it remain in place.

WITNESS BADGERED AT CONGRESSIONAL HEARING

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

Mr. BLUMENAUER. Mr. Speaker, I was shocked yesterday at the exchange that occurred between our colleague from North Carolina, PATRICK MCHENRY, and Elizabeth Warren, the woman who has been tasked by President Obama to establish the new Consumer Financial Protections Bureau.

You know, to have a woman of impeccable academic credentials, a woman who for years predicted what was going to happen, had a potential solution, and who has been adamant in her support for trying to unwind this mess, to have her being attacked, to have her at one point being accused of somehow doing too much to communicate with Attorneys General who are trying to get a fair shake for homeowners who have been cheated, speaks volumes—not just, sadly, about the Republican chair of the subcommittee, but about the Republican approach.

For heaven sakes, they shouldn't be blocking her nomination. They should be embracing it and working with us to make sure it never happens again.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 276

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

POINT OF ORDER

Mr. GARAMENDI. Mr. Speaker, I raise a point of order against House Resolution 276 because the resolution violates section 426(a) of the Congressional Budget Act. This resolution contains a waiver of all points of order, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore (Mr. DOLD). The gentleman from California makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden under the rule and the gentleman from California and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from California.

□ 1230

Mr. GARAMENDI. Mr. Speaker, I raise this point of order not necessarily out of concern for the unfunded and unmet mandates, although there are many in this bill. I raise this point of order because we have one of the very few opportunities to actually talk about one of the provisions in the underlying bill. Thus far, this House has been denied the opportunity to properly debate this provision, and I believe we must illuminate what it actually does.

Section 1034 of this bill provides an unlimited opportunity for the administrative branch of government, the President, and the Secretary of Defense, to engage in war virtually anywhere, any place, anytime on this planet. That is an unbelievably broad opportunity that this House should never give to any President at any time.

There are three very specific problems that the authorization for the use of military force has, and I want to make sure that we understand what those problems are.

This provision is particularly dangerous because it does undermine the Constitution. Only Congress has the authority to declare war. Yet this authorization to use military force passes to the President the opportunity to engage in war anywhere anytime, really, without any particular reservations.

This thing was snuck into the Defense Authorization Act. No debate in committee. And had I not somehow been going through the bill and thumbing through and finding page 133 of the legislation, it would never have been discussed in committee. But some time near 12 o'clock, or actually after 12 o'clock, I was able to present an amendment in the committee to strike this section of the bill. That amendment did not pass the committee, and hopefully it will be before the floor as we discuss the entire legislation.

So let me begin the discussion now.

We ought not expand the executive authority to go to war. First of all, this particular section, 1034, is harmful because of three reasons: one, it's unlimited—anywhere, any place, anytime; second, it is very unclear as to who we're going to go to war against; and, third, it's not necessary.

First, section 1034 is unlimited. There's no geographic limitation in section 1034. All that needs to be found by the President or the Secretary of Defense is there is a terrorist out there somehow associated with the Taliban or al Qaeda. And we know that al Qaeda is spread throughout the world, including the United States. So the entire globe is the subject of this authorization to use military force. And it's not just force against an individual terrorist or an individual terrorist organization. It's force against any nation that harbors, supports, or provides some sort of aid to a terrorist organization.

What kind of a nation would that be? Well, certainly we would consider Yemen, Somalia, maybe even Pakistan. And we did successfully go after Pakistan—not Pakistan, but after bin Laden who happened to be hiding in Pakistan. But the point here is unlimited authorization to go anywhere in the globe to go after terrorists of any color, any stripe, anywhere. I don't suppose we intend to declare war against ourselves, so maybe America is not included in this.

Secondly, there's no temporal limit to this, meaning this authorization goes on forever. It's not limited in time. It can go for 1 year, 2 years, 10 years, one century or a millennium. We must never allow any President to have that unlimited opportunity to wage war on behalf of this Nation.

Third, this resolution and this section is unclear. It's unclear in several ways. What is an ''associated force''? What's the ''Taliban''? What is ''al Qaeda''? We know al Qaeda as it existed in Afghanistan. We have a sense of what al Qaeda is in Pakistan. But now we have al Qaeda in the Saudi Arabia Peninsula, we probably have al Qaeda in Somalia and, certainly, according to the FBI, we have al Qaeda in the United States.

So this particular clause, associated forces, is one that we should never allow to go into law and allow any President over any time in the future to use it to undertake a war somewhere.

Finally, the provision is unnecessary. The administration is not asking for additional power. We have a case in point. The administration didn't need additional power to go into Pakistan to get bin Laden. The administration doesn't need additional power to go to Yemen to deal with al Qaeda in the Arabian Peninsula, nor did the administration need power way back in the 1990s when President Clinton launched Tomahawk missiles into Afghanistan to go after bin Laden and al Qaeda in Afghanistan at that time.

The President, the administration, is not asking for this authority. They claim and the courts have provided them with sufficient authority to carry out the mission against terrorism as we know it today.

So in conclusion, I want to raise this issue to this House, to the Senate, and to the American public that in the Defense authorization there is an unlimited opportunity for any President now and in the future to wage war anywhere in the world against any nation that has a terrorist in that nation. That we should never do. We should aggressively maintain our authority under the Constitution to declare war and to authorize the use of military force.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. BISHOP of Utah. The following discussion we have just had on the floor is certainly enlightening and interesting. There is much that I think is significant to what has been said by the gentleman from California.

However, Mr. Speaker, if you would forgive me, I need to talk directly to the point of order itself.

The question before the House is, should the House now consider House Resolution 276. While this resolution waives all points of order against consideration of the bill, the Rules Committee is not aware of any point of order. The waiver is prophylactic in its nature. Specifically, the Committee on Rules is not aware of any violation of the Unfunded Mandates Reform Act, nor has the Congressional Budget Office identified any violation of the Unfunded Mandates Reform Act.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote ''yes'' on the question of consideration of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate having expired, the question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

For the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purposes of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent, Mr. Speaker, that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a structured rule for the consideration of 152 individual amendments to H.R. 1540, the National Defense Authorization Act for fiscal year 2012.

I would like my colleagues to realize that the Rules Committee received 220 amendments for consideration of this bill; and of the 220 filed, 75 percent of them, or a total of 152, are made in order.

□ 1240

Even more remarkable, the vast majority of those that were not made in order were either withdrawn by the sponsor, were duplicative of other amendments filed, were redundant restatements of provisions already included in the base bill, or violated House rules. So this is an overwhelmingly fair and generous rule, and it continues the record of the Rules Committee in this Congress of making multiple amendments in order as long as they conform to the rules of the House.

One must commend Chairman DREIER for continuing this record of openness. Likewise, I wish to commend the chairman of the Armed Services Committee, the gentleman from California (Mr. MCKEON), as well as the ranking member, the gentleman from Washington (Mr. SMITH), for bringing a bill to the floor under a continuing tradition of bipartisanship and mutual cooperation.

Mr. Speaker, sometimes the Congress has a reputation of being contentious and partisan, and that reputation is, unfortunately, occasionally deserved. However, as one who has been a member of the Armed Services Committee and is currently on leave from that committee, I have been pleased to note that, when it comes to providing for the common defense of our country—a core constitutional responsibility—partisanship has usually been checked at the door with regard to the conduct and the product of the Armed Services Committee in their annual Defense authorization bill, as was this bill, having passed by a vote of 60–1 from committee. This rule builds on that bipartisan tradition when it comes to the Defense bill, and it makes more Democrat amendments in order than Republican amendments.

Yes, you're welcome.

Our Nation faces some daunting challenges: to provide adequate resources for our national defense going forward, to pay personnel and to provide promised benefits for our all-volunteer force. The modernization of our aircraft fleet is slipping further and further behind, and the average age of our fighter jets is 150 percent of their designed capacity. The age of our bombers is at a record high even as demands for their utilization is great in Afghanistan, in Iraq and increasingly in other places in the world. The infrastructure needs of our military continue to slip further and further behind—the cliche is that they're moved to the right—and a backlog of needed improvements to fill vital military missions grows even greater.

A strong national defense is directly related to a strong national economy and to a strong jobs outlook. National defense makes everything else that we enjoy in this country—our cherished way of life, our freedoms—possible.

The underlying legislation, H.R. 1540, does a remarkable job, given all of the fiscal restraints that have been involved, in continuing to provide for our common defense. For that purpose, I wish to inform my colleagues that this is a good bill, and we are adding to that a good and fair rule for the amendments.

I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to this rule.

All Members of this House are strongly committed to protecting our national security regardless of party, region or political point of view. It has been the tradition of the House Armed Services Committee, at the staff and member level, to work in a bipartisan way to carefully craft the annual Defense authorization bill.

I recognize Chairman BUCK MCKEON and Ranking Member ADAM SMITH for continuing that collegiality.

Given such a tradition, it comes as a surprise to see so many provisions in H.R. 1540 that attempt to repudiate and attack several of the President's national security policies: from warehousing low-level detainees for an indeterminate amount of time, to delaying the implementation of the repeal of Don't Ask-Don't Tell, to hamstringing the implementation of the bipartisan-supported New START Treaty, to seeking a so-called ''updated'' authorization for the use of military force that no longer references the devastating 9/11 attacks against America but, instead, gives broad authority to the executive branch to pursue military operations anywhere and for any length of time.

Such changes have all the appearance of a partisan agenda.

Yesterday, I expressed my hope that the Rules Committee would make in order amendments so that a broad range of issues and recommendations might be considered and voted upon by this body. Over 200 amendments were submitted to the Rules Committee for consideration, and 152 amendments were made in order; but each amendment only receives 10 minutes of debate time, evenly divided between supporters and opponents.

When the House is debating whether to significantly change and expand the authority under which the President—any President—may send our servicemen and -women into harm's way without consulting Congress and under the vague terminology of fighting global terrorism, is 10 minutes really enough time to give this grave matter the attention it deserves?

When military operations are underway in Libya, is 10 minutes really enough time to debate whether ground troops should not be deployed under any circumstances?

A number of amendments submitted to the Rules Committee focused on the future of our policy and military operations in Afghanistan. As most of my colleagues know, I believe we need to rethink our strategy in Afghanistan. It has demanded the lives of 1,573 of our servicemen and -women, and has gravely wounded tens of thousands of our troops. Suicide rates among our veterans from Afghanistan and Iraq have soared; and right now, there is no genuine path aimed at ending our military footprint in Afghanistan—no exit strategy.

The death of Osama bin Laden creates an opportunity for us to reexamine our policy in Afghanistan and to ask the President exactly how and when he will bring the last troops home to their families and to their communities.

This is a moment to bring fresh eyes to the question of what kind of defense priorities and budget best fit the needs of our Nation and our national security, especially in these difficult economic times. This is a matter that touches every single American and especially our uniformed men and women, their families and their communities.

How can we make any decision on budget priorities unless we know how much longer this war is going to last?

Already, it is the longest war in our Nation's history. It is bankrupting our Nation. Every day, every week, every month, we see billions and billions of

dollars charged to the national credit card, increasing the deficit, increasing the debt—with no end in sight.

We see corruption everywhere within the Karzai government in Afghanistan, and we see the basic needs of our own communities—roads, bridges, clean water systems, education, health care, and hunger programs—cut or eliminated for lack of funds.

Where does it all end? When does it all end? On a matter this important, shouldn't we be engaged in debate for more than 10 minutes?

I am pleased that the amendment I submitted with cosponsors WALTER JONES, LORETTA SANCHEZ, JUSTIN AMASH, JOHN LEWIS, RON PAUL, DAVID CICILLINE, and PETER WELCH was made in order. We have 5 minutes to describe why the President needs to clearly lay out to Congress, to the American people, to our military men and women, and to our military families exactly how and when we will complete the accelerated transition of our military operations to the Afghan authorities—5 minutes, Mr. Speaker—not to mention why the President needs to accelerate talks to achieve a political solution and reconciliation in Afghanistan and why we need to have a new National Intelligence Estimate, not just a report from the National Counterterrorism Center on the leadership, locations and capacity of al Qaeda.

Five minutes.

This Defense bill would give the executive branch carte blanche to fight global terrorism anywhere and by any means, but we don't even have an up-to-date NIE on al Qaeda.

That's not debate, Mr. Speaker. Quite frankly, it's an insult, not to mention that, if we add up the time of all the amendments, at best, the debate on the future of U.S. military operations in Afghanistan might begin as early as 10 or 11 o'clock tonight—but, most likely, even later. Mr. Speaker, there is no reason to rush this bill through just because Members were told they could fly out of town at 3 o'clock tomorrow. We could stay on Friday or we could continue the debate on the amendments next week.

War. The very lives of our uniformed men and women. Libya. Unchecked power granted to the executive versus the constitutional responsibility of Congress to declare war or to authorize the specific use of our military might around the world. These are matters that deserve much greater attention than what is granted under this rule.

I urge my colleagues to support the McGovern-Jones-Sanchez-Amash-Lewis-Paul-Cicilline-Welch amendment on Afghanistan when it comes up for debate late this evening; and I ask my colleagues to reject this rule, which denies this House the ability to debate these grave matters in the manner they deserve and require.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. I rise in support of the rule and H.R. 1540.

As a U.S. marine, I understand the importance of strong national defense, especially during this time of war. That's why I'm glad this bill provides our troops with the resources they need and enables them to carry out the missions we ask of them.

□ 1250

As a freshman member of the House Armed Services Committee, I would like to thank Chairman MCKEON for his leadership throughout this process. He has been very open in working with me and other colleagues on the committee in developing ways to restructure the Quadrennial Defense Review process. This process informs the annual defense spending bill, of course. So I am proud of the bill we are debating today. I am encouraged by our recognition that a restructured QDR process will allow us to better identify DOD priorities. And that is the key to efficiently spending taxpayer dollars.

In sum, this bill responsibly addresses military issues facing us today, and it is being offered with an eye to improving the defense funding process in the future.

I urge my colleagues to vote ''yes,'' Mr. Speaker.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I would like to commend the majority and the minority for working together for a robust process that we had, but I am concerned about two deficiencies in the process, one the gentlelady from Guam will speak to momentarily. I think it's really a travesty that she is not able to present an idea this House has considered many times as part of this bill. And I hope that would be reconsidered.

Secondly, we have all said forever that we agree that there is a problem that has to be fixed for people who served our country in uniform. And here is what happens. You have a person who is very seriously injured in the line of duty in the military, and they retire and they would get disability pay for their injury. Let's say they have been deafened by a bomb going off near them, and they are very, very ill or disabled, and they qualify for disability pay. They also qualify for a regular military pension.

I think most of us on this floor would say, most people in the country would say they should get both. If you are injured in the line of duty and you are severely disabled as a result, you should get both your disability pay and your regular pension. And for years people on both sides have said they want to do this. The problem has been it does in fact cost money. And there are a couple of other variations here. The widows and widowers of these servicemembers have the same problem with respect to their benefits. And then there is another problem where people who serve in the Reserve get credit toward earlier retirement, but they have to make it fit around the Federal fiscal year or they don't get it.

So we have people over in Iraq and Afghanistan who have been deprived of earlier retirement. They have been shot at the same as everybody else, but because they got shot at after October 1, it doesn't count. It's just a bizarre rule that ought to be fixed.

Now, we had an amendment in the Rules Committee that fixed, to a great extent, these three problems. And it had a way to pay for it which is controversial. It would take some of the Internet gaming that's going on and say, A, it's legal, and B, that the money from it should go to help these service personnel who were injured in the line of duty. Some people like this idea, some people don't. But I think it should have been brought to this floor so we could have a debate about it.

If you talk to any one of our Members, Mr. Speaker, I think he or she would tell you they are all for fixing this problem, but it has to be paid for. So we had a solution that fixed a large part of the problem and was paid for, would not result in an increase in the deficit, but it didn't find its way to the floor. I know the technicalities of it. But I really think the House should be given a chance to work its will on this question.

It's as simple as this: The guy who lost his hearing because a mortar shell went off next to him, should he have to choose between his disability pay and his regular retirement instead of getting both? I think he should get both. And I think the House should be able to work its will on that question. I would urge us to consider during this debate process making that possible.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. MCGOVERN of Massachusetts raised an issue just a minute ago that he said we should be discussing regarding the War Powers Act. And I certainly agree with him. I would just like to inform him that right now the Foreign Affairs Committee is holding hearings on a number of pieces of legislation that will deal with and refine the War Powers Act, and hopefully correct some of the loopholes that are in it so that Congress is included in the loop.

So I would just like to inform him of that, because although I would like to see this in this particular legislation that we are talking about and discuss this in some detail, I think the hearings that are going on right now will go into in depth the problems that we face with that bill. The one thing that I would say is that I think we all agree, Democrats and Republicans alike, that this body and the other body ought to be involved in the decisionmaking

process before we go into any conflict. And this issue of Libya is a perfect example of where the executive branch has run away from the Congress without consulting with us. And that's something that should never happen in the future, especially when we are risking American lives and American money.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for his comments, although I do continue to believe that on these great issues that we need more than 5 minutes to be able to present our case. Our entire policy in Afghanistan, we are given 5 minutes to debate the issue. I don't think that that's right.

I would now yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

For more than 9 years now our American troops have been executing the mission in Afghanistan with extraordinary dedication and competence. They have done all we have asked of them. But what started out as a quick war on October 7, 2001, to wipe out al Qaeda leader Osama bin Laden and other terrorists has turned into a campaign that seemingly has no end in sight, ripping our Nation's most precious treasures, our brave men and women, from their families and their communities, and costing us more than $8 billion a month.

The cost of this war, again, $8 billion a month, approximately $2 billion a week, is totally unsustainable, especially at a time when we are being asked to make extreme cuts here at home; money, by the way, that we are putting on the American credit card.

Mr. Speaker, my Rhode Island constituents understand that it's time to transfer responsibility for Afghanistan to the Afghan people and bring our brave men and women home. We should no longer send billions of American taxpayer dollars to the Afghan people for their schools and hospitals, roads, bridges, and police, at the expense of making those same investments in our own country, especially when the Karzai government has shown itself incapable of governing effectively or honestly.

For example, a yearlong investigation by a Senate panel has found evidence that the mostly Afghan force of private security guards that our military depends on to protect supply convoys and bases in Afghanistan are rife with criminals, drug users, and insurgents. More alarming, the report alleges that some local warlords, who have emerged as key labor brokers for private security firms, are also Taliban agents.

It's time to rethink our strategy in Afghanistan so that we can focus on rebuilding our economy and making sure Americans can compete in the 21st century. We need to invest in job creation and reducing our debt, instead of sending billions of dollars to a corrupt government abroad. That's why I am proud to support and to be a cosponsor of the McGovern amendment, which requires the President to provide Congress with an exit plan from Afghanistan with a timeframe and a completion date.

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

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. CICILLINE. A clear exit plan will stabilize Afghanistan by ending an unpopular presence there and improve our country's flexibility to respond to more immediate and pressing national security challenges, improving our fiscal and economic situation at home. This is about setting the right priorities for the American people.

I urge my colleagues to strongly support the McGovern amendment.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the gentlelady from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise in support of the rule and of H.R. 1540, the National Defense Authorization Act, and I want to thank Chairman MCKEON and Ranking Member SMITH for bringing this important bill to fruition. The legislation we have demonstrates support for our troops. It is a good bill that will provide them with the tools and support they need as they protect our freedoms and our liberties.

In funding our military for 2012, we ensure our troops who are deployed in Afghanistan, Iraq, and elsewhere in the world have the equipment and resources they need to succeed in their missions. There is no higher priority than advocating on their behalf, and they deserve nothing less than the best.

□ 1300

We need to send a clear message to the men and women fighting for our Nation that this Congress is committed to keeping our national defense a priority.

We are a Nation at war with men and women fighting in harm's way at this very minute. We need not forget that we face threats throughout the world with enemies bent on destroying our way of life. We have a constitutional responsibility to provide for the common defense.

I support our troops, and I am proud to stand with them as they protect our freedoms.

Mr. MCGOVERN. I am happy to yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I hope that someday my Republican counterparts will be clear about why my amendment was not made in order, and I also hope that they will provide greater explanation as to why we were promised an open rule this year but have anything but that today.

In fact, Mr. Speaker, my friend, Mr. BISHOP, voted for this amendment in the last Congress, and I want to thank him, but I can't imagine how he could have had such a change of heart in such a short time.

I rise in strong opposition to this rule. This rule does not afford the people of Guam with an opportunity to make their case about the matter of Guam war claims before this House. All I want, and all we want, is a vote, Mr. Speaker. In fact, I do not understand why my Republican colleagues are so concerned about allowing my amendment for a vote on the floor, as is regular order.

Guam war claims have passed this House five times—I have to repeat that, five times—and each time with overwhelming bipartisan support. The resolution of Guam war claims is so critical to maintaining support for the military buildup on Guam. The people of Guam are going to bear the brunt of the significant impacts because of this realignment of military forces, and it is only right to bring war claims to a conclusion. This is what I hear from my constituents every day.

We reached a compromise with the Senate on this matter last year, having both Chairman LEVIN and Ranking Member MCCAIN supporting the provision. However, because of the time we had last Congress, it was struck from the bill due to the objection by a small minority of Senators, and we were forced to agree to the defense bill by unanimous consent here in the House.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. BORDALLO. Let history note that I did not object to the unanimous consent request last year based on the commitments of my friends across the aisle. In fact, Chairman MCKEON committed to including war claims in this year's defense bill, and I do appreciate his support.

But the Republican leadership would not allow him to honor his commitment to me. This is wrong, Mr. Speaker, and a true disservice to the people of Guam.

I would like to ask unanimous consent to include the text of my amendment, No. 99, to be included for consideration in this rule.

The SPEAKER pro tempore. Does the gentleman from Utah yield for such request?

Mr. BISHOP of Utah. I have a great deal of sympathy for the gentlelady from Guam, and on the Resources Committee where that bill still is, I will work with you on that, but I do object to unanimous consent.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. MCGOVERN. Mr. Speaker, let me again express my disappointment with the lack of time that we are being allowed to debate some very, very important issues that impact everybody, every single person in our country: issues of war; issues of granting the executive branch this new broad authority to be able to go to war any time they want without even consulting the United States Congress, giving them these unilateral powers which I believe

is not what our Founding Fathers ever anticipated; issues involving Libya; and I could go on and on and on, not to mention some of the issues that were not allowed to be brought up at all, and Ms. BORDALLO just mentioned one of them. I don't understand why that was not made in order.

But in this House of Representatives, since the new majority took over, we debate trivial issues passionately and important ones not at all. You know, we spent hours debating whether we should defund National Public Radio. But on the issue of Afghanistan, what our policy should be in Afghanistan, we have over 100,000 troops in Afghanistan, we are borrowing over $8.2 billion a month—a month, a month—to pay for Afghanistan, that is all going on our credit card. That is going, adding to our deficit, to our debt. Our kids and grandkids are going to pay for the fact that we are not paying for it now. Those issues deserve more than a few minutes of debate.

Again, I have an amendment on Afghanistan to encourage the President to rethink our policy and to develop an exit strategy, and I and all the other Members who are cosponsoring my bill, my amendment, are given 5 minutes—5 minutes—to talk about this issue. Surely we could spend at least another 5 minutes on top of that—I mean, hopefully even longer—being able to discuss this important issue.

I regret that, because I think we need to be debating and discussing what we are doing in Afghanistan. I think it is important. I think the American people want us to figure a way out, and yet we give them 5 minutes to be able to debate this issue. I think that is regrettable.

[From http://www.thenation.com, May 10, 2011]

END THE WAR IN AFGHANISTAN, AND BEGIN NATION-BUILDING HERE AT HOME

(By Rep. Jim McGovern and Rep. Walter Jones)

This week we joined with over a dozen of our colleagues—Republican and Democrat—to introduce new legislation to require the Obama Administration to present an exit strategy for U.S. forces from Afghanistan.

Specifically, our bill (the ''Afghanistan Exit and Accountability Act'') would: require the President to transmit to Congress a plan with timeframe and completion date on the transition of U.S. military and security operations in Afghanistan to the Government of Afghanistan; require the President to report quarterly (i.e. every 90 days) on the status of that transition, and the human and financial costs of remaining in Afghanistan, including increased deficit and public debt; and; included in those quarterly reports, the President must disclose to Congress the savings in 5-year, 10-year and 20-year time periods were the U.S. to accelerate redeployment and conclude the transition of all U.S. military and security operations to Afghanistan within 180 days (i.e. 6 months).

The operation that resulted in the killing of Obama bin Laden demonstrated that the men and women of our armed forces and intelligence community are incredible people. The world is now a better, safer place.

The question then becomes: now what? Now that bin Laden is dead and Al Qaeda is scattered around the globe, does it really make sense to keep using over 100,000 U.S. troops to occupy Afghanistan and prop up a corrupt government? We don't think so.

Remember—we didn't find bin Laden on the front lines of Afghanistan. He was comfortably holed up in a mansion in Pakistan. We must continue to target Al Qaeda wherever in the world they are. But continuing to be bogged down in Afghanistan makes that mission harder, not easier.

In December, Afghan President Hamid Kharzai made it clear that he would rather align himself with the Taliban than with the United States. So why on earth are we sacrificing so much in terms of dead and wounded soldiers and billions of dollars to support him?

We believe that bin Laden's death creates an opportunity to re-examine our policy and to require the Administration to tell us exactly how and when we will end our massive troop presence in Afghanistan.

Our bill requires the President to give Congress a concrete strategy and timeframe for bringing our servicemen and women home to their families and communities, and it requires quarterly reports on the human and financial costs of continuing the war—and how much we would save if we withdrew our forces within a reasonable time frame.

That's not too much to ask.

To make it worse, we're not even paying for the war. It's on the national credit card. The war in Afghanistan adds $100 billion a year—$2 billion each week, $8 billion each month—to our debt.

We're told that we can't afford vital domestic funding, but we should continue to borrow billions and billions of dollars for nation-building in Afghanistan. Instead, we should be doing some more nation-building right here at home. Why don't we take some of those billions to build roads and bridges and schools right here in the United States?

In the end, of course, only President Obama can bring an end to the war. But Congress must play a role, as well. For too long, Congress has ducked its proper oversight responsibilities when it comes to the war in Afghanistan. We've avoided meaningful debate and discussion and have chosen to simply ''go along to get along.''

The President told us that we will see a substantial drawdown of troops in July. He needs to keep that promise. And he needs to tell us when all of our troops will be coming home, and how much staying in Afghanistan will continue to cost the American people—in sacrificed lives, wounded bodies and minds, and U.S. tax dollars—until this war is finally over.

That's what our bill would require. We are hopeful that with enough public pressure, we can provide some wind at the back of the President to help him do the right thing.

This war is the longest in our history. There's no end in sight. It's time to stop digging.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I would like to take just one moment to clarify the record with respect to amendment No. 61 by Mr. CONYERS in the Rules Committee report. Printed in report 112–88, Mr. DUNCAN of South Carolina was inadvertently added as a cosponsor to the Conyers amendment No. 61. I want to clarify for the record that Mr. DUNCAN of South Carolina is not a cosponsor of that particular amendment.

I appreciate the discussion we have had so far. I would like to remind my colleagues here that if every amendment made in order in this rule were to have its maximum amount of time, we would have already approved a maximum of over—well, we have a minimum of 26 hours of debate on this particular issue.

I am appreciative of the concerns of Mr. MCGOVERN of Massachusetts. I also want him to realize there are multiple amendments that were made in order dealing with this and similar subjects. And I am very appreciative that Mr. MCGOVERN, as a veteran of the House, understanding the rules of the House, has been wise enough to use this debate time also for speaking about that particular amendment, which will vastly extend the amount of time he has to cover that issue. That is wise of him; that is good of him.

I reserve the balance of my time.

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

I would again remind my colleagues that on the issue of what our future should be in Afghanistan, those of us who want us to rethink our policy and develop an exit strategy are given 5 minutes—5 minutes. We could debate whether we should fund National Public Radio or not for hours, and all the other items on the Republican social agenda for hours and hours and hours, but when it comes to the issue of war, we are told you get 5 minutes. I don't think that's adequate.

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

Ms. LEE. First let me thank the gentleman for yielding and for his leadership.

I would just say to the gentleman, you are absolutely correct, and I oppose this rule because this is such an important issue that affects our national security, but also the economic security of this country.

This is an issue that warrants much more deliberation and debate. In fact, Mr. Speaker, when the authorization to use force to go to war in Afghanistan came before us on that terrible day of 9/14, there may have been 1 hour of debate, if that long. And so I think at this moment, as we are turning the corner, hopefully, we should have a full debate on the direction, the timeframe which Mr. MCGOVERN has in his resolution, and also a plan to begin to end the war in Afghanistan.

□ 1310

We must have a political solution and reconciliation in Afghanistan because most military experts have told us there's no military solution in Afghanistan. We know and we hear that if it's going well, we need more money and more troops; and if it's going poorly, we need more money and more troops. So we need here in the House to have this debate. What should we do and how should we do it?

So this amendment, this proposal by Mr. MCGOVERN, warrants much more than a 5-minute debate because it's such an important issue to the country. Over 70-some percent now of the

American people believe it's time to wind down. Many of us believe that beginning in July we should put forth a proposal for a significant and sizeable reduction as the President indicated he would do in the past. Many believe that we should not fund any more combat operations in Afghanistan and that, in fact, we should only use our funding for force protection and to bring our young men and women home.

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

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. LEE. Thank you very much, Mr. MCGOVERN.

What the McGovern-Jones amendment seeks to do is begin that debate, to get us on course and to allow this House of Representatives to discuss what in the world should come next.

I want to thank the gentleman for yielding, I thank you for your hard work, and just say that I think that it's about time now that we have a rule on such an important issue that allows for this body to engage in debate. Our troops deserve that, the American people deserve that, and certainly we need to begin to reflect public opinion on this because the public gets it. They know that $100 billion a year is no drop in the bucket in terms of our resources. We have a deficit, we have an economic crisis throughout the country, and we certainly need to find some balance between our national security interests and our economic security interest. Beginning to develop a plan to get out of Afghanistan warrants a full-fledged discussion.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule. Earlier this year, we learned of wrongful home foreclosures on active duty military families in violation of the law. And so I submitted a very straightforward amendment that would have directed the Secretary of Defense in conjunction with the Treasury and the Consumer Financial Protection Bureau to prepare a comprehensive strategy to protect members of the Armed Forces and their families from unfair, deceptive and abusive financial services practices and to enhance the financial readiness of such families, families who are sacrificing so much today.

The amendment would have no effect on direct spending, and it was germane. Yet, despite the majority's high claims of openness and transparency and the fact that 152 amendments were made in order, this one was not.

The SPEAKER pro tempore (Mr. CAMPBELL). The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman 1 additional minute.

Ms. DELAURO. One can only conclude that the majority has chosen its dislike, or its detest, for the Consumer Financial Protection Bureau over protecting military families. Elizabeth Warren is right: attacks against the bureau are now happening in the back alley. Yesterday, that back alley was the majority side of the Rules Committee, and the victims—the victims—were the brave men and women in uniform and their families.

Oppose this rule.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield myself the balance of the time.

Mr. Speaker, let me close by making a couple of points here. First, I would urge everybody, Democrats and Republicans, to support the McGovern-Jones amendment on Afghanistan. I think there is bipartisan concern and bipartisan anxiety about our policy. I think there are Republicans, as well as Democrats, who believe that it's time to rethink this strategy and to come up with an exit strategy to bring our troops home, to bring them back to their families and to bring them back to their communities.

We need to make our voices heard. The President has said in July he is going to make an announcement about the drawdown of American troops. We're hearing from some sources that it may be only a token drawdown. We need a real drawdown, a significant drawdown, because if not, we are going to be engaged in a war that has no end.

We are borrowing money like there's no tomorrow to pay for this war; $8.2 billion a month we're borrowing. We're not even paying for it. For those who support this war, I would say that if you support it, then pay for it. And I will tell you that most of the people across this country believe it's time to leave. We're supporting a corrupt government. The Karzai government is corrupt. There's no question about it. By every measure, they are wasting our money. And this is not a man, quite frankly, who our American servicemen and -women should have to die for.

We are nation-building in Afghanistan when we should be doing nation-building here in the United States. My district is not unique in its need for more investments in roads and bridges. We need more investments in job creation to put people back to work. People want to invest here in the United States because national security also means whether or not people have a job, whether or not people can earn a living.

I would urge, again, my colleagues on both sides of the aisle to help me and help Mr. JONES and the others who cosponsored this amendment, put a little wind behind the President's back in July so that he makes a meaningful announcement so that we can see the light at the end of the tunnel so that there is an exit strategy.

Mr. Speaker, let me also urge my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to make in order H.R. 1979 by Mr. ANDREWS of New Jersey, to expand eligibility for concurrent receipt of military retired pay and veterans disability compensation to include chapter 61 disability retirees, to increase the monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces and to enhance the ability of members of the Reserve components who serve on active duty or perform active service in support of a contingency operation or in other emergency situations to receive credit for such service in determining eligibility for early receipt of nonregular service retired pay.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge all my colleagues to vote ''no'' and defeat the previous question so we can help our veterans, and I urge a ''no'' vote on the rule.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the resolution add the following new section:

SEC. 5. Notwithstanding any other provision of this resolution, the amendment specified in section 6 shall be in order in lieu of amendment number 5 in House Report 112–88.

SEC. 6. The text referred to in section 5 is as follows: Page 113, after line 17, insert the following:

"SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.

''Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

''(1) by redesignating subsection (c) as subsection (d); and

''(2) by inserting after subsection (b) the following new subsection (c):

'' '(c) HEALTH ASSESSMENT REPORTS.—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

'' '(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

'' '(2) A copy of the methodology used to determine the health risks described in paragraph (1).

'' '(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.'.''.

□ 1320

The material previously referred to by Mr. MCGOVERN is as follows:

An amendment to H. Res. 276 offered by Mr. McGovern of Massachusetts:

At the end of the resolution, add the following new section:

SEC. 7. Notwithstanding any other provision of this resolution, an amendment consisting of the text of H.R. 1979 (added as a new title at the end of the bill) shall be in order as though printed as amendment number 153 in the report of the Committee on Rules if offered by Representative Andrews of New Jersey or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RESIGNATION AS CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

OFFICE OF THE CHAPLAIN,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2011.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: During the past eleven years, it has been my distinct honor to serve as Chaplain of the House of Representatives. It has been a true blessing for me to come to know you, Members of Congress through the years, and so many dedicated Staff personnel who have come to the Capital to serve this nation with their daily labor and sincerity of heart.

In my duties as Chaplain I have tried to be present to all and listen to their needs. Hopefully I have offered them guidance when sought, counsel when requested and strength in difficult times. I have learned compassion for them and their families. My greatest joy has been to lead people in the Chamber and across the nation in prayer.

It is now time for me to retire. I hope you will accept my resignation as Chaplain to be effective on Saturday April 30, 2011.

I trust you will convey to all the Members of the House my continued esteem for their efforts to shape laws and policies for the common good of the American people and for a better and peaceful world. I thank you and all for the kindness, patience and friendship extended to me. Certainly I do remember all of you in my daily prayer until the end of my days.

With gratitude to you and Almighty God,

REVEREND DANIEL P. COUGHLIN,
Chaplain.

The SPEAKER pro tempore. Without objection, the resignation of Father Daniel P. Coughlin as Chaplain, effective April 30, 2011, is accepted.

There was no objection.

BEST WISHES TO REVEREND DANIEL COUGHLIN AND WELCOMING REVEREND PATRICK CONROY

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

Mr. DREIER. Mr. Speaker, I want to join with all of my colleagues in extending best wishes to Father Coughlin for his very, very important service over the past 11 years to this institution and to welcome and congratulate the new Chaplain of the House of Representatives, Father Pat Conroy of Snohomish, Washington, a very distinguished alumnus of Claremont McKenna College in southern California, a man who has had spectacular service and even greater days ahead with the work that he is going to be doing with every Member of this institution.

ELECTING CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. DREIER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That Father Patrick J. Conroy of the State of Oregon, be, and is hereby, chosen Chaplain of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1216.

□ 1324

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. CAMPBELL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 24, 2011, a request for a recorded vote on amendment No. 7 printed in the CONGRESSIONAL RECORD by the gentlewoman from North Carolina (Ms. FOXX) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings on that amendment will now resume.

AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 182, not voting 15, as follows:

[Roll No. 338]

AYES—234

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hayworth
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—182

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—15

Braley (IA)
Burgess
Castor (FL)
Filner
Frelinghuysen
Giffords
Gingrey (GA)
Gowdy
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Polis
Reed
Webster

□ 1349

Mr. BLUMENAUER and Ms. WASSERMAN SCHULTZ changed their vote from ''aye'' to ''no.''

Messrs. ALTMIRE and SULLIVAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. REED. Mr. Chair, on rollcall No. 338, had I been present, I would have voted, "aye."

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 338, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "no."

The Acting CHAIR. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GERLACH) having assumed the chair, Mr. CAMPBELL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, and, pursuant to House Resolution 269, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill are postponed.

WELCOMING THE NEW HOUSE CHAPLAIN

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

Mr. BOEHNER. Mr. Speaker, one of the most important members of the House community is not a Member of the House. Upon its inception, the House elected a chaplain to deliver the opening prayer, continuing a tradition started by the First Continental Congress.

As the House has grown, so has the role of the chaplain, who Members, officers, and staff look to for advice and counsel.

The chaplain also sees to the well-being of this institution, which serves people of all faiths, and a Nation that has always put its trust in God.

Our national motto is an echo of the 16th Psalm, which in part says: ''Preserve me, O God, for in thee do I put my trust.''

In many ways, the chaplain is the anchor of the House.

So it was with regret that we bid farewell to Father Coughlin, who retired after 11 years of distinguished service. But always looking out for us, Father Dan left behind one last blessing. He recommended someone who he felt would be a worthy successor. And to no surprise, Father Dan was right.

Father Pat Conroy comes to us from the Northwest. He was born and raised

in Washington State and has spent much of his priesthood in Oregon. Next month, he will mark his 28th year as a Jesuit priest.

Father Pat also served here in our capital city. He was chaplain at Georgetown University for a total of 10 years.

He has a deep appreciation for public service. Before being called into the priesthood, Father Pat had thought he had a calling into politics, specifically the United States Senate.

Father, something tells me that you'll fit in just fine right here.

I think it's important to give the House a sense of Father Pat's character.

This is from a letter he wrote expressing his willingness to serve as chaplain:

''As a Jesuit, I believe it a part of my calling to find God in all things and to discover the spirit of God present in the people I encounter and whom I serve. I wish to say that I am ready and willing should those to be served deem me worthy of this ministry. Though true of any ministry, the position would call me to a radical reliance upon the grace of God, which would also be God's gift.''

I think it's clear this loyal servant of the faithful is uniquely suited to serve as chaplain of the people's House.

Leader PELOSI and I have gotten a chance to know Father Pat, and we are honored that he has accepted our invitation to serve as chaplain. We're blessed, I think, to have his guidance and his wisdom as we discharge our duties and fulfill our obligations to current and future generations of Americans.

Please join me in welcoming and congratulating the 60th chaplain of the House of Representatives, Father Pat Conroy.

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

Ms. PELOSI. As the Speaker takes the chair, I join him in commending to the House the spiritual leadership of Father Patrick Conroy.

Speaker BOEHNER, I wish to associate myself with your remarks so beautifully explaining how proud we are that Father Patrick Conroy has agreed to this additional responsibility.

I would only like to add that in his ministering to the needs at Georgetown as a chaplain there, he was engaged in many interfaith ministerings. So that serves him well to come here with the diversity of beliefs that we have within even the Protestant part of our Congress but also throughout the Congress.

Father Pat Conroy comes with a healthy respect for what we do, as Speaker BOEHNER said. He has been a longtime Jesuit and again served very beautifully in that capacity. Before that he was an attorney. So the making of laws is of interest to him. That is not to say that he doesn't understand his first responsibility, and that is to minister to the spiritual and personal needs of our colleagues.

Yes, Speaker BOEHNER was correct in saying that one of the last gifts that Father Coughlin left us was a recommendation that Father Patrick Conroy would be considered to follow in his footsteps, and huge footsteps they are. For more than 10 years, Father Dan was our spiritual leader, and we were blessed with that.

Today, we are blessed again with the Speaker's recommendation to the body of Father Patrick Conroy as the Chaplain of the House of Representatives.

It is a beautiful honor, steeped in history, deeply personal, free of politics; and we wish him every success in that job.

Father, we pray for you. Please pray for us.

Welcome, Father Patrick Conroy.

SWEARING IN OF THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Chaplain-designate please take the well.

The Chair will now swear in the Chaplain of the House.

The Chaplain-designate took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1400

REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 1(c) of rule XIX, further proceedings will resume with the third reading of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

The bill was read the third time.

MOTION TO RECOMMIT

Mr. CLYBURN. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CLYBURN. In its current form, I am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Clyburn moves to recommit the bill H.R. 1216 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

Page 3, after line 14, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(2) in subsection (b)(2), by adding at the end the following new subparagraph:

''(C) ENSURING AUTHORIZED AMOUNTS FIRST PROVIDED TO UNDERSERVED AREAS.—

''(i) IN GENERAL.—Subject to subparagraphs (A) and (B), in determining the amounts payable under this section to qualified teaching health centers for a fiscal year, the Secretary shall—

''(I) first make payments under this section to qualified teaching health centers in underserved areas, based on the full amount determined for such centers pursuant to clause (ii); and

''(II) after application of subclause (I), from any remaining amounts appropriated for such fiscal year pursuant to subsection (g), make payments under this section to qualified teaching health centers not described in subclause (I).

''(ii) DETERMINATION.—For purposes of making payments under clause (i)(I), the Secretary shall determine such amounts that would be payable under this section to qualified teaching health centers described in such clause as if the full amount authorized to be appropriated under subsection (g) for such fiscal year is the amount appropriated to carry out this section for such fiscal year.'';

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina is recognized for 5 minutes in support of his motion.

Mr. CLYBURN. Madam Speaker, last month, Republicans voted to end Medicare. According to the nonpartisan Congressional Budget Office, their plan would raise seniors' health care costs by more than $6,000 per year, doubling their out-of-pocket costs.

Now, this week, Republicans want to cut training for new primary care doctors. This is another part of their attempt to repeal health care reform piece by piece. Madam Speaker, there is bipartisan agreement that we need more primary care physicians. Yet Republicans are bringing up a bill that will make sure that even fewer primary care doctors are trained to meet the growing demand. This is a terrible idea but not surprising.

I oppose this bill because we need to be training more primary care doctors, not fewer; but at a minimum, we must ensure that the Nation's neediest areas have access to the doctors they need.

This final amendment will ensure that training programs in the areas most in need of primary care doctors are to be prioritized for funding. This is common sense.

My district, like so many others represented in this body, has some very rural communities. In many areas, families have to drive for dozens of miles to reach the nearest doctor. People who live in remote communities, like Brittons Neck and Salters, travel great distances in search of primary care, and many don't have public or private transportation. This is not just an abstract debate about compassion. For many people, it is literally a matter of life and death.

Madam Speaker, we all know that, for decades, many communities across

the country have been left out of the American Dream year after year after year. We call these places persistent poverty counties—counties where more than 20 percent of their populations have existed below the poverty level for at least 30 years. Approximately 15 percent of all counties in America qualify as persistent poverty counties under this definition. Because a majority of these counties is rural, it only comprises about 7 percent of the Nation's population. These are the places that this amendment targets for funding.

These communities are diverse and are spread across the country, including Appalachian communities in Kentucky and West Virginia, Native American communities in South Dakota and Alaska, Latino communities in Arizona and New Mexico, African American communities in Mississippi and South Carolina, and urban communities in Philadelphia, New York, Baltimore, and St. Louis.

So I say to my colleagues on the other side: If you're going to cut funding for training new doctors, let us at least ensure that the communities with the greatest needs are placed at the front of the line. I urge my colleagues to vote ''yes'' on this final amendment.

Madam Speaker, I yield back the balance of my time.

Mr. GUTHRIE. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Madam Speaker, as we began the debate about Medicare just a minute ago, we knew last week when we left to go home to work in our districts that Medicare's actuary said it is going to go bankrupt in 2024.

This side of the aisle has offered a plan to make it stable, secure and sustainable. There is no member—no member as we heard all day yesterday—of the Greatest Generation on whom this will have any effect. As a matter of fact, over half the baby boomer generation will have no changes. We are changing Medicare to make it work so it is sustainable.

If we follow the plan introduced by the President, which does raise taxes on the rich but still does not address the sustainability of Medicare in the future, my daughter, when she is my age 30 years from now, will wake up and go to work, and 100 percent of the Federal income tax she pays will pay for my generation to be retired. The Greatest Generation provided my generation opportunities, and we're working to make sure our children have opportunities as well.

On the underlying bill, what's interesting is that this bill only takes this program back to the way it was passed out of the House in the health care bill. We are doing exactly what the majority passed out of the House. It changed to a mandatory program in the Senate, and was adopted when it came back from the Senate.

So, if this program is so important that it has to be mandatory funding as they say it has to be, why didn't they do it when they debated the health care bill before and include the provision that is in this motion to recommit?

□ 1410

As a matter of fact, this bill authorizes changes in medical education in hospitals, teaching hospitals, children's hospitals, nurses' programs, geriatric programs, pediatric programs. There are all sorts of them, and none of them have the provision that this motion to recommit wants to put on this program.

So I say we need to get a handle on the budget so we can have a future for this country. We need to quit putting programs on autopilot, and put them in the process, that they go through the appropriations process so they can be reviewed and they can be determined which programs are successful and moving forward.

It is important that we have primary care physicians trained at teaching health centers, but it's also important we have them at children's hospitals that were zeroed out in the President's budget. So as we put these programs on mandatory spending, we are losing opportunities to fund other programs. Community health centers, they compete for discretionary funding. This is money that would be taken from that area and on to mandatory funding.

So, Madam Speaker, this side of the House is ready to say to the Greatest Generation, we're preserving what you have. We also want to tell our children they have a future as great as the Greatest Generation gave us.

Madam Speaker, I ask my colleagues to vote against this motion to recommit.

Mr. GUTHRIE. 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.

RECORDED VOTE

Mr. CLYBURN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1216, if ordered; ordering the previous question on House Resolution 276 and the amendment thereto; adoption of the amendment to House Resolution 276, if ordered; and adoption of House Resolution 276, if ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

[Roll No. 339]

AYES—184

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—236

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall

Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Braley (IA)
Cantor
Filner
Frelinghuysen
Giffords
Hastings (FL)
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Ruppersberger

□ 1432

Messrs. GUTIERREZ and PAYNE changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 339, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CASTOR of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 185, not voting 12, as follows:

[Roll No. 340]

AYES—234

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—12

Braley (IA)
Clyburn
Conyers
Filner
Franks (AZ)
Frelinghuysen
Giffords
Hastings (FL)
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1439

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. FILNER. Madam Speaker, on rollcall 340, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "no."

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on May 25, 2011, I was not present to vote on H.R. 1216. Had I been present, I would have voted, "no."

Additionally, I inadvertently cast a "nay" vote on the Motion to Recommit H.R. 1216. I intended to vote, "yea."

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the amendment and on the resolution (H. Res. 276) providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department

of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 11, as follows:

[Roll No. 341]

YEAS—239

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—181

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Braley (IA)
Clyburn
Filner
Frelinghuysen
Giffords
Hastings (WA)
Hoyer
Jackson (IL)
Kildee
Long
McCarthy (NY)

□ 1451

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 341, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "nay."

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. CANTOR. Madam Speaker, as Members are aware, three critical provisions of the USA PATRIOT Act expire at midnight on Thursday. It is critical to our national security that we extend these provisions as soon as possible. At this time, though, a bipartisan agreement on a 4-year extension of each expiring provision is still pending in the Senate.

Unfortunately, the Senate will not vote on cloture until some point Thursday morning. Further, the cloture vote initiates up to 30 hours of post-cloture debate before the Senate can vote on final passage and send the bill to the House. If all time were used, which is currently not known, the Senate would not clear their bill until Friday morning.

Therefore, Madam Speaker, Members are advised to make contingency travel plans for Thursday and Friday. It is likely that the House will be in session and voting past 3 p.m. tomorrow. Further, it is possible that the House could also be in session and voting on Friday. We will update Members on the Senate's progress as we continue to move through the week, Madam Speaker.

I thank the Members for their patience, and I no doubt share in their unspoken thoughts about the other body.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 170, not voting 18, as follows:

[Roll No. 342]

AYES—243

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)

Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—170

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—18

Bass (NH)
Braley (IA)
Clyburn
Crowley
Diaz-Balart
Dicks
Filner
Frelinghuysen
Giffords
Hastings (WA)
Hoyer
Jackson (IL)
Kingston
Long
McCarthy (NY)
Pelosi
Scott (SC)
Westmoreland

□ 1502

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCOTT of South Carolina. Madam Speaker, on rollcall No. 342, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 342, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

HOUR OF MEETING ON TOMORROW

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. KING of Iowa). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, I am recorded as having voted ''yes'' on H.R. 1216; it should have been a ''no.''

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, I was in room 2103 of the Rayburn Building, and the electronic buzzer did not go off. I missed the vote on the Democratic motion to recommit on H.R. 1216. Had I been present, I would have voted ''yes.'' And on final passage of H.R. 1216, had I been present, I would have voted ''no.''

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 276 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1540.

□ 1503

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 24, 2011, all time for general debate pursuant to House Resolution 269 had expired.

Pursuant to House Resolution 276, as amended, no further general debate shall be in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1540

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2012''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS
TITLE I—PROCUREMENT
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Sec. 101. Authorization of appropriations.
Subtitle B—Army Programs
Sec. 111. Limitation on retirement of C–23 aircraft.
Sec. 112. Limitation on procurement of Stryker combat vehicles.
Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.
Subtitle C—Navy Programs
Sec. 121. Multiyear funding for detail design and construction of LHA replacement ship designated LHA–7.

Sec. 122. Multiyear funding for procurement of Arleigh Burke-class destroyers.
Sec. 123. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.
Sec. 124. Separate procurement line item for certain Littoral Combat Ship mission modules.
Sec. 125. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.
Sec. 126. Limitation on availability of funds for F/A–18 service life extension program.

Subtitle D—Air Force Programs

Sec. 131. B–1 Bomber force structure.
Sec. 132. Procurement of advanced extremely high frequency satellites.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Joint Improvised Explosive Device Defeat Fund.
Sec. 142. Contracts for commercial imaging satellite capacities.
Sec. 143. Limitation on availability of funds for acquisition of joint tactical radio system.
Sec. 144. Limitation on availability of funds for aviation foreign internal defense program.
Sec. 145. Limitation on availability of funds for commercial satellite procurement.
Sec. 146. Separate procurement line item for non-lethal weapons funding.

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Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on availability of funds for the ground combat vehicle program.
Sec. 212. Limitation on the individual carbine program.
Sec. 213. Limitation on availability of funds for Ohio-class ballistic missile submarine replacement program.
Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.
Sec. 215. Limitation on obligation of funds for the propulsion system for the F–35 Lightning II aircraft program.
Sec. 216. Limitation on obligation of funds for joint replacement fuze program.
Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.
Sec. 218. Limitation on availability of funds for wireless innovation fund.
Sec. 219. Advanced rotorcraft flight research and development.
Sec. 220. Designation of main propulsion system of the next-generation long-range strike bomber aircraft as major subprogram.
Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.
Sec. 222. Prohibition on delegation of budgeting authority for certain research and educational programs.
Sec. 223. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.

Subtitle C—Missile Defense Programs

Sec. 231. Acquisition accountability reports on the ballistic missile defense system.
Sec. 232. Limitation on availability of funds for Medium Extended Air Defense System.
Sec. 233. Homeland defense hedging policy and strategy.
Sec. 234. Ground-based midcourse defense system.
Sec. 235. Study on space-based interceptor technology.

Subtitle D—Reports

Sec. 241. Annual comptroller general report on the KC–46A aircraft acquisition program.
Sec. 242. Independent review and assessment of cryptographic modernization program.
Sec. 243. Report on feasibility of electromagnetic rail gun system.

Subtitle E—Other Matters

Sec. 251. Repeal of Requirement for Technology Transition Initiative.
Sec. 252. Preservation and storage of certain property related to F136 propulsion system.
Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

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Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.
Sec. 312. Military installation implementation of land management plans and sustainability studies.
Sec. 313. Improved Sikes Act coverage of State-owned facilities used for the national defense.
Sec. 314. Discharge of wastes at sea generated by ships of the Armed Forces.
Sec. 315. Designation of Department of Defense executive agent for alternative fuel development.
Sec. 316. Favorable consideration of energy-efficient technologies in contracts for logistics support of contingency operations.

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Sec. 322. Core logistics capabilities.
Sec. 323. Designation of military industrial facilities as Centers of Industrial and Technical Excellence.
Sec. 324. Redesignation of core competencies as core logistics capabilities for Centers of Industrial and Technical Excellence.
Sec. 325. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.
Sec. 326. Amendment to requirement relating to consideration of competition throughout operation and sustainment of major weapon systems.
Sec. 327. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.

Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.
Sec. 332. Review of proposed structures affecting navigable airspace.
Sec. 333. Sense of Congress regarding integration of ballistic missile defense training across and between combatant commands and military services.

Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.
Sec. 342. Modification of report on maintenance and repair of vessels in foreign shipyards.
Sec. 343. Additional requirements for annual report on military working dogs.
Sec. 344. Assessment and reporting requirements regarding the status of compliance with joint military training and force allocations.
Sec. 345. Study of United States Pacific Command training readiness.

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Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.
Sec. 353. Limitation on obligation and expenditure of funds for the migration of Army enterprise email services.
Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

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Sec. 361. Consideration of foreclosure circumstances in adjudication of security clearances.
Sec. 362. Authority to provide information for maritime safety of forces and hydrographic support.
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Sec. 365. Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations.
Sec. 366. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
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Sec. 368. Sense of Congress on proposed Federal Aviation Administration changes to flight crew member duty and rest requirements.
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Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

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Sec. 502. General officer and flag officer reform.

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Sec. 512. Preseparation counseling for members of the reserve components.

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Sec. 514. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).

Subtitle C—General Service Authorities

Sec. 521. Findings regarding unique nature, demands, and hardships of military service.

Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.

Sec. 523. Authorized leave available for members of the Armed Forces upon birth or adoption of a child.

Sec. 524. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 525. Policy on military recruitment and enlistment of graduates of secondary schools.

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Subtitle D—Military Justice and Legal Matters

Sec. 531. Procedures for judicial review of military personnel decisions relating to correction of military records.

Sec. 532. Clarification of application and extent of direct acceptance of gifts authority.

Sec. 533. Additional condition on repeal of Don't Ask, Don't Tell policy.

Sec. 534. Military regulations regarding marriage.

Sec. 535. Use of military installations as site for marriage ceremonies and participation of chaplains and other military and civilian personnel in their official capacity.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 541. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

Sec. 542. Expansion of reserve health professionals stipend program to include students in mental health degree programs in critical wartime specialties.

Sec. 543. Administration of United States Air Force Institute of Technology.

Sec. 544. Appointments to military service academies from nominations made by the governor of Puerto Rico.

Sec. 545. Temporary authority to waive maximum age limitation on admission to United States Military Academy, United States Naval Academy, and United States Air Force Academy.

Sec. 546. Education and employment advocacy program for wounded members of the Armed Forces.

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Sec. 551. Army National Military Cemeteries.

Sec. 552. Inspector General of the Department of Defense inspection of military cemeteries.

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Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.

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Sec. 564. Administrators, Ombudsmen, and staff of facilities.

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Sec. 1033. Clarification of right to plead guilty in trial of capital offense by military commission.
Sec. 1034. Affirmation of armed conflict with al-Qaeda, the Taliban, and associated forces.
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Sec. 1225. National security risk assessment of United States Federal debt owned by the People's Republic of China.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) MAINTENANCE.—The Secretary of the Army shall maintain not less than 42 C–23 aircraft, of which not less than—

(1) 11 shall be available for the active component of the Army;

(2) 4 shall be available for training operations; and

(3) 22 shall be available for domestic operations in the continental United States.

(b) LIMITATION ON RETIREMENT.—The Secretary of the Army may not retire (or prepare to retire) any C–23 aircraft or keep any such aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions until the date that is one year after the date on which each report under subsection (c)(2), (d)(2), and (e)(2) has been received by the congressional defense committees.

(c) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—The Director of the National Guard Bureau, in consultation with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Contingency response.

(C) Natural disaster-related response.

(D) Humanitarian response.

(2) REPORT.—The Director shall submit to the congressional defense committees a report containing the study under paragraph (1).

(d) FLEET VIABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary of the Army, in coordination with the Director of the Fleet Viability Board of the Air Force, shall conduct a fleet viability assessment with respect to C–23 aircraft.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report containing the assessment under paragraph (1).

(e) GAO SUFFICIENCY REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (c)(1).

(2) REPORT.—Not later than 180 days after the date on which the Director of the National Guard Bureau submits the report under subsection (c)(2), the Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

SEC. 112. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.

(a) LIMITATION.—Except as provided by subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for weapons and tracked combat vehicles, Army, the Secretary of the Army may not procure more than 100 Stryker combat vehicles.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification by the Assistant Secretary of the Army for Acquisition, Technology, and Logistics that—

(1) there are validated needs of the Army requiring the waiver;

(2) all Stryker combat vehicles required to fully equip the nine Stryker brigades and to meet other validated requirements regarding the vehicle have been procured or placed on contract for procurement;

(3) the size of the Stryker combat vehicle fleet not assigned directly to Stryker brigade combat teams is essential to maintaining the readiness of Stryker brigade combat teams; and

(4) with respect to the Stryker combat vehicles planned to be procured pursuant to the waiver, cost estimates are complete for the long-term sustainment of the vehicles.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH–60M/HH–60M helicopters and, acting as the executive agent for the Department of the Navy, for the procurement of airframes for MH–60R/S helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA–7.

Section 111(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4152) is amended by striking ''and 2012'' and inserting '', 2012, and 2013''.

SEC. 122. MULTIYEAR FUNDING FOR PROCUREMENT OF ARLEIGH BURKE-CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2012 program year, for the procurement of DDG–51 Arleigh Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) REPORT OF FINDINGS.—

(1) IN GENERAL.—Not later than 30 days before the date on which a contract is awarded under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract containing the findings required under subsection (a) of section 2306b of title 10, United States Code, including the analysis described in paragraph (2) of this subsection.

(2) DETERMINATION OF SUBSTANTIAL SAVINGS.—In conducting an analysis of substantial savings pursuant to subsection (a)(1) of such section 2306b, the Secretary shall employ a full-scale analysis of the anticipated cost avoidance resulting from the use of multiyear procurement and the potential benefit that any accrued savings might have to future shipbuilding programs if such savings are used for further ship construction.

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH-60R/S HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avionics and common cockpits for MH–60R/S helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 124. SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES.

(a) IN GENERAL.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procurement line item is designated for each covered module that includes the quantity and cost of each such module requested.

(b) FORM.—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

(c) COVERED MODULE.—In this section, the term ''covered module'' means, with respect to mission modules of the Littoral Combat Ship, the following modules:

(1) Surface warfare.

(2) Mine countermeasures.

(3) Anti-submarine warfare.

SEC. 125. LIFE-CYCLE COST-BENEFIT ANALYSIS ON ALTERNATIVE MAINTENANCE AND SUSTAINABILITY PLANS FOR THE LITTORAL COMBAT SHIP PROGRAM.

(a) COST-BENEFIT ANALYSIS.—The Secretary of the Navy shall conduct a life-cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A–94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program.

(b) REPORT.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis conducted under subsection (a).

SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR F/A–18 SERVICE LIFE EXTENSION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 or any fiscal year thereafter for a program to extend the service life of F/A–18 aircraft beyond 8,600 hours may be obligated or expended until the date that is 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees the report under section 114(a)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4155).

Subtitle D—Air Force Programs

SEC. 131. B–1 BOMBER FORCE STRUCTURE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—During the B–1 retirement limitation period, the Secretary of the Air Force—

(A) may not retire more than six B–1 aircraft;

(B) shall maintain not less than 36 such aircraft as combat-coded aircraft;

(C) shall maintain in a common capability configuration a primary aircraft inventory of not less than 56 such aircraft, a backup aircraft inventory of not less than 2 such aircraft, and an attrition reserve aircraft inventory of not less than 2 such aircraft; and

(D) may not keep any such aircraft referred to in subparagraph (C) in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

(2) B–1 RETIREMENT LIMITATION PERIOD.—For purposes of paragraph (1), the B–1 retirement limitation period is the period beginning on the date of the enactment of this Act and ending on the date that is the earlier of—

(A) January 1, 2018; and

(B) the date as of which a long-range strike replacement bomber aircraft with equal or greater capability than the B–1 model aircraft has attained initial operational capability status.

(b) DEFINITIONS.—In this section:

(1) The term ''primary aircraft inventory'' means aircraft assigned to meet the primary aircraft authorization to—

(A) a unit for the performance of its wartime mission;

(B) a training unit primarily for technical and specialized training for crew personnel or leading to aircrew qualification;

(C) a test unit for testing of the aircraft or its components for purposes of research, development, test and evaluation, operational test and evaluation, or to support testing programs; or

(D) meet requirements for special missions not elsewhere classified.

(2) The term ''backup aircraft inventory'' means aircraft above the primary aircraft inventory used to facilitate scheduled and unscheduled depot level maintenance, modifications, inspections, and repairs, and certain other mitigating circumstances, without reduction of aircraft available for the assigned mission.

(3) The term ''attrition reserve aircraft inventory'' means aircraft required to replace anticipated losses of primary aircraft inventory because of peacetime accidents or wartime attrition.

SEC. 132. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under paragraph (1) for the procurement of advanced extremely high frequency satellites, the Secretary may use incremental funding for a period not to exceed five fiscal years.

(3) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed $3,100,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2011.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to

the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of military satellite communications, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

Subtitle E—Joint and Multiservice Matters

SEC. 141. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2012.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2012, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 142. CONTRACTS FOR COMMERCIAL IMAGING SATELLITE CAPACITIES.

Section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4161; 10 U.S.C. 2302 note) is repealed.

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for other procurement, Army, for covered programs of the joint tactical radio system, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for the full-rate production of covered programs of such radio system includes full and open competition (as defined in section 2302(3)(D) of title 10, United States Code) that includes commercially developed systems that the Secretary determines are qualified with respect to successful testing by the Army and certification by the National Security Agency.

(b) LRIP.—The limitation under subsection (a) shall not apply to the low-rate initial production of covered programs.

(c) COVERED PROGRAMS.—In this section, the term ''covered programs'' means, with respect to the joint tactical radio system, the following:

(1) The ground mobile radio.

(2) The handheld, manpack, and small form fit.

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Commander of the United States Special Operations Command submits the report under subsection (b)(1).

(b) REPORT REQUIRED.—

(1) REPORT.—Not later than January 15, 2012, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report on the aviation foreign internal defense program.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) The results of an analysis of alternatives and efficiencies review conducted prior to fiscal year 2012 with respect to a contract awarded for the aviation foreign internal defense program.

(B) An explanation of plans or business-case analyses justifying new procurements rather than leased platforms, including an explanation of any efficiencies and savings.

(C) A comprehensive strategy outlining and justifying the overall projected growth of the aviation foreign internal defense program to satisfy the increased requirements of the commanders of the geographic combatant commands.

(D) An examination of efficiencies that could be gained by procuring platforms such as those being procured for light mobility aircraft.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMERCIAL SATELLITE PROCUREMENT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of a commercial satellite by the Director of the Defense Information Systems Agency or the Secretary of the Air Force, not more than 20 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees an independent assessment of the analysis of alternatives for the procurement of such satellite, including—

(1) an assessment of why noncommercial satellites owned and operated by the Federal Government would not meet the needs of the Department of Defense;

(2) a concept of operations for all alternatives considered;

(3) a cost-benefit comparison of such alternatives;

(4) an analysis comparing the risks and vulnerabilities of such alternatives, including risks and vulnerabilities related to security, operation in denied environments, and continuity of operations capability;

(5) mitigation measures, including estimated cost impacts, for such risks and vulnerabilities compared under paragraph (4); and

(6) any other matters the Secretary considers appropriate.

SEC. 146. SEPARATE PROCUREMENT LINE ITEM FOR NON-LETHAL WEAPONS FUNDING.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON AVAILABILITY OF FUNDS FOR THE GROUND COMBAT VEHICLE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing an updated analysis of alternatives, including a quantitative analysis, of such program that compares the vehicle survivability, force protection, mobility, and other key capabilities of—

(1) each alternative to the ground combat vehicle, including the upgraded Bradley fighting vehicle that was included in the original analysis of alternatives of such program; and

(2) the revised ground combat vehicle design concept.

SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.

(a) LIMITATION.—Notwithstanding any other provision of law, and except as provided by subsection (b), the individual carbine program may not receive Milestone C approval (as defined in section 2366(e)(8) of title 10, United States Code) until the date on which the Secretary of the Army submits to the congressional defense committees an analysis of alternatives of such program, including, at a minimum, comparisons of the capabilities and costs of—

(1) commercially available weapon systems as of the date of the analysis, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the analysis that include any required improvements.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States because such limitation is delaying the fielding of capabilities that address urgent operational needs with respect to combat theaters of operations.

SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR OHIO-CLASS BALLISTIC MISSILE SUBMARINE REPLACEMENT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) On May 13, 2010, the President submitted to Congress the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) that stated, ''The Secretary of Defense, based on recommendations from the Joint

Chiefs of Staff, has established a baseline nuclear force structure that fully supports U.S. security requirements and conforms to the New START limits. . . The United States will reduce the number of SLBM launchers (launch tubes) from 24 to 20 per SSBN, and deploy no more than 240 SLBMs at any time.''.

(2) On January 10, 2011, the Under Secretary of Defense for Acquisition, Technology, and Logistics issued an acquisition decision memorandum for the Ohio-class submarine replacement program whereby the Navy received Milestone A approval to proceed with a replacement design based on 16 missile tubes.

(3) Consistent with the reductions and limitations established in the New START Treaty, which entered into force on February 5, 2011, more than two-thirds of the deployed nuclear deterrent force of the United States are planned to be carried on ballistic missile submarines.

(4) The Commander of the United States Strategic Command testified on March 2, 2011, that, ''The issue of the number of tubes is not a simple black and white answer,'' but rather it is comprised of several issues including, ''the overall number of tubes we wind up with at the end. . . flexibility and options with how many warheads per missile per tube. . . the overall number of boats. . . and many other factors.''. He further stated that, ''Sixteen [missile tubes per submarine] will meet STRATCOM's requirements, given that we are sitting here 20 years in advance.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the long-term ability of the United States to maintain a nuclear force sufficient to address the range of mission requirements necessary to deter, dissuade, and defeat potential adversaries and assure allies and partners must not be comprised solely on the basis of the promise of potential cost savings resulting from the decision of the Secretary of Defense to reduce the planned number of missile tubes per Ohio-class ballistic missile submarine from 24 to 16; and

(2) because the planned Ohio-class replacement ballistic submarine is expected to be in operation through 2080, near-term design decisions should take into consideration uncertainties in the future threat and strategic environment.

(c) LIMITATION.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Ohio-class ballistic submarine replacement program, not more than 90 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a report containing—

(A) a summary of the analysis conducted to support the acquisition decision memorandum, including any assessment of the threat and strategic environment and mission requirements that informed the decision to reduce the planned number of missile tubes per submarine from 20 (as stated in the report submitted to Congress under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)) to 16 (as stated in the acquisition decision memorandum);

(B) a description of the threat and strategic environment assumed by the Secretary throughout the expected operational lifetime of the program, including how the Secretary would address significant changes to such threat and strategic environment;

(C) a description of any other assumptions made by the Secretary throughout the expected operational lifetime of the program that provides the rationale of the Secretary to reduce the planned number of missile tubes per submarine to 16, including assumptions regarding—

(i) changes in nuclear policy and strategy;

(ii) changes in the role of ballistic missile submarines as a part of the overall nuclear forces of the United States; and

(iii) further nuclear reductions, whether conducted under an international agreement or unilaterally;

(D) an identification of key risks to missions or requirements that may be increased because of the Secretary's decision to reduce the planned number of missile tubes per submarine to 16, including whether the Secretary plans to accept or mitigate such risks; and

(E) a summary of the rigorous cost comparison of the designs for 16 missile tubes per submarine and 20 missile tubes per submarine, consistent with the direction provided in the acquisition decision memorandum, including the accuracy of the cost estimate of the procurement cost of each submarine.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''acquisition decision memorandum'' means the acquisition decision memorandum regarding the Ohio-class submarine replacement program issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics on January 10, 2011.

(2) The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AMPHIBIOUS ASSAULT VEHICLES OF THE MARINE CORPS.

(a) LIMITATION.—Except as provided by subsection (d), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for procurement, Marine Corps, or research, development, test, and evaluation, Navy, may be obligated or expended for the amphibious programs described in subsection (c) until the date on which the Secretary of the Navy, in coordination with the Commandant of the Marine Corps, submits to the congressional defense committees a report containing—

(1) written certification of the requirements for amphibious assault vehicles of the Marine Corps, based on the needs of the commanders of the combatant commands, relating to—

(A) the distance from the shore needed to begin an amphibious assault; and

(B) the speed at which the vehicle must travel in order to reach the shore in the time required for such assault; and

(2) the analysis of alternatives conducted under subsection (b)(1).

(b) ANALYSIS OF ALTERNATIVES.—

(1) ANALYSIS.—The Secretary of the Navy, in coordination with the Commandant of the Marine Corps, shall conduct an analysis of alternatives of the amphibious assault vehicles described in paragraph (2). With respect to such vehicles, such analysis shall include—

(A) comparisons of the capabilities and total lifecycle ownership costs (including costs with respect to research, development, test, and evaluation, procurement, and operation and maintenance); and

(B) an analysis of cost and operational effectiveness prepared by a federally funded research and development center.

(2) AMPHIBIOUS ASSAULT VEHICLES DESCRIBED.—The amphibious assault vehicles described in this paragraph are amphibious assault vehicles that—

(A) meet the requirements described in subsection (a)(1), including—

(i) an upgraded assault amphibious vehicle 7A1;

(ii) the expeditionary fighting vehicle; and

(iii) a new amphibious combat vehicle; and

(B) include at least one vehicle that is capable of accelerating until the vehicle moves along the top of the water (commonly known as ''getting up on plane'') and at least one vehicle that is not capable of such acceleration.

(c) AMPHIBIOUS PROGRAMS DESCRIBED.—The amphibious programs described in this subsection are the following:

(1) The assault amphibious vehicle 7A1, program element 206623M.

(2) The Marine Corps assault vehicle, program element 603611M.

(3) The termination of the expeditionary fighting vehicle program.

(d) AAV781 IMPROVEMENT PROGRAM.—The limitation in subsection (a) shall not apply to funds made available before the date of the enactment of this Act for the procurement of an assault amphibious vehicle 7A1 with—

(1) survivability upgrades under the survivability product improvement program;

(2) other necessary survivability capabilities that are in response to urgent operational needs; or

(3) interior upgrades that provide increased support and survivability to members of the Armed Forces.

SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR THE PROPULSION SYSTEM FOR THE F–35 LIGHTNING II AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the propulsion system for the F–35 Lightning II aircraft program may be obligated or expended for performance improvements to such propulsion system unless the Secretary of Defense ensures the competitive development and production of such propulsion system.

(b) PERFORMANCE IMPROVEMENT DEFINED.—In this section, the term ''performance improvement'', with respect to the propulsion system for the F–35 Lightning II aircraft program, means an increase in fan or core engine airflow volume or maximum thrust in military or afterburner settings for the primary purpose of improving the takeoff performance or vertical load bring back of such aircraft. The term does not include development or procurement improvements with respect to weight, acquisition costs, operations and support costs, durability, manufacturing efficiencies, observability requirements, or repair costs.

SEC. 216. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT REPLACEMENT FUZE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for the joint replacement fuze program for nuclear warheads of the Navy and the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a report on the feasibility of such program.

SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment planned for the Joint Space Operations Center management system.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR WIRELESS INNOVATION FUND.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the wireless innovation fund within the Defense Advanced Research Projects Agency, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a report on how such fund will be managed and executed, including—

(1) a concept of operation for how such fund will operate, particularly with regards to supporting the interagency community;

(2) a description of—

(A) the governance structure, including how decision-making with interagency partners will be conducted;

(B) the funding mechanism for interagency collaborators;

(C) the metrics for measuring the performance and effectiveness of the program; and

(D) the reporting mechanisms to provide oversight of the fund by the Department of Defense, the interagency partners, and Congress; and

(3) any other matters the Under Secretary considers appropriate.

SEC. 219. ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) shall include—

(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) QUALIFIED CONTRACTOR.—

(1) IN GENERAL.—The Secretary of the Army may award a contract for the program authorized by subsection (a) to a contractor that—

(A) has demonstrated the capability to design, fabricate, qualify, and flight test experimental rotorcraft; and

(B) maintains a reasonable level of aircraft flight risk liability insurance that names the Federal Government as an additional insured party.

(2) SMALL BUSINESS CONCERN.—In awarding a contract under paragraph (1), the Secretary shall fully consider proposals submitted by small business concerns (as defined in section 2225(f)(3) of title 10, United States Code).

SEC. 220. DESIGNATION OF MAIN PROPULSION SYSTEM OF THE NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the development and procurement of the main propulsion system of the next-generation long-range strike bomber aircraft as a major subprogram of the next-generation long-range strike bomber aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) COMPETITIVE ACQUISITION STRATEGY.—The Secretary of the Air Force shall develop an acquisition strategy for the major subprogram designated in subsection (a) that is in accordance with subsections (a) and (b) of section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note).

SEC. 221. DESIGNATION OF ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the electromagnetic aircraft launch development and procurement program as a major subprogram of the CVN–78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

SEC. 222. PROHIBITION ON DELEGATION OF BUDGETING AUTHORITY FOR CERTAIN RESEARCH AND EDUCATIONAL PROGRAMS.

(a) PROHIBITION ON DELEGATION.—Subsection (a) of section 2362 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(1) The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may not delegate to an individual outside the Office of the Secretary of Defense the authority regarding the programming or budgeting of the program established by this section that is carried out by the Assistant Secretary of Defense for Research and Engineering.''.

(b) CONFORMING AMENDMENTS.—Such section 2362 is amended further—

(1) in subsection (b), by striking ''established under subsection (a)'' and inserting ''established by subsection (a)(1)''; and

(2) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Future Unmanned Carrier-based Strike System, not more than 15 percent may be obligated or expended until the date that is 60 days after the date on which—

(1) the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense committees that—

(A) such system is required to fill a validated capability gap of the Department of Defense; and

(B) the Council has reviewed and approved the capability and development document relating to such system;

(2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a report containing—

(A) a delineation of threshold and objective key performance parameters;

(B) a certification that the threshold and objective key performance parameters for such system have been established and are achievable; and

(C) a description of the requirements of such system with respect to—

(i) weapons payload;

(ii) intelligence, reconnaissance, and surveillance equipment;

(iii) electronic attack and electronic protection equipment;

(iv) communications equipment;

(v) range;

(vi) mission endurance for un-refueled and aerial refueled operations;

(vii) low-observability characteristics;

(viii) affordability;

(ix) survivability; and

(x) interoperability with other Navy and joint-service unmanned aerial systems and mission control stations; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that—

(A) the Secretary of the Navy has completed a comprehensive analysis of alternatives for such system;

(B) the acquisition strategy of the Secretary for the engineering, manufacturing, development, and fielding phases of such system is achievable and presents medium, or less, risk;

(C) such acquisition strategy integrates a fair and open competitive acquisition strategy environment for all potential competitors;

(D) the data, information, and lessons learned from the Unmanned Carrier-based Aircraft System of the Navy are sufficiently integrated into the acquisition strategy of the Future Unmanned Carrier-based Strike System and that the level of concurrency between the programs is prudent and reasonable; and

(E) the Secretary has sufficient fiscal resources budgeted in the future years defense plan and extended planning period that supports the acquisition strategy described in subparagraph (B).

(b) GAO BRIEFING.—Not later than 90 days after the date on which the certifications and report under subsection (a) are received by the congressional defense committees, the Comptroller General of the United States shall brief the congressional defense committees on an evaluation of the acquisition strategy of the Secretary of the Navy for the Future Unmanned Carrier-based Strike System.

(c) FORM.—The report required by subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Missile Defense Programs

SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

''§225. Acquisition accountability reports on the ballistic missile defense system

''(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

''(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

''(B) each designated major subprogram of such program elements.

''(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

''(A) engineering and manufacturing development; and

''(B) production and deployment.

''(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

''(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

''(1) A comprehensive schedule, including—

''(A) research and development milestones;

''(B) acquisition milestones, including design reviews and key decision points;

''(C) key test events, including ground and flight tests and ballistic missile defense system tests;

''(D) delivery and fielding schedules;

''(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

''(F) planned contract award dates.

''(2) A detailed technical description of—

''(A) the capability to be developed, including hardware and software;

''(B) system requirements, including performance requirements;

''(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

''(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

''(E) how the Director plans to improve the capability over time.

''(3) A cost estimate, including—

''(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

''(B) program acquisition unit costs for the program element;

''(C) average procurement unit costs and program acquisition costs for the program element; and

''(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

''(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

''(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

''(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

''(B) Each subsequent report under paragraph (1) shall include—

''(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

''(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

''(I) the initial acquisition baseline for such program element or major subprogram; and

''(II) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

''(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

''(1) a justification for such adjustment or revision;

''(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

''(3) the effective date of the adjusted or revised acquisition baseline.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''225. Acquisition accountability reports on the ballistic missile defense system.''.

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue options with respect to multilaterally terminating the contract covering the medium extended air defense system in order to lessen the contract termination liability belonging to the United States;

(2) the Secretary of Defense must now sustain the Patriot air and missile defense system longer than previously planned;

(3) the Secretary of Defense should identify promising technologies from the medium extended air defense system, whether the technology originated in the United States or in a partner country, as soon as practicable and transition such technologies into a Patriot air and missile defense system upgrade effort or other program of record; and

(4) the Secretary of Defense should continue to pursue international cooperative missile defense activities that are affordable and benefit the security of all parties.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program may be obligated or expended until the date on which the Secretary of Defense—

(1) either—

(A) negotiates a multilateral termination with respect to the contract covering the program; or

(B) restructures such program and ensures that specific deliverables under such contract will be transitioned to one or more current programs of record by not later than September 30, 2013; and

(2) submits to the congressional defense committees written notification of—

(A) the amount of the total cost for which the United States is liable with respect to terminating the contract under paragraph (1)(A) or restructuring the program under paragraph (1)(B), as the case may be;

(B) the terms of such contract termination or program restructuring;

(C) the program schedule and specific elements of the program to be delivered to the United States;

(D) the specific technologies identified by the Secretary to be transitioned from the program to one or more current programs of record, including the plans for such transition; and

(E) how the Secretary plans to address the air and missile defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

SEC. 233. HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.

(a) POLICY.—It is the policy of the United States to develop and maintain a hedging strategy to provide for the protection of the homeland of the United States that—

(1) provides such protection through the phased, adaptive approach to missile defense in Europe if—

(A) the intercontinental ballistic missile threat from the Middle East to the United States materializes earlier than 2020 (the year in which phase four of the phased, adaptive approach is planned to begin protecting the homeland of the United States); or

(B) technical challenges or schedule delays affect the availability of the standard missile–3 block IIB interceptor planned for fielding in Europe by 2020 in order to protect the homeland of the United States as part of such phase four;

(2) provides such protection if the intercontinental ballistic missile threat from East Asia to the United States materializes more rapidly than expected;

(3) provides capabilities that improve or enhance the protection of the United States beyond the ground-based midcourse defense capabilities currently deployed for the defense of the United States; and

(4) includes plans for ensuring that such hedging capabilities described in paragraphs (1) through (3)—

(A) are suitable to perform the assigned mission;

(B) are operationally effective; and

(C) use technologies that are sufficiently matured and tested prior to fielding.

(b) STRATEGY.—

(1) IN GENERAL.—In light of the policy described in subsection (a), the Secretary of Defense shall develop a hedging strategy to provide for the protection of the homeland of the United States.

(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

(A) A description of the hedging alternatives and capabilities considered by the Secretary.

(B) A summary of the analyses conducted, including—

(i) criteria used to assess such options and capabilities; and

(ii) the findings and recommendations of such analyses.

(C) Detailed plans, programs, and a budget profile for implementing the strategy through 2022.

(D) The criteria to be used in determining when each item contained in the strategy should be implemented and the schedule required to implement each item.

(E) Any other information the Secretary considers necessary.

(3) SUBMISSION.—The Secretary shall submit to the congressional defense committees the strategy developed under paragraph (1) by the earlier of the following:

(A) December 5, 2011.

(B) The date on which the Secretary completes the development of such strategy.

SEC. 234. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) The last two intercept flight tests of the ground-based midcourse defense system in January 2010 and December 2010 failed to intercept, and in January 2011, the Director of the Missile Defense Agency halted deliveries of completed exo-atmospheric kill vehicles until the root cause of such failures is determined and resolved.

(2) The ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats.

(3) In the fiscal year 2010 budget request, the ground-based midcourse defense system element was reduced by $524,600,000 from the fiscal year 2009 level while the fiscal year 2011 budget request restored $318,800,000 of this funding.

(4) The fiscal year 2012 budget request further reduces the ground-based midcourse defense system element by $185,000,000 for fiscal year 2012

and further reduces such element by an additional $1,000,000,000 for the years covering the future-years defense program from the amount projected in the fiscal year 2011 budget request.

(5) According to the Missile Defense Agency, the combination of the two flight-test failures and operating under the reduced spending limits of the Continuing Resolutions during fiscal year 2011 before the date on which the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10) was enacted have resulted in the delay or restructuring of several activities within the ground-based midcourse defense system element, including—

(A) delays to ground-based interceptor manufacturing and fleet upgrades;

(B) Stockpile Reliability Program component testing;

(C) new capability development, modeling, testing, and fielding;

(D) Fort Greely missile defense complex communications upgrades; and

(E) delays to flight testing of the two-stage ground-based interceptor.

(6) According to the Missile Defense Agency and the United States Northern Command, the procurement of additional ground-based interceptors will be necessary in light of the recent flight-test results.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats and therefore—

(1) the system should be given sufficient prioritization and funding to ensure its long-term reliability, effectiveness, and ability to adapt to advances in such threats;

(2) the Director of the Missile Defense Agency should thoroughly identify the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures described in subsection (a)(1) and identify other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(3) implementation of corrective measures and flight testing should be undertaken as soon as possible to provide commanders of the combatant commands and the American people greater confidence in the reliability and effectiveness of the system; and

(4) the procurement of additional ground-based interceptors will be necessary in light of recent flight-test results.

(c) PLAN AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, or on the date on which the Failure Review Board has completed the review of the ground-based midcourse defense system flight-test failures described in subsection (a)(1), whichever is later, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A plan by the Director of the Missile Defense Agency to address the flight-test failures, including—

(A) an identification of the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures;

(B) an identification of other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(C) how the Director will resolve the issues identified in subparagraph (A) and (B), including a consideration of whether a re-designed exo-atmospheric kill vehicle is necessary;

(D) a description of planned flight tests of the exo-atmospheric kill vehicle with any implemented fixes;

(E) a summary of the measures required by the Commander of the United States Northern Command based on the flight-test failures in order to meet operational requirements; and

(F) the schedule and additional resources necessary to implement the plan.

(2) Written certification by the Secretary that—

(A) the Director has thoroughly investigated the root cause of the flight-test failures and any other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(B) the plan under paragraph (1) is sufficient to resolve the issues identified in subparagraph (A) and (B) of such paragraph;

(C) the schedule and additional resources described in subparagraph (F) of paragraph (1) are sufficient to implement the plan under such paragraph; and

(D) the Director has sufficiently prioritized the implementation of corrective measures and flight testing of the ground-based midcourse defense system.

SEC. 235. STUDY ON SPACE-BASED INTERCEPTOR TECHNOLOGY.

(a) STUDY ON SPACE-BASED INTERCEPTOR TECHNOLOGY.—

(1) STUDY.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for ballistic missile defense technology, $8,000,000 shall be obligated or expended by the Secretary of Defense to conduct a study examining the technical and operational considerations associated with developing and operating a limited space-based interceptor capability and to submit the report under paragraph (2). At minimum, the study shall include—

(A) the identification of the technical risks, gaps, and constraints associated with the development and operation of such a capability;

(B) an assessment of the maturity levels of various technologies needed to develop and operate such a capability;

(C) the key knowledge, research, and testing that would be needed for any nation to develop and operate an effective space-based interceptor capability; and

(D) the estimated effectiveness and cost of potential options for developing and operating such a capability, including their effectiveness in conjunction with existing and planned terrestrially-based missile defense systems.

(2) REPORT.—

(A) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study required under paragraph (1).

(B) The report submitted under this paragraph shall be in unclassified form, but may include a classified annex.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—With respect to carrying out subsection (a), a decision to commit, obligate, or expend funds with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle D—Reports

SEC. 241. ANNUAL COMPTROLLER GENERAL REPORT ON THE KC–46A AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2017, the Comptroller General of the United States shall conduct an annual review of the KC–46A aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2012 and ending in 2017, the Comptroller General shall submit to the congressional defense committees a report on the review of the KC–46A aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the KC–46A aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting engineering, manufacturing, development, and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the KC–46A aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of KC–46A aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the KC–46A aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the KC–46A aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding budgeted; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Air Force to the baseline documentation of the KC–46A aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the integrated baseline review document;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 242. INDEPENDENT REVIEW AND ASSESSMENT OF CRYPTOGRAPHIC MODERNIZATION PROGRAM.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the cryptographic modernization program of the Department of Defense.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include the following:

(1) For each military department and appropriate defense agency, an analysis of the adequacy of the program management structure for executing the cryptographic modernization program, including resources, personnel, requirements generation, and business process metrics.

(2) An analysis of the ability of the program to deliver capabilities to the user community while complying with the budget and schedule for the program, including the programmatic risks that negatively affect such compliance.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the management of the cryptographic modernization program.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 243. REPORT ON FEASIBILITY OF ELECTROMAGNETIC RAIL GUN SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense

shall submit to the congressional defense committees a report on the feasibility of developing and deploying the electromagnetic rail gun system to be used for either land- or ship-based force protection.

Subtitle E—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) IN GENERAL.—

(1) REPEAL.—Section 2359a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2359a.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2012.

SEC. 252. PRESERVATION AND STORAGE OF CERTAIN PROPERTY RELATED TO F136 PROPULSION SYSTEM.

(a) PLAN.—The Secretary of Defense shall develop and carry out a plan for the preservation and storage of property owned by the Federal Government that was acquired under the F136 propulsion system development contract. The plan shall—

(1) ensure that the Secretary preserves and stores such property in a manner that—

(A) allows the development of the F136 propulsion system to be restarted after a period of idleness;

(B) provides for the long-term sustainment and repair of such property; and

(C) allows for such preservation and storage to be conducted at either the facilities of the Federal Government or a contractor under such contract;

(2) with respect to the supplier base of such property, identify the costs of restarting development;

(3) ensure that the Secretary, at no cost to the Federal Government, provides support and allows for the use of such property by the contractor under such contract to conduct research, development, testing, and evaluation of the F136 engine, if such activities are self-funded by the contractor; and

(4) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) PROHIBITION ON DISPOSING PROPERTY.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, or research, development, test, and evaluation, Air Force, for the F–35 Lightning II aircraft program may be obligated or expended for activities related to destroying or disposing of the property described in subsection (a).

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plan under subsection (a).

SEC. 253. EXTENSION OF AUTHORITY FOR MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking ''October 1, 2013'' and inserting ''September 30, 2016''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environmental Provisions

SEC. 311. DESIGNATION OF SENIOR OFFICIAL OF JOINT CHIEFS OF STAFF FOR OPERATIONAL ENERGY PLANS AND PROGRAMS AND OPERATIONAL ENERGY BUDGET CERTIFICATION.

Section 138c of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.''; and

(2) in subsection (e)(4), by striking ''10 days'' and inserting ''30 days''.

SEC. 312. MILITARY INSTALLATION IMPLEMENTATION OF LAND MANAGEMENT PLANS AND SUSTAINABILITY STUDIES.

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting ''and, subject to the availability of appropriations, implementation by the military installation'' after ''development''; and

(2) in subparagraph (B), by inserting ''and sustainability'' after ''safety''.

SEC. 313. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.

(a) IMPROVEMENTS TO ACT.—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) DEFINITIONS.—Section 100 (16 U.S.C. 670) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

''(3) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term 'State-owned National Guard installation' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United State Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.''.

(2) FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting ''(i)'' before ''To facilitate''; and

(ii) by adding at the end the following new clause:

''(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.'';

(B) in subsection (a)(2), by inserting ''or State-owned National Guard installation'' after ''military installation'' both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting ''(A)'' before ''Consistent'';

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting ''and State-owned National Guard installations'' after ''military installations'' the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking ''military installations'' and inserting '' such installations'' ;

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting ''on such installations'' after ''resources''; and

(vi) by adding at the end the following subparagraph:

''(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.'';

(D) in subsection (b), by inserting ''and State-owned National Guard installations'' after ''military installations'' the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking ''military installation'' each place it appears and inserting ''installation''; and

(F) in subsection (b)(3), by inserting '', in the case of a military installation,'' after ''(3) may''.

(3) COOPERATIVE AGREEMENTS.—Section 103a(a) (16 U.S.C. 670c–1(a)) is amended—

(A) in paragraph (1), by striking ''Department of Defense installations'' and inserting ''military installations and State-owned National Guard installations''; and

(B) in paragraph (2), by striking ''Department of Defense installation'' and inserting ''military installation or State-owned National Guard installation''.

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

''SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION.'';

(B) by striking ''SEC. 101.'';

(C) in subsection (c), by inserting ''PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN.—'' after ''(c)'';

(D) in subsection (d), by inserting ''IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—'' after ''(d)'';

(E) in subsection (e)—

(i) by inserting ''APPLICABILITY OF OTHER LAWS'' after ''(e)''; and

(ii) by inserting a comma after ''Code''.

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

''SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.'';

(B) by striking ''SEC. 102.'' and inserting ''(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—''; and

(C) by striking ''agency:'' and all that follows through ''possession'' and inserting ''agency.

''(b) APPLICABILITY OF OTHER LAWS.—Possession''.

(3) Section 103a (16 U.S.C. 670c–1) is further amended—

(A) by inserting at the beginning the following:

''SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS.'';

(B) by striking ''SEC. 103A.'';

(C) in subsection (a), by inserting ''AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT.—'' after ''(a)''; and

(D) in subsection (c), by inserting ''AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS.—'' after ''(c)''.

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

***"SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL.";** and*

(B) by striking ''SEC. 104.''.

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

***"SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS.";** and*

(B) by striking ''SEC. 105.''.

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

"SEC. 108. APPROPRIATIONS AND EXPENDITURES.";

(B) by striking ''SEC. 108.'';

(C) in subsection (a), by inserting ''EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—'' after ''(a)'';

(D) in subsection (b), by inserting ''AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE.—'' after ''(b)'';

(E) in subsection (c), by inserting ''AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR.—'' after ''(c)''; and

(F) in subsection (D), by inserting ''USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—'' after ''(d)''.

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

"SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS.";

(B) by striking ''SEC. 201.'';

(C) in subsection (a), by inserting ''PROGRAMS REQUIRED.—'' after ''(a)''; and

(D) in subsection (b), by inserting ''IMPLEMENTATION OF PROGRAMS.—'' after ''(b)''.

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

"SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS.";

(B) by striking ''SEC. 202.'';

(C) in subsection (a), by inserting ''DEVELOPMENT OF PLANS.—'' after ''(a)'';

(D) in subsection (b), by inserting ''CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.—'' after ''(b)'';

(E) in subsection (c), by inserting ''COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.—'' after ''(c)''; and

(F) in subsection (d), by inserting ''STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.—'' after ''(d)''.

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

"SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS.";

(B) by striking ''SEC. 203.'';

(C) in subsection (a), by inserting ''AGREEMENTS TO REQUIRE STAMPS.—'' after ''(a)''; and

(D) in subsection (b)—

(i) by inserting ''CONDITIONS FOR AGREEMENTS.—'' after ''(b)''; and

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

"SEC. 204. ENFORCEMENT PROVISIONS.";

(B) by striking ''SEC. 204.'';

(C) in subsection (a), by inserting ''VIOLATIONS AND PENALTIES.—'' after ''(a)'';

(D) in subsection (b), by inserting ''ENFORCEMENT POWERS AND PROCEEDINGS.—'' after ''(b)''; and

(E) in subsection (c), by inserting ''SEIZURE AND FORFEITURE.—'' after ''(c)''; and

(F) in subsection (d), by inserting ''APPLICABILITY OF CUSTOMS LAWS.—'' after ''(d)''.

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

***"SEC. 205. DEFINITIONS.";** and*

(B) by striking ''SEC. 205.''.

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

***"SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES.";** and*

(B) by striking ''SEC. 206.''.

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

***"SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS.";** and*

(B) by striking ''SEC. 207.''.

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.";

(B) by striking ''SEC. 209.'';

(C) in subsection (a), by inserting ''FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.—'' after ''(a)'';

(D) in subsection (b), by inserting ''FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.—'' after ''(b)'';

(E) in subsection (c), by inserting ''USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES'' after ''(c)''; and

(F) in subsection (d), by inserting ''CONTRACT AUTHORITY'' after ''(d)''.

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking ''magistrate'' both places it appears and inserting ''magistrate judge''.

(d) REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

SEC. 314. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

''(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

''(A) a ship of the Armed Forces described in paragraph (2); or

''(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

''(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

''(A) has unique military design, construction, manning, or operating requirements; and

''(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

''(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

''(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

''(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

''(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

''(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

''(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

''(III) With regard to a submersible, non-plastic garbage that has been compacted and weighted to ensure negative buoyancy.

''(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

''(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

''(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

''(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

''(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

''(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

''(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. Not later than 270 days after such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

''(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.''.

(b) CONFORMING AMENDMENTS.—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking ''Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)'' and inserting ''subsection (b)''; and

(2) in paragraph (2), by inserting ''and subsection (b)(3)(B)(i) of this section'' after ''Annex V to the Convention''.

SEC. 315. DESIGNATION OF DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR ALTERNATIVE FUEL DEVELOPMENT.

(a) DESIGNATION OF EXECUTIVE AGENT.—The Assistant Secretary of Defense for Operational Energy, Plans, and Programs shall recommend, and the Secretary of Defense shall designate, the Secretary of one of the military departments to serve as the Executive Agent for Alternative Fuel Development for the Department of Defense. The Executive Agent shall—

(1) lead the military departments in the development of alternative fuel;

(2) streamline the current investments of each of the military departments and ensure that such investments account for the requirements of the military departments;

(3) work jointly with the Assistant Secretary of Defense for Research and Engineering;

(4) collaborate with and leverage investments made by the Department of Energy to advance alternative fuel development to the benefit of the Department of Defense; and

(5) coordinate proposed alternative fuel investments in accordance with section 138c(e) of title 10, United States Code.

(b) IMPLEMENTATION.—The Assistant Secretary of Defense for Operational Energy,

Plans, and Programs shall prescribe policy for the Executive Agent, establish guidelines for streamlining alternative fuel investments across the Department of Defense, and certify the budget associated with such investments.

(c) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees notification of the Secretary designated as the Executive Agent for Alternative Fuel Development for the Department of Defense under subsection (a) and a copy of the policy prescribed under subsection (b).

SEC. 316. FAVORABLE CONSIDERATION OF ENERGY-EFFICIENT TECHNOLOGIES IN CONTRACTS FOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.

(a) FAVORABLE CONSIDERATION.—In evaluating offers for defense logistics support contracts for contingency operations, the Secretary of Defense shall give favorable consideration, consistent with the energy performance goals and energy performance master plan for the Department of Defense developed under section 2911 of title 10, United States Code, to offers that include energy-efficient or energy reduction technologies or processes meeting the requirements of subsection (b).

(b) REQUIREMENTS FOR ENERGY TECHNOLOGIES AND PROCESSES.—Favorable consideration shall be given to an offer for a defense logistics support contract under subsection (a) if any energy technology or process included in the offer meets the following criteria:

(1) The technology or process achieves long-term savings for the Government by reducing overall demand for fuel and other sources of energy in contingency operations.

(2) The technology or process does not disrupt the mission, the logistics, or the core requirements in the contingency operation concerned.

(3) The technology or process is able to integrate seamlessly into the existing infrastructure in the contingency operation concerned.

(c) ADDITIONAL REQUIREMENTS.—

(1) LIFECYCLE COST SAVINGS REQUIRED TO BE DEMONSTRATED.—Favorable consideration may not be given under subsection (a) to an offer for a defense logistics support contract unless the offer contains information demonstrating the total lifecycle cost savings achieved using the energy technology or process in the offer over traditional technologies.

(2) RELATIONSHIP TO OTHER FACTORS.—The favorable consideration given under subsection (a) with respect to a defense logistics support contract does not outweigh other factors set forth by the selection authority for the evaluation of the contract.

(d) REGULATIONS AND GUIDANCE.—

(1) REGULATIONS.—The Defense Supplement to the Federal Acquisition Regulation shall be revised to implement this section.

(2) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on the implementation of this section.

(e) REPORT.—The annual report required by section 2925(b) of title 10, United States Code, shall include information on the progress in the implementation of this section, including savings achieved by the Department resulting from such implementation.

(f) DEFINITIONS.—In this section:

(1) DEFENSE LOGISTICS SUPPORT CONTRACT.—The term ''defense logistics support contract'' means a contract for services, or a task order under such a contract, awarded by the Department of Defense to provide logistics support during times of military mobilizations, including contingency operations, in any amount greater than the simplified acquisition threshold.

(2) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning provided in section 101(a)(13) of title 10, United States Code.

Subtitle C—Logistics and Sustainment

SEC. 321. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended to read as follows:

''§2460. Definition of depot-level maintenance and repair

''(a) IN GENERAL.—In this chapter, the term ''depot-level maintenance and repair'' means (except as provided in subsection (b)) the processes of material maintenance or repair involving the overhaul, upgrading, rebuilding, testing, inspection, and reclamation (as necessary) of weapon systems, equipment end items, parts, components, assemblies, and subassemblies. The term includes—

''(1) all aspects of software maintenance;

''(2) the installation of parts or components for modifications; and

''(3) associated technical assistance to intermediate maintenance organizations, operational units, and other activities.

''(b) EXCEPTION.—The term does not include the nuclear refueling of an aircraft carrier.''.

SEC. 322. CORE LOGISTICS CAPABILITIES.

(a) MODIFICATIONS TO CORE LOGISTICS CAPABILITIES REQUIREMENTS.—Section 2464 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''systems and equipment under special access programs, nuclear aircraft carriers,'' and inserting ''the nuclear refueling of an aircraft carrier''; and

(B) in paragraph (4), by striking ''facilities'' each place it appears and inserting ''industrial facilities'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b) ANNUAL REPORT.—Not later than 90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) each of the following:

''(1) The core logistics capability requirements identified in subsection (a)(2).

''(2) The depot maintenance workloads required to cost-effectively support core logistics capability requirements.

''(3) The additional depot maintenance workloads, beyond the workloads identified under paragraph (2), needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-federal governmental personnel in accordance with section 2466 of this title.

''(4) The allocation of workload for each Center of Industrial and Technical Excellence as designated in accordance with section 2474 of this title.

''(5) The depot maintenance capital investments required to be made in order to ensure compliance with subsection (a) by not later than four years after achieving initial operational capacity.''; and

(4) by adding at the end the following new subsection:

''(e) INDUSTRIAL FACILITY DEFINED.—In this section, the term 'industrial facility' includes government-owned ammunition plants, arsenals, depots, and manufacturing plants and facilities designated for the purpose of conducting depot-level maintenance and repair.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(1) shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting ''or military industrial facility'' after ''depot-level activity''.

SEC. 324. REDESIGNATION OF CORE COMPETENCIES AS CORE LOGISTICS CAPABILITIES FOR CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474 of title 10, United States Code, is amended—

(1) by striking ''core competencies'' each place it appears and inserting ''core logistics capabilities''; and

(2) in subsection (a)(2), by striking ''core competency'' and inserting ''core logistics capability''.

SEC. 325. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.

(a) IN GENERAL.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

(b) REPORT.—Section 328(b)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended by striking ''the advisability'' and all that follows through the end and inserting ''the effect of the use of such authority on the rates charged by each Army industrial facility when bidding on contracts for the Army or for a Defense agency and providing recommendations to improve the ability of each category of Army industrial facility (as defined in section 4544(j) of title 10, United States Code) to compete for such contracts;''.

SEC. 326. AMENDMENT TO REQUIREMENT RELATING TO CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS.

Section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note) is amended by inserting after ''major weapon system'' the following: ''or a subsystem or component of a major weapon system''.

SEC. 327. IMPLEMENTATION OF CORRECTIVE ACTIONS RESULTING FROM CORROSION STUDY OF THE F–22 AND F–35 AIRCRAFT.

(a) IMPLEMENTATION; CONGRESSIONAL BRIEFING.—Not later than January 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall implement the recommended actions described in subsection (b) and provide to the congressional defense committees a briefing on the actions taken by the Under Secretary to implement such recommended actions.

(b) RECOMMENDED ACTIONS.—The recommended actions described in this subsection are the following four recommended actions included in the report of the Government Accountability Office report numbered GAO–11–117R and titled ''Defense Management: DOD Needs to Monitor and Assess Corrective Actions Resulting from Its Corrosion Study of the F–35 Joint Strike Fighter'':

(1) The documentation of program-specific recommendations made as a result of the corrosion study described in subsection (d) with regard to the F–35 and F–22 aircraft and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken with respect to such aircraft in response to such recommendations.

(2) The documentation of program-specific recommendations made as a result of such corrosion study with regard to the other weapon systems identified in the study, specifically the CH–53K helicopter, the Joint High Speed Vessel, the Broad Area Maritime Surveillance Unmanned Aircraft System, and the Joint Light Tactical Vehicle, and the establishment of a process for monitoring and assessing the effectiveness of the corrosion prevention and control programs implemented for such weapons systems in response to such recommendations.

(3) The documentation of Air Force-specific and Navy-specific recommendations made as a

result of such corrosion study and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(4) The documentation of Department of Defense-wide recommendations made as a result of such corrosion study, the implementation of any needed changes in policies and practices to improve corrosion prevention and control in new systems acquired by the Department, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Department in response to such recommendations.

(c) DEADLINE FOR COMPLIANCE.—Not later than December 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the directors of the F–35 and F–22 program offices, the directors of the program offices for the weapons systems referred to in subsection (b)(2), the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy, shall—

(1) take whatever steps necessary to comply with the recommendations documented pursuant to the required implementation under subsection (a) of the recommended actions described in subsection (b); or

(2) submit to the congressional defense committees written justification of why compliance was not feasible or achieved.

(d) CORROSION STUDY.—The corrosion study described in this subsection is the study required in House Report 111–166 accompanying H.R. 2647 of the 111th Congress conducted by the Office of the Director of Corrosion Policy and Oversight of the Office of the Secretary of Defense and titled ''Corrosion Evaluation of the F–22 Raptor and F–35 Lightning II Joint Strike Fighter''.

Subtitle D—Readiness

SEC. 331. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS OF FUNDS.

The second sentence of subsection (g) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) by striking ''shall be available'' and inserting ''shall remain available until expended''; and

(2) by inserting before the period at the end the following: ''or to conduct studies of potential measures to mitigate such impacts''.

SEC. 332. REVIEW OF PROPOSED STRUCTURES AFFECTING NAVIGABLE AIRSPACE.

Section 44718 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.''.

SEC. 333. SENSE OF CONGRESS REGARDING INTEGRATION OF BALLISTIC MISSILE DEFENSE TRAINING ACROSS AND BETWEEN COMBATANT COMMANDS AND MILITARY SERVICES.

(a) FINDINGS.—Congress finds that ballistic missile defense is an inherently joint operation that requires close coordination between combatant commands and military services at all levels, from the strategic to the operational to the tactical. Since the time available to identify, track, and intercept ballistic missiles will be less than 30 minutes, joint training to improve the ability of the military departments and combatant commands to work together is essential for successfully planning and conducting ballistic missile defense operations. Congress has previously expressed concern that gaps in joint missile defense training, from the lowest sensor or shooter operator level to the highest levels of decision-making on combatant command staffs, must be identified and rectified.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improving the integration of ballistic missile defense training across and between combatant commands and military services and fully identifying the training requirements, capabilities, and resources that the Department of Defense needs to effectively train for this complex mission is vital to the protection of the United States against ballistic missile attacks;

(2) identifying and addressing training gaps in integrating missile defense training is essential for successfully employing the Ballistic Missile Defense System; and

(3) identifying the capabilities and funding needed to effectively and adequately integrate training across and between the combatant commands and military services is important to ensure that training priorities are being met and that resources are aligned to support the training.

Subtitle E—Reports

SEC. 341. ANNUAL CERTIFICATION AND MODIFICATIONS OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL CERTIFICATION.—Section 2229 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ANNUAL CERTIFICATION.—(1) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees certification in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

''(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

''(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.''.

(b) ANNUAL REPORT.—Section 2229a(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

''(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

''(9) An efficiency strategy for limited shelf-life medical stock replacement.

''(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

''(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

''(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.''.

SEC. 342. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.

Section 7310(c) of title 10, United States Code, is amended—

(1) in paragraph (3)(A), by inserting after ''justification under law'' the following: ''and operational justification''; and

(2) in paragraph (4), by adding at the end the following new subparagraph:

''(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the United States Transportation Command.''.

SEC. 343. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORT ON MILITARY WORKING DOGS.

Section 358(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''for the fiscal year covered by the report'';

(2) in paragraph (1), by striking ''The number'' and inserting ''For the fiscal year covered by the report, the number'';

(3) in paragraph (2), by striking ''The cost'' and inserting ''For such fiscal year'';

(4) in paragraph (3), by inserting ''during such fiscal year'' before the period at the end; and

(5) by adding at the end the following new paragraphs:

''(4) For such fiscal year, the number of military working dogs providing services under a contract for each military department or Defense Agency.

''(5) For such fiscal year, the number of military working dogs bred by each military department or Defense Agency.

''(6) An evaluation of military working dog breeding programs that addresses—

''(A) the cost of acquiring dogs through such breeding programs compared to the cost of purchasing the dogs;

''(B) a plan for how the Department could better leverage existing departmental and non-departmental domestic breeding programs; and

''(C) other considerations as determined appropriate by the Secretary.

''(7) The future force structure requirements for the military working dog program.''.

SEC. 344. ASSESSMENT AND REPORTING REQUIREMENTS REGARDING THE STATUS OF COMPLIANCE WITH JOINT MILITARY TRAINING AND FORCE ALLOCATIONS.

(a) ASSESSMENT REQUIRED.—At the beginning of each even-numbered year, the Secretary of Defense shall conduct an assessment of joint military training and force allocations to determine—

(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.

(b) RELATION TO NATIONAL MILITARY STRATEGY ASSESSMENTS.—The assessments required by this section are in addition to the assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code.

(c) REPORTS ON RESULTS OF ASSESSMENT.—Not later than March 31, 2012, and March 31 of each even-numbered year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the most recently concluded assessment conducted under subsection (a).

SEC. 345. STUDY OF UNITED STATES PACIFIC COMMAND TRAINING READINESS.

(a) STUDY REQUIRED.—In fulfillment of the recommendations in the 2010 Quadrennial Defense Review, the Secretary of Defense, in conjunction with the Commander of the United States Pacific Command, shall conduct a study

to identify current and future training requirements for all members of the Armed Forces assigned to the Pacific Command area of responsibility, the sufficiency of current training infrastructure to meet those requirements, and the effect on operational readiness of providing additional training venues.

(b) TRAINING LOCATIONS.—

(1) IN GENERAL.—In carrying out the study required under subsection (a), the Secretary of Defense and the Commander of the United States Pacific Command shall identify locations within the United States Pacific Command's area of responsibility as suitable to establish combat training centers to fulfill requirements for live-fire and simulated individual, small-unit, and collective pre-deployment and post-deployment training of United States combat forces in joint, multi-national, and coalition full-spectrum operations as well as counter-insurgency, stability, and humanitarian operations.

(2) SUITABILITY FOR TRAINING.—The locations identified by the Secretary and the Commander of the United States Pacific Command pursuant to paragraph (1) shall be suitable for training forces equivalent to a Marine Expeditionary Force, an Army division, an Air and Space Expeditionary Force, or a Navy carrier strike group.

(3) LOCATIONS FOR CONSIDERATION.—In identifying locations to be studied pursuant to paragraph (1), the Secretary and the Commander of the United States Pacific Command may consider, among others, current as well as former United States military installations.

(c) STUDY REQUIREMENTS.—In carrying out the study required under subsection (a), the Secretary and the Commander of the United States Pacific Command shall—

(1) determine cost estimates for any necessary acquisition, development (including military construction), operation, and maintenance of the locations identified under subsection (b);

(2) determine the estimated cost to upgrade any current infrastructure at any location identified to bring the location to a state required for the training described in subsection (b);

(3) provide a description of the possible environmental impact of conducting the training described in subsection (b);

(4) include an estimate of the potential economic impact, either positive or negative, to the local community of accommodating the training described in subsection (b); and

(5) provide a description of the anticipated impact on the quality of life for military personnel who would train at the identified locations.

(d) ASSESSMENT OF READINESS IMPACT.—The Secretary and the Commander of the United States Pacific Command shall include in the study required under this section an assessment of the effect on operational and training readiness that would be achieved by providing training at the training locations identified under subsection (b).

(e) REPORT.—Not later than February 28, 2013, the Secretary shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the study required under this section along with any conclusions and recommendations of the Secretary and the Commander of the United States Pacific Command regarding the activation and implementation of training sites in the Pacific Command area of responsibility.

(f) COMPTROLLER GENERAL BRIEFING.—Not later than 120 days after the submittal of the report under subsection (e), the Comptroller General of the United States shall provide to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a briefing on the completeness of the Secretary's report in fulfilling the requirements of this section and the feasibility of successfully establishing additional training opportunities based on the recommendations included in the report.

Subtitle F—Limitations and Extensions of Authority

SEC. 351. ADOPTION OF MILITARY WORKING DOG BY FAMILY OF DECEASED OR SERIOUSLY WOUNDED MEMBER OF THE ARMED FORCES WHO WAS THE DOG'S HANDLER.

Section 2583(c) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Military animals''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of making a determination under subsection (a)(2), unusual or extraordinary circumstances may include situations in which the handler of a military working dog is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will (or most likely will) receive a medical discharge. If the Secretary of the military department concerned determines that an adoption is justified in such a situation, the military working dog shall be made available for adoption only by the immediate family of the member.''.

SEC. 352. PROHIBITION ON EXPANSION OF THE AIR FORCE FOOD TRANSFORMATION INITIATIVE.

The Secretary of the Air Force may not expand the Air Force food transformation initiative (hereinafter referred to as the ''initiative'') to include any base other than the six bases initially included in the pilot program until 270 days after the date on which the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative. Such report shall include the following:

(1) A description of the effects of the initiative on all employees who are paid through non-appropriated funds.

(2) A detailed plan for any new information technology systems, along with a funding plan, that may be required to fully implement the initiative.

(3) A description of the performance metrics developed to objectively measure the initiative at the six bases participating in the initiative as of the date of the enactment of this Act.

(4) An explanation of how appropriated and non-appropriated funds used in the initiative are being tracked to ensure that such funds remain segregated.

(5) An estimate of the cost savings and efficiencies associated with the initiative, and an explanation of how such savings are achieved.

(6) The rationale for any increases in food prices at both the appropriated facilities on the military bases participating in the initiative as of the date of the enactment of this Act and the non-appropriated funded facilities on such bases.

(7) An explanation of any challenges or barriers encountered at such bases and a plan for addressing those challenges or barriers to implementation.

(8) A description of the training programs being developed to assist the transition for all employees affected by the initiative.

(9) A detailed plan for addressing any recommendations made by the Comptroller General of the United States following the Comptroller General's review of the initiative.

SEC. 353. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE MIGRATION OF ARMY ENTERPRISE EMAIL SERVICES.

Of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to enterprise email services by the Department of the Army, not more than 2 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Army submits to the congressional defense committees a report that includes a comparison of the relative merits of transitioning to Defense Information Systems Agency enterprise email services and Army Knowledge Online. The report shall address each of the following:

(1) The original business case analysis supporting the decision to transition to Defense Information Systems Agency enterprise email services.

(2) An analysis of alternatives to the decision that were considered.

(3) The proposed formal acquisition oversight body and process with respect to the transition.

(4) An economic analysis (including a life-cycle cost analysis) of the proposed transition, including a cost-benefit analysis and assessment of sustainment costs.

SEC. 354. ONE-YEAR EXTENSION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.

Section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68) is amended by striking ''October 1, 2013'' and inserting ''October 1, 2014''.

Subtitle G—Other Matters

SEC. 361. CONSIDERATION OF FORECLOSURE CIRCUMSTANCES IN ADJUDICATION OF SECURITY CLEARANCES.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:

''§ 1564b. Security clearance adjudications

''In carrying out a security clearance adjudication of a member of the armed forces, the Secretary of Defense shall give special consideration to any such member with a record of a foreclosure on the credit report of such member.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations to carry out section 1564b of title 10, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1564a the following new item:

''1564b. Security clearance adjudications.''.

SEC. 362. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 669—MARITIME SAFETY OF FORCES

''Sec.
''7921. Safety and effectiveness information; hydrographic information.

''§ 7921. Safety and effectiveness information; hydrographic information

''(a) SAFETY AND EFFECTIVENESS INFORMATION.—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

''(A) marine data collection;

''(B) numerical weather and ocean prediction; and

''(C) forecasting of hazardous weather and ocean conditions.

''(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

''(b) HYDROGRAPHIC INFORMATION.—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning

of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

"669. Maritime Safety of Forces ..... 7921".

SEC. 363. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 5 of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended to read as follows:

''(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

SEC. 364. REDUCTION IN AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR PRINTING AND REPRODUCTION.

The following amounts otherwise authorized to be appropriated for fiscal year 2012 for the Department of Defense are hereby reduced by 10 percent:

(1) The amount for Operation and Maintenance for the Army, for printing and reproduction.

(2) The amount for Operation and Maintenance for the Navy, for printing and reproduction.

(3) The amount for Operation and Maintenance for the Marine Corps, for printing and reproduction.

(4) The amount for Operation and Maintenance for the Air Force, for printing and reproduction.

(5) The amount for Operation and Maintenance for Defense-wide activities, for printing and reproduction.

SEC. 365. REDUCTION IN AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR STUDIES, ANALYSIS, AND EVALUATIONS.

The following amounts otherwise authorized to be appropriated for fiscal year 2012 for the Department of Defense are hereby reduced by 10 percent:

(1) The amount for Operation and Maintenance for the Army, for studies, analysis, and evaluations.

(2) The amount for Operation and Maintenance for the Navy, for studies, analysis, and evaluations.

(3) The amount for Operation and Maintenance for the Marine Corps, for studies, analysis, and evaluations.

(4) The amount for Operation and Maintenance for the Air Force, for studies, analysis, and evaluations.

(5) The amount for Operation and Maintenance for Defense-wide activities, for studies, analysis, and evaluations.

SEC. 366. CLARIFICATION OF THE AIRLIFT SERVICE DEFINITIONS RELATIVE TO THE CIVIL RESERVE AIR FLEET.

(a) CLARIFICATION.—Section 41106 of title 49, United States Code, is amended—

(1) in subsections (a)(1), (b), and (c), by striking ''transport category aircraft'' each place it appears and inserting ''CRAF-eligible aircraft''; and

(2) in subsection (c), by striking ''that has aircraft in the civil reserve air fleet'' and inserting ''referred to in subsection (a)''.

(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, 'CRAF-eligible aircraft' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.''.

SEC. 367. RATEMAKING PROCEDURES FOR CIVIL RESERVE AIR FLEET CONTRACTS.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

"§9511a. Civil Reserve Air Fleet contracts: payment rate

''(a) AUTHORITY.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

''(c) COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

''(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9511 the following new item:

''9511a. Civil Reserve Air Fleet contracts: payment rate.''.

(c) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 368. SENSE OF CONGRESS ON PROPOSED FEDERAL AVIATION ADMINISTRATION CHANGES TO FLIGHT CREW MEMBER DUTY AND REST REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 212 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216; 49 U.S.C. 44701 note) directed the Administrator of the Federal Aviation Administration to issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

(2) On September 14, 2010, the Federal Aviation Administration issued a Notice of Proposed Rulemaking titled ''Flightcrew Member Duty and Rest Requirements''.

(3) Between March 2010 and March 2011, the Air Mobility Command and its Civil Reserve Air Fleet partners airlifted more than 2,000,000 passengers and 848,000 tons of cargo around the world in support of the missions of the Department of Defense.

(4) An Air Force Institute of Technology study titled ''Civil Reserve Airlift Fleet (CRAF) Crew Rest Study'' analyzed 2264 missions flown by Civil Reserve Air Fleet carriers under contract with the Department of Defense between May and September 2011, and concluded that over 80 percent of those missions may have been infeasible had the proposed rule referred to in paragraph (2) been in effect during such period.

(5) On February 15, 2011, General Duncan J. McNabb, Commander of the United States Transportation Command, wrote to the Administrator of the Federal Aviation Administration expressing significant concern about the proposed rule change and stating that the Operational Risk Management approach of the United States Transportation Command mitigated operational hazards and included ''reasonable measures to reduce risk to personnel, equipment and the mission''. In the letter, General McNabb noted that he believes there is room for proper exceptions to the proposed rule and went on to write that ''through cooperation, we can develop mutually acceptable guidelines that not only mitigate the impact of crew fatigue, but afford all carriers the flexibility to implement safer aircrew processes''.

(6) The United States Transportation Command is relying heavily on the Civil Reserve Air Fleet as a critical partner as they effectively and efficiently deploy and sustain the warfighter in simultaneous operations in Afghanistan, Iraq, and Libya and in relief operations in Japan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when faced with immediate and long-term world events, the superb team of the United States Transportation Command successfully overcomes many obstacles to support the national security objectives of the United States with world-class logistics and the Civil Reserve Air Fleet program is one of the major reasons they deliver both combat power and humanitarian relief on time, on target, and at best value to the taxpayer;

(2) the Administrator of the Federal Aviation Administration should make every effort to ensure that any changes to guidelines, regulations, and rules of the Federal Aviation Administration, including changes to the Flightcrew Member Duty and Rest Requirements, fully consider the impact of such changes on Civil Reserve Air Fleet carriers, the United States Transportation Command, and the Department of Defense; and

(3) the Administrator of the Federal Aviation Administration, in consultation with the Commander of the United States Transportation Command, should develop guidelines that address not only crew fatigue, but also enhance safety while minimizing the impact on the mission of the United States Transportation Command and the Department of Defense.

SEC. 369. POLICY ON ACTIVE SHOOTER TRAINING FOR CERTAIN LAW ENFORCEMENT PERSONNEL.

The Secretary of Defense shall establish policy and promulgate guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations shall receive Active Shooter Training as described in finding 4.3 of the document entitled ''Protecting the Force: Lessons From Fort Hood''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

(1) The Army, 562,000.

(2) The Navy, 325,739.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,800.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 562,000.

''(2) For the Navy, 325,739.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 332,800.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,200.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 71,400.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,337.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,833.

(6) The Air Force Reserve, 2,662.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,777.

(4) For the Air National Guard of the United States, 22,509.

SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2012, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

''10,000	2,802	1,615	633
12,500	3,247	1,768	658
15,000	3,691	1,922	684
17,500	4,135	2,076	710
20,000	4,579	2,230	736
22,500	5,024	2,383	762
25,000	5,468	2,537	787''.

SEC. 502. GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

''(b) The limitations of subsection (a) do not include the following:

''(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

''(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(b) LIMITATION ON NUMBER OF AIR FORCE GENERAL OFFICERS ON ACTIVE DUTY.—

(1) LIMITATION; EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526 of such title is amended—

(A) in subsection (a)(3), by striking ''208'' and inserting ''197''; and

(B) in subsection (b)(2)(C), by striking ''76'' and inserting ''73''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2013.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking ''324'' and inserting ''310''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

''(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

''(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA.—When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

''(d) OFFICERS SERVING IN OFFICE OF DNI.—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

''528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.''.

Subtitle B—Reserve Component Management

SEC. 511. LEADERSHIP OF NATIONAL GUARD BUREAU.

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

''(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.

''(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.''.

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

''(e) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

''(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.''.

(3) EXCLUSION FOR CHIEF OF NATIONAL GUARD BUREAU FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) REDESIGNATION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Subsection (a)(1) of section 10505 of such title is amended by striking ''Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from'' and inserting ''Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from''.

(2) ELIGIBILITY REQUIREMENTS.—Subsection (a)(1) of such section is further amended—

(A) in subparagraph (A), by striking ''recommended'' and inserting ''nominated'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(C) in subparagraph (E), as so redesignated, by striking ''colonel'' and inserting ''brigadier general''; and

(D) by inserting after subparagraph (A) the following new subparagraphs:

''(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

''(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;''.

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

''(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.''.

(c) CONFORMING AMENDMENTS REGARDING REFERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by striking ''Director of the Joint Staff'' each place in appears and inserting ''Vice Chief''; and

(ii) in paragraph (3)(B), by striking ''as the Director'' and inserting ''as the Vice Chief''; and

(B) in subsection (b), by striking ''Director of the Joint Staff'' and inserting ''Vice Chief''.

(2) CROSS REFERENCES IN SECTION 10506.—Section 10506(a)(1) of such title is amended by striking ''Chief of the National Guard Bureau and the Director of the Joint Staff'' and inserting ''Chief and Vice Chief''.

(3) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 10505 of such title is amended to read as follows:

''§ 10505. Vice Chief of the National Guard Bureau''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10505. Vice Chief of the National Guard Bureau.''.

(e) TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

SEC. 512. PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''Within'' and inserting ''(A) Within''; and

(B) by striking ''of each member'' and all that follows through the period at the end of the sentence and inserting the following: ''of—

''(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

''(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.''; and

(2) in the second sentence, by striking ''A notation of the provision of such counseling'' and inserting the following:

''(B) A notation of the provision of preseparation counseling''.

(b) MODIFICATION OF TIME PERIOD IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED.—Subsection (a)(3) of such section is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(2) by adding at the end the following new subparagraph:

''(C) In the event that a member of a reserve component is being released from active duty for a period of more than 30 days under circumstances in which the Secretary concerned determines operational requirements make compliance with the 90-day requirement under subparagraph (A) unfeasible, preseparation counseling shall begin as soon as possible within the remaining period of service.''.

(c) CONFORMING AMENDMENT REGARDING COVERED MATTERS.—Subsection (b)(7) of such section is amended by striking ''from active duty''.

SEC. 513. CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

(a) DISCRETIONARY DEFERRAL OF MANDATORY SEPARATION.—Section 10216(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AUTHORITY FOR'' before ''DEFERRAL OF MANDATORY SEPARATION'';

(2) by striking ''shall implement'' and inserting ''may each implement'';

(3) by inserting '', at the discretion of the Secretary concerned,'' after ''so as to allow''; and

(4) by striking ''for officers''.

(b) CONFORMING AMENDMENT.—Section 10218(a)(3)(A)(i) of such title is amended by striking ''if qualified be appointed'' and inserting ''if qualified may be appointed''.

SEC. 514. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS).—A reserve officer of the Army or Air Force employed as a military technician (dual status) under section 10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.''.

Subtitle C—General Service Authorities

SEC. 521. FINDINGS REGARDING UNIQUE NATURE, DEMANDS, AND HARDSHIPS OF MILITARY SERVICE.

(a) CODIFICATION.—Chapter 37 of title 10, United States Code, is amended by inserting before section 651 the following new section:

''§ 650. Findings regarding unique nature, demands, and hardships of service in the armed forces

''Congress makes the following findings:

''(1) Section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

''(2) There is no constitutional right to serve in the armed forces.

''(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

''(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

''(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

''(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

''(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

''(8) Military life is fundamentally different from civilian life in that—

''(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

''(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

''(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

''(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

''(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

''(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

''(13) The armed forces must maintain personnel policies that are intended to recruit and retain only those persons whose presence in the armed forces serve the needs of the armed forces, contribute to the accomplishment of the missions of the armed forces, and maintain the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.''.

(b) CLERICAL AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 651 the following new item:

''650. Findings regarding unique nature, demands, and hardships of service in the armed forces.''.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle A of such title and at the beginning of part II of such subtitle are amended by striking the item relating to chapter 37 and inserting the following new item:

''37. General Service Requirements ..... 650''.

SEC. 522. POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.

(a) POLICY ADDRESSING DWELL TIME.—Subsection (a) of section 991 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member's or unit's permanent duty station or home port, as the case may be, between deployments.''.

(b) UNIT OPERATING TEMPO AND PERSONNEL TEMPO RECORDKEEPING.—Subsection (c) of such section is amended to read as follows:

''(c) RECORDKEEPING.—(1) The Secretary of Defense shall—

''(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

''(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

''(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting and evaluation of Department of Defense programs and policies.

''(2) The data collection repository shall be able to identify—

''(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

''(B) the duration of their participation.

''(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

''(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

''(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

''(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

''(D) the total amount expended on the allowance.

''(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) OTHER DEFINITIONS.—In this section:

''(1)(A) Subject to subparagraph (B), the term 'dwell time' means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

''(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

''(2) The term 'operating tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

''(3) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 991 of such title is amended to read as follows:

''§ 991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is amended by striking the item relating to section 991 and inserting the following new item:

''991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.''.

SEC. 523. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS OF THE ARMED FORCES UPON BIRTH OR ADOPTION OF A CHILD.

Section 701 of title 10, United State Code, is amended—

(1) by striking subsections (i) and (j) and inserting the following new subsection:

''(i)(1) A member of the armed forces who gives birth to a child or who adopts a child in a qualifying child adoption and will be primary caregiver for the adopted child shall receive 42 days of leave after the birth or adoption to be used in connection with the birth or adoption of the child.

''(2) A married member of the armed forces on active duty whose wife gives birth to a child or who adopts a child in a qualifying child adoption, but will not be primary caregiver for the adopted child, shall receive 10 days of leave to be used in connection with the birth or adoption of the child.

''(3) If two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one of the members may be designated as primary caregiver for purposes of paragraph (1). In the case of a dual-military couple, the member authorized leave under paragraph (1) and the member authorized leave under paragraph (2) may utilize the leave at the same time.

''(4) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(5) Leave authorized under this subsection is in addition to other leave provided under other provisions of this section.

''(6) The Secretary of Defense may prescribe such regulations as may be necessary to carry out this subsection.''; and

(2) by redesignating subsection (k) as subsection (j).

SEC. 524. EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) DURATION OF PROGRAM AUTHORITY.—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 701 note) is amended to read as follows:

''(l) DURATION OF PROGRAM AUTHORITY.—No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.''.

(b) CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.—Subsection (c) of such section is amended by striking ''each of calendar years 2009 through 2012'' and inserting ''a calendar year''.

(c) ADDITIONAL REPORTS REQUIRED.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking ''June 1, 2011, and June 1, 2013'' and inserting ''June 1 of 2011, 2013, 2015, and 2017''; and

(2) in paragraph (2), by striking ''March 1, 2016'' and inserting ''March 1, 2019''.

SEC. 525. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(2) COVERED GRADUATES.—Paragraph (1) applies with respect to person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) POLICY ON RECRUITMENT AND ENLISTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified recruitment and enlistment in the Armed Forces, which may include the use of a non-cognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) RECRUITMENT PLAN.—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) COMMUNICATION PLAN.—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are understood by military recruiters.

SEC. 526. NAVY RECRUITING AND ADVERTISING.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $254,860,000 for Recruiting and Advertising. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $983,000 for the professional development of youth ages 11 to 17, to promote interest and skill in seamanship and aviation while instilling qualities that mold strong moral character in an anti-drug and anti-gang environment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle D—Military Justice and Legal Matters

SEC. 531. PROCEDURES FOR JUDICIAL REVIEW OF MILITARY PERSONNEL DECISIONS RELATING TO CORRECTION OF MILITARY RECORDS.

(a) JUDICIAL REVIEW PROCEDURES.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1558 the following new section:

"§ 1558a. Judicial review of certain decisions relating to correction of military records

''(a) AVAILABILITY OF JUDICIAL REVIEW.—After a final decision is issued by the Secretary concerned pursuant to section 1552 of this title or by the Secretary of Homeland Security or the Secretary of Defense pursuant to subsections (f) or (g) of section 1034 of this title, any person aggrieved by such a decision may obtain judicial review of the decision.

''(b) BASIS TO SET-ASIDE DECISION.—In exercising its authority under this section, the reviewing court shall review the record of the decision and may hold unlawful and set aside any decision demonstrated by the petitioner in the record to be—

''(1) arbitrary or capricious;

''(2) not based on substantial evidence;

''(3) a result of material error of fact or material administrative error, but only if the petitioner identified to the correction board how the failure to follow such procedures substantially prejudiced the petitioner's right to relief, and shows to the reviewing court by a preponderance of the evidence that the error was harmful; or

''(4) otherwise contrary to law.

''(c) RELIEF.—In exercising its authority under this section, the reviewing court shall affirm, modify, vacate, or reverse the decision, or remand the matter, as appropriate.

''(d) MATTERS MUST BE JUSTICIABLE.—Notwithstanding subsections (a), (b), and (c), the reviewing court does not have jurisdiction to entertain any matter or issue raised in a petition of review that is not justiciable.

''(e) DECISION MUST BE FINAL.—(1) No judicial review may be made under this section unless the petitioner shall first have requested a correction under section 1552 of this title, and the Secretary concerned shall have rendered a final decision denying that correction in whole or in part. In a case in which the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section 1034(g) of this title, the petitioner is not required to seek such review by the Secretary of Defense before obtaining judicial review under this section. If the petitioner seeks review by the Secretary of Defense under section 1034(g) of this title, no judicial review may be made until the Secretary of Defense shall have rendered a final decision denying that request in whole or in part.

''(2) In the case of a final decision described in subsection (a) made after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, a petition for judicial review under this section must be filed within one year after the date of that final decision.

''(f) EXCEPTIONS.—(1) A decision by a board established under section 1552(a)(1) of this title declining to excuse the untimely filing of a request for correction of military records is not subject to judicial review under this section or otherwise subject to review in any court.

''(2) A decision by a board established under section 1552(a)(1) of this title declining to reconsider or reopen a previous denial or partial denial of a request for correction of military records is not subject to judicial review under this section or otherwise subject to review in any court.

''(3) Notwithstanding subsection (e)(2), a decision by a board established under section 1552(a)(1) of this title that results in denial, in whole or in part, of any request for correction of military records that is received by the board more than six years after the date of discharge, retirement, release from active duty, or death while on active duty of the person whose military records are the subject of the correction request is not subject to judicial review under this section or otherwise subject to review in any court.

''(g) SOLE BASIS FOR JUDICIAL REVIEW.—(1) In the case of a cause of action arising after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, no court shall have jurisdiction to entertain any request for correction of records cognizable under subsection (f) or (g) of section 1034 or section 1552 of this title except as provided in this section.

''(2) In the case of a cause of action arising after the end of such one-year period, except as provided by chapter 153 of title 28 and chapter 79 of this title, no court shall have jurisdiction over any civil action or claim seeking, in whole or in part, to challenge any decision for which administrative review is available under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1558 the following new item:

''1558a. Judicial review of certain decisions relating to correction of military records.''.

(b) EFFECT OF DENIAL OF REQUEST FOR CORRECTION OF RECORDS WHEN PROHIBITED PERSONNEL ACTION ALLEGED.—

(1) NOTICE OF DENIAL; PROCEDURES FOR JUDICIAL REVIEW.—Subsection (f) of section 1034 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary concerned shall provide the member or former member a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.''.

(2) SECRETARY OF DEFENSE REVIEW; NOTICE OF DENIAL.—Subsection (g) of such section is amended—

(A) by inserting ''(1)'' before ''Upon the completion of all''; and

(B) by adding at the end the following new paragraph:

''(2) The submittal of a matter to the Secretary of Defense by the member or former member under paragraph (1) must be made within 90 days of the receipt by the member or former member of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary of Defense shall provide the member or former member a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.''.

(3) SOLE BASIS FOR JUDICIAL REVIEW.—Such section is further amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection (h):

''(h) JUDICIAL REVIEW.—(1) A decision of the Secretary of Defense under subsection (g) shall be subject to judicial review only as provided in section 1558a of this title.

''(2) In a case in which review by the Secretary of Defense under subsection (g) was not sought, a decision of the Secretary of a military department under subsection (f) shall be subject to judicial review only as provided in section 1558a of this title.

''(3) A decision of the Secretary of Homeland Security under subsection (f) shall be subject to judicial review only as provided in section 1558a of this title.''.

(c) EFFECT OF DENIAL OF OTHER REQUESTS FOR CORRECTION OF MILITARY RECORDS.—Section 1552 of such title is amended by adding at the end the following new subsections:

''(h) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the Secretary concerned shall provide the claimant a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.

''(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1558a of this title.''.

(d) EFFECTIVE DATE AND RETROACTIVE APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10, United States Code, and of the Secretary of a military department or the Secretary of Homeland Security under sections 1034(f) or 1552 of such title, whether rendered before, on, or after the date of the enactment of this Act.

(3) TRANSITION.—During the period between the date of the enactment of this Act and the effective date specified in paragraph (1), in any case in which the final decision of the Secretary of Defense under section 1034 of title 10, United States Code, or the Secretary concerned under section 1552 of title 10, United States Code, results in denial, in whole or in part, of any requested correction of the record of a member or former member of the Armed Forces or the record of a claimant under such section 1552, the individual shall be informed in writing of the time for obtaining review of the decision pursuant to section 1558a of such title as provided therein.

(4) IMPLEMENTATION.—The Secretaries concerned may prescribe appropriate regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. In the case of the Secretary of a military department, such regulations may not take effect until approved by the Secretary of Defense.

(5) CONSTRUCTION.—This section and the amendments made by this section do not affect the authority of any court to exercise jurisdiction over any case that was properly before the court before the effective date specified in paragraph (1).

(6) SECRETARY CONCERNED.—In this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 532. CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or'';

(2) in subsection (c), by striking ''paragraph (1) or (2) of subsection (c)'' and inserting ''paragraph (1), (2) or (3) of subsection (b)''; and

(3) by adding at the end the following new subsection:

''(e) RETROACTIVE APPLICATION OF REGULATIONS.—To the extent provided in the regulations issued under subsection (a), the regulations shall also apply to the acceptance of gifts for injuries or illnesses incurred on or after September 11, 2001, through the effective date of the regulations.''.

SEC. 533. ADDITIONAL CONDITION ON REPEAL OF DON'T ASK, DON'T TELL POLICY.

Effective as of December 22, 2010, and as if included therein as enacted, section 2(b) of Public Law 111–321 (124 Stat. 3516) is amended by adding at the end the following new paragraph:

''(3) The Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force each submit to the congressional defense committees the officer's written certification that repeal of section 654 of title 10, United States Code, will not degrade the readiness, effectiveness, cohesion, and morale of combat arms units and personnel of the Armed Force under the officer's jurisdiction engaged in combat, deployed to a combat theater, or preparing for deployment to a combat theater.''.

SEC. 534. MILITARY REGULATIONS REGARDING MARRIAGE.

Congress reaffirms the policy of section 3 of the Defense of Marriage Act, codified as section 7 of title 1, United States Code. In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the Department of Defense applicable to members of the Armed Forces or civilian employees of the Department of Defense, the word ''marriage'' means only a legal union between one man and one woman as husband and wife, and the word ''spouse'' refers only to a person of the opposite sex who is a husband or a wife.

SEC. 535. USE OF MILITARY INSTALLATIONS AS SITE FOR MARRIAGE CEREMONIES AND PARTICIPATION OF CHAPLAINS AND OTHER MILITARY AND CIVILIAN PERSONNEL IN THEIR OFFICIAL CAPACITY.

(a) LIMITATION ON USE.—A military installation or other property under the jurisdiction of the Department of Defense may be used as the site for a marriage ceremony only if the marriage complies with the definition of marriage in section 7 of title 1, United States Code.

(b) LIMITATION ON PARTICIPATION.—A member of the Armed Forces, including a chaplain, or civilian employee of the Department of Defense acting in an official capacity may assist in or perform a marriage ceremony only if the marriage complies with the definition of marriage in section 7 of title 1, United States Code.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 541. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary concerned may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program that provides employment skills training and assists members in transitioning into new careers in civilian life.''.

SEC. 542. EXPANSION OF RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM TO INCLUDE STUDENTS IN MENTAL HEALTH DEGREE PROGRAMS IN CRITICAL WARTIME SPECIALTIES.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) MENTAL HEALTH STUDENTS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

''(A) is eligible to be appointed as an officer in a reserve component;

''(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

''(C) signs an agreement that, unless sooner separated, the person will—

''(i) complete the educational phase of the program;

''(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

''(iii) participate in a residency program if required for clinical licensure.

''(2) Under the agreement—

''(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in an amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

''(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

''(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

''(D) the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.''.

(b) CROSS-REFERENCE AMENDMENTS.—Such section is further amended—

(1) by striking ''subsection (f)'' in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A) and inserting ''subsection (g)''; and

(2) in subsection (g), as redesignated by subsection (a)(1), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), (d), or (f)''.

SEC. 543. ADMINISTRATION OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) AMENDMENT.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

''§ 9314b. United States Air Force Institute of Technology: administration

''(a) COMMANDANT.—

''(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

''(2) ELIGIBILITY.—The Commandant shall be one of the following:

''(A) ACTIVE-DUTY OFFICERS.—An active-duty officer of the Air Force in a grade not below the grade of colonel, who is assigned or detailed to such position.

''(B) CIVILIANS.—A civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate to the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with—

''(i) the criteria specified in paragraph (5);

''(ii) a process determined by the Secretary; and

''(iii) other factors the Secretary considers relevant.

''(3) CONSULTATION OF RELEVANT INDIVIDUALS.—Before making an assignment, detail, or selection of an individual for the position of Commandant, the Secretary shall—

''(A) consult with the Air Force Institute of Technology Subcommittee of the Air University Board of Visitors;

''(B) consider any recommendation of the leadership and faculty of the Air Force Institute of Technology regarding the assignment or selection to that position; and

''(C) consider the recommendations of the Air Force Chief of Staff.

''(4) FIVE YEAR TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (1)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

''(5) RELEVANT QUALIFICATIONS.—The qualifications appropriate for selection of an individual for detail or assignment to the position of Commandant include the following:

''(A) An academic degree that is either—

''(i) a doctorate degree in a field of study relevant to the mission and function of the Air Force Institute of Technology; or

''(ii) a master's degree in a field of study relevant to the mission and function of the Air Force Institute of Technology, but only if—

''(I) the individual is an active-duty or retired officer of the Air Force in a grade not below the grade of brigadier general; and

''(II) at the time of the selection of that individual as Commandant, the individual permanently appointed to the position of Provost and Academic Dean has a doctorate degree in a field of study relevant to the mission and function of the Air Force Institute of Technology.

''(B) A comprehensive understanding of the Department of the Air Force, the Department of Defense, and joint and combined operations.

''(C) Leadership experience at the senior level in a large and diverse organization.

''(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

''(E) Other qualifications, as determined by the Secretary.

''(6) SUPPORT.—The Secretary shall detail officers of the Air Force of appropriate grades and qualifications to assist the Commandant in—

''(A) the advanced instruction and professional and technical education of students and the provision of research opportunities for students; and

''(B) the administration of the Air Force Institute of Technology.

''(b) PROVOST AND ACADEMIC DEAN.—

''(1) IN GENERAL.—There is established at the Air Force Institute of Technology the civilian position of Provost and Academic Dean.

''(2) APPOINTMENT.—

''(A) APPOINTMENT BY THE SECRETARY.—The Provost and Academic Dean shall be appointed by the Secretary for a term of five years.

''(B) CONSULTATION.—Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Air Force Institute of Technology Subcommittee of the Air University Board of Visitors and shall consider any recommendation of the leadership and faculty of the Air Force Institute of Technology regarding an appointment to that position.

''(3) COMPENSATION.—The Provost and Academic Dean is entitled to such compensation as the Secretary prescribes, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

''(c) DEFINITIONS.—In this section:

''(1) COMMANDANT.—The term 'Commandant' means the Commandant of the Air Force Institute of Technology.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Air Force.''.

(b) TREATMENT OF CURRENT COMMANDANT.—The officer who is serving as Commandant of the United States Air Force Institute of Technology at the time of the enactment of this Act may serve as acting Commandant until the appointment of a Commandant in accordance with section 9314b of title 10, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314a the following new item:

''9314b. United States Air Force Institute of Technology: administration.''.

SEC. 544. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY THE GOVERNOR OF PUERTO RICO.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(7) of title 10, United States Code, is amended—

(1) by striking ''Six'' and inserting ''Eight''; and

(2) by striking ''one who is a native'' and inserting ''three who are natives''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(7) of title 10, United States Code, is amended—

(1) by striking ''Six'' and inserting ''Eight''; and

(2) by striking ''one who is a native'' and inserting ''three who are natives''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(7) of title 10, United States Code, is amended—

(1) by striking ''Six'' and inserting ''Eight''; and

(2) by striking ''one who is a native'' and inserting ''three who are natives''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering these military service academies after the date of the enactment of this Act.

SEC. 545. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO UNITED STATES MILITARY ACADEMY, UNITED STATES NAVAL ACADEMY, AND UNITED STATES AIR FORCE ACADEMY.

(a) WAIVER FOR CERTAIN ENLISTED MEMBERS.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) WAIVER FOR EXCEPTIONAL CANDIDATES.—The Secretary of the military department concerned may waive the maximum age limitation specified in such sections for the admission of a candidate to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the candidate—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(c) MAXIMUM AGE FOR RECEIPT OF WAIVER.—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy.

(d) LIMITATION ON NUMBER ADMITTED USING WAIVER.—No more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(e) RECORD KEEPING REQUIREMENT.—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(f) REPORTING REQUIREMENT.—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

(1) the number of applications for waivers received by the Secretary under subsection (a) and under subsection (b);

(2) the number of waivers granted by the Secretary, including whether the waiver was granted under subsection (a) or (b);

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(g) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under this section expires on September 30, 2016.

SEC. 546. EDUCATION AND EMPLOYMENT ADVOCACY PROGRAM FOR WOUNDED MEMBERS OF THE ARMED FORCES.

(a) PROGRAM AUTHORIZED; FUNDING SOURCE.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $ 2,201,964 for Operation & Maintenance, Defense-wide, Budget Activity 04, Administrative and Service-Wide Activities, Office of the Secretary of Defense. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Defense shall obligate an additional $15,000,000 for purpose of an education and employment advocacy pilot program to engage wounded members of the Armed Forces early in their recovery. The Secretary may award grants to, or enter into contracts and cooperative agreements with, organizations, which may include non-profit organizations, that the Secretary determines are eligible to assist in planning, developing, managing, and implementing the pilot program.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle F—Army National Military Cemeteries

SEC. 551. ARMY NATIONAL MILITARY CEMETERIES.

(a) MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

''CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES

''Sec.
''4721. Authority and responsibilities of the Secretary of the Army.
''4722. Interment and inurnment policy.
''4723. Advisory committee on Arlington National Cemetery.
''4724. Executive Director.
''4725. Superintendents.
''4726. Oversight and inspections.

''§4721. Authority and responsibilities of the Secretary of the Army

''(a) GENERAL AUTHORITY.—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

''(b) ARMY NATIONAL MILITARY CEMETERIES.—The Army National Military Cemeteries (in this chapter referred to as the 'Cemeteries') consist of the following:

''(1) Arlington National Cemetery in Arlington, Virginia.

''(2) The United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

''(c) ADMINISTRATIVE JURISDICTION.—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

''(d) REGULATIONS AND OTHER POLICIES.—The Secretary of the Army shall prescribe such regulations and policies as may be necessary administer the Cemeteries.

''(e) BUDGETARY AND REPORTING REQUIREMENTS.—The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

''§ 4722. Interment and inurnment policy

''(a) ELIGIBILITY DETERMINATIONS GENERALLY.—The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

''(b) REMOVAL OF REMAINS.—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of Defense may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

''(c) COVERED PERSONS.—Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

''(d) EXCEPTIONS.—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

''(1) who is missing in action;

''(2) whose remains have not been recovered or identified;

''(3) whose remains were buried at sea, whether by the choice of the person or otherwise;

''(4) whose remains were donated to science; or

''(5) whose remains were cremated and whose ashes were scattered without internment of any portion of the ashes.

''§ 4723. Advisory committee on Arlington National Cemetery

''(a) APPOINTMENT.—The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

''(b) ROLE.—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

''(c) REPORTS AND RECOMMENDATIONS.—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

''(d) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

''§ 4724. Executive Director

''(a) APPOINTMENT AND QUALIFICATIONS.—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

''(2) The Executive Director reports directly to the Secretary.

''(b) RESPONSIBILITIES.—The Executive Director is responsible for the following:

''(1) Exercising authority, direction and control over all aspects of the Cemeteries.

''(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

''(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

''(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

''(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

''(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

''(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

''(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

''(9) Supervising the superintendents of the Cemeteries.

''(c) DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERMENT AND INURNMENT RECORDS.—(1) Not later than June 1, 2012, all records related to internments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to internments and inurnments at Arlington National Cemetery are preserved and utilized.

''(2) In this subsection, 'digitized format' refers to the use of an electronic database for recordkeeping and includes the full accounting of all records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location.

''§ 4725. Superintendents

''(a) APPOINTMENT AND QUALIFICATIONS.—An individual serving as the superintendent of one of the Cemeteries should be a retired or former member of the armed forces who served honorably and who—

''(1) has experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

''(2) as determined by the Secretary of the Army, has experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

''(b) DUTIES.—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

''§ 4726. Oversight and inspections

''(a) INSPECTIONS REQUIRED.—(1) The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. Except as provided in paragraph (2), the inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

''(2) The Inspector General of the Department of Defense shall conduct an inspection of the Cemeteries during fiscal years 2012 and 2014.

''(b) SUBMISSION OF RESULTS.—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.''.

(b) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 445 the following new item:

''446. Army National Military Cemeteries ..... 4721''.

(c) TIME FOR APPOINTMENT AND FIRST MEETING OF ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY.—The advisory committee on Arlington National Cemetery required by section 4723 of title 10, United States Code, as added by subsection (a), shall be appointed by the Secretary of the Army and hold its first meeting not later than 30 days after the date of the enactment of this Act.

SEC. 552. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE INSPECTION OF MILITARY CEMETERIES.

(a) INSPECTION AND RECOMMENDATIONS REQUIRED.—The Inspector General of the Department of Defense shall conduct an inspection of each military cemetery and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

(b) ELEMENTS OF INSPECTION.—Subject to subsection (c), the inspection of the military cemeteries under subsection (a) shall include an assessment of the following:

(1) The adequacy of the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by the military cemeteries and the adherence of each military cemetery to such statutes, policies, and regulations.

(2) The system employed to fully account for and accurately identify the remains interred or inurned in the military cemeteries.

(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretaries of the military departments over the military cemeteries under their jurisdiction and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretaries of the military departments to operate the military cemeteries and an assessment of the budget and appropriations structure and history of each military cemetery.

(6) Such other matters as the Inspector General of the Department of Defense considers to be appropriate.

(c) SPECIAL CONSIDERATIONS.—The inspection under subsection (a) of the cemetery at the Armed Forces Retirement Home–Washington shall focus primarily on—

(1) the assessment required by subsection (b)(5); and

(2) whether the Secretary of the Army has fully and completely addressed issues raised by, and the recommendations made with regard to, such cemetery in the Inspector General of the Department of Defense 2010 report of the Special Inspection of Arlington National Cemetery.

(d) INSPECTION OF ADDITIONAL CEMETERIES.—

(1) INSPECTION REQUIRED.—In addition to the inspection required by subsection (a), the Inspector General of the Department of Defense

shall conduct an inspection of a statistically valid sample of cemeteries located at current or former military installations inside and outside the United States that are under the jurisdiction of the military departments for the purpose of obtaining an assessment of the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by those cemeteries.

(2) EXCLUSION.—Paragraph (1) does not apply to the cemeteries maintained by the American Battle Monuments Commission and the military cemeteries identified in subsection (f).

(e) SUBMISSION OF INSPECTION RESULTS AND CORRECTIVE ACTION PLANS.—

(1) MILITARY CEMETERY INSPECTIONS.—Not later than March 31, 2012, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspector General of the Department of Defense based on such inspections; and

(C) a plan for corrective action.

(2) INSPECTION OF ADDITIONAL CEMETERIES.—Not later than December 31, 2012, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (d) and the recommendations of the Inspector General based on such inspections. Not later than April 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(f) MILITARY CEMETERY DEFINED.—In subsection (a), the term ''military cemetery'' means the cemeteries that are under the jurisdiction of a Secretary of a military department at each of the following locations:

(1) The Armed Forces Retirement Home–Washington.

(2) The United States Military Academy.

(3) The United States Naval Academy.

(4) The United States Air Force Academy.

Subtitle G—Armed Forces Retirement Home

SEC. 561. CONTROL AND ADMINISTRATION BY SECRETARY OF DEFENSE.

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

''(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.''.

SEC. 562. SENIOR MEDICAL ADVISOR OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking ''(1) The''; and inserting ''The'';

(2) by striking paragraph (2); and

(3) by striking ''and the Chief Operating Officer'' and all that follows through the period at the end and inserting the following: ''the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

''(1) medical administrative matters at each facility of the Retirement Home; and

''(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home.''.

(b) RELATED DUTIES.—Subsection (c) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

''(3) Periodically visit each facility of the Retirement Home to review—

''(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

''(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

''(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness.''.

SEC. 563. ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.

(a) REPLACEMENT OF LOCAL BOARDS OF TRUSTEES.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended by striking section 1516 and inserting the following new sections:

''SEC. 1516. ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—The Retirement Home shall have an Advisory Council, to be known as the 'Armed Forces Retirement Home Advisory Council'. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

''(b) DUTIES.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the operation and administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

''(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

''(3) In carrying out its functions, the Advisory Council shall—

''(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and

''(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.

''(c) COMPOSITION.—(1) The Advisory Council shall consist of at least 15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces.

''(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

''(3) The Advisory Council shall include the following members:

''(A) One member who is an expert in nursing home or retirement home administration and financing.

''(B) One member who is an expert in gerontology.

''(C) One member who is an expert in financial management.

''(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

''(E) The Chairpersons of the Resident Advisory Committees.

''(F) One enlisted representative of the Services' Retiree Advisory Council.

''(G) The senior noncommissioned officer of one of the Armed Forces.

''(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

''(I) One senior judge advocate from one of the Armed Forces.

''(J) One senior representative of one of the chief personnel officers of the Armed Forces.

''(K) Such other members as the Secretary of Defense may designate.

''(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

''(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council and be responsible for the operation of the Advisory Council

''(d) TERM OF SERVICE.—(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

''(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

''(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

''(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

''(e) VACANCIES.—A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

''(f) COMPENSATION.—(1) Except as provided in paragraph (2), a member of the Advisory Council shall—

''(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

''(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

''(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

''SEC. 1516A. RESIDENT ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE.—(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

''(2) A Resident Advisory Committee—

''(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

''(B) provides a means to communicate policy and general information between residents and management.

''(b) ELECTION PROCESS.—The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

''(c) CHAIRPERSON.—(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

''(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

''(d) MEETINGS.—At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

''(3) The term 'Advisory Council' means the Armed Forces Retirement Home Advisory Council established under section 1516.

''(4) The term 'Resident Advisory Committee' means an elected body of residents at a facility of the Retirement Home established under section 1516A.''.

(2) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) of such Act (24 U.S.C. 415(c)(2)) is amended by striking '', including the Local Boards of those facilities''.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''Local Board for the facility or the resident advisory committee or council'' and inserting ''Advisory Council or the Resident Advisory Committee''; and

(ii) in paragraph (3), by striking ''Local Board for the facility, the resident advisory committee or council'' and inserting ''Advisory Council, the Resident Advisory Committee'';

(B) in subsection (c)(1), by striking ''Local Board for the facility'' and inserting ''Advisory Council''; and

(C) in subsection (e)(1), by striking ''Local Board for the facility'' and inserting ''Advisory Council''.

SEC. 564. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking ''a Director, a Deputy Director, and an Associate Director'' and inserting ''an Administrator and an Ombudsman'';

(2) in subsections (b) and (c)—

(A) by striking ''DIRECTOR'' in each subsection heading and inserting ''ADMINISTRATOR''; and

(B) by striking ''Director'' each place it appears and inserting ''Administrator'';

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—

(A) by striking ''ASSOCIATE DIRECTOR'' in the subsection heading and inserting ''OMBUDSMAN''; and

(B) by striking ''Associate Director'' in paragraphs (1) and (2) and inserting ''Ombudsman'';

(5) in subsection (e), as so redesignated—

(A) by striking ''ASSOCIATE DIRECTOR.—'' in the subsection heading and inserting ''OMBUDSMAN.—(1)'';

(B) by striking ''Associate Director'' and inserting ''Ombudsman'';

(C) by striking ''Director and Deputy Director'' and inserting ''Administrator'';

(D) by striking ''Director may'' and inserting ''Administrator may''; and

(E) by adding at the end the following new paragraph:

''(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.'';

(6) in subsection (f), as so redesignated, by striking ''Director'' each place it appears and inserting ''Administrator''; and

(7) in subsection (g), as so redesignated—

(A) by striking ''DIRECTORS'' in the subsection heading and inserting ''ADMINISTRATORS'';

(B) in paragraph (1), by striking ''Directors'' and inserting ''Administrators''; and

(C) in paragraph (2), by striking ''a Director'' and inserting ''an Administrator''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking ''Directors'' and inserting ''Administrators''.

SEC. 565. REVISION OF FEE REQUIREMENTS.

(a) FIXING FEES.—Subsection (c) of section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended—

(1) in paragraph (3), by striking the last sentence; and

(2) by adding at the end the following new paragraph:

''(4) Until different fees are prescribed and take effect under this subsection and subject to any fee adjustment that the Secretary of Defense determines appropriate, the percentages and limitations on maximum monthly amount that are applicable to fees charged to residents for months beginning after December 31, 2011, are as follows:

''(A) For independent living residents, 35 percent of total current income, but not to exceed $1,238 each month.

''(B) For assisted living residents, 40 percent of total current income, but not to exceed $1,856 each month.

''(C) For long-term care residents, 65 percent of total current income, but not to exceed $3,094 each month.''.

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

SEC. 566. REVISION OF INSPECTION REQUIREMENTS.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended—

(1) in subsection (b)(1)—

(A) by striking ''In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,'' and inserting ''Not less often than once every three years,'';

(B) by striking ''of that facility'' and inserting ''of each facility of the Retirement Home''; and

(C) by inserting ''long-term care,'' after ''assisted living,'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''45 days'' and inserting ''90 days''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.''; and

(3) in subsection (e)(1)—

(A) by striking ''45 days'' and inserting ''60 days''; and

(B) by striking ''Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer'' and inserting ''Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor''.

SEC. 567. REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419(a)(2)) is amended by striking ''Retirement Home Board'' and inserting ''Chief Operating Officer''.

(2) TITLE 10, U.S.C..—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

(c) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. is amended to read as follows:

''SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.''.

(2) SECTION 1513.—The heading of section 1513 of such Act is amended to read as follows:

''SEC. 1513. SERVICES PROVIDED TO RESIDENTS.''.

(3) SECTION 1513A.—The heading of section 1513A of such Act is amended to read as follows:

''SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.''.

(4) SECTION 1517.—The heading of section 1517 of such Act is amended to read as follows:

''SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.''.

(5) SECTION 1518.—The heading of section 1518 of such Act is amended to read as follows:

''SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.''.

(6) PUNCTUATION.—The headings of sections 1512 and 1520 of such Act are amended by adding a period at the end.

(d) PART A HEADER.—The heading for part A is repealed.

(e) TABLE OF CONTENTS.—The table of contents in section 1501(b) of such Act is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

''Sec. 1513. Services provided to residents.
''Sec. 1513A. Oversight of health care provided to residents.'';

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following:

''Sec. 1516. Advisory Council.
''Sec. 1516A. Resident Advisory Committees.
''Sec. 1517. Administrators, Ombudsmen, and staff of facilities.
''Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors.''; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

Subtitle H—Military Family Readiness Matters

SEC. 571. REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b) of title 10, United States Code, is amended to read as follows:

''(b) MEMBERS.—(1) The Council shall consist of the following members:

''(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary's absence.

''(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

''(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

''(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

''(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

''(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

''(D) The senior enlisted advisor from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

''(E) The Director of the Office of Community Support for Military Families with Special Needs.

''(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of subparagraph (B) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that subparagraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

''(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years.''.

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

''(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

''(c) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(d) PREEMPTION.—Preemption- In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

''(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

''(1) that are designated as unaccompanied;

''(2) for which dependent travel is not authorized; or

''(3) that otherwise do not permit the movement of family members to that location.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 574. CENTER FOR MILITARY FAMILY AND COMMUNITY OUTREACH.

(a) CENTER AUTHORIZED.—The Secretary of the Army may establish a Center for Military Family and Community Outreach to help increase the number (and enhance the competencies) of social workers and mental health service providers who—

(1) are familiar with the special demands of active duty on members of the Armed Forces and their families; and

(2) can adapt prevention and intervention methods to times of war and the needs of military families.

(b) METHOD OF ESTABLISHMENT; MERIT-BASED OR COMPETITIVE DECISIONS.—(1) Under such criteria as the Secretary of the Army may establish, the Secretary may award grants to, or enter into contracts and cooperative agreements with, an historically black university in close proximity to an Army installation for the purpose of planning, developing, managing, and implementing the Center for Military Family and Community Outreach.

(2) A decision to commit, obligate, or expend funds referred to in subsection (f) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

(c) USE OF ASSISTANCE.—Assistance provided under this section shall be used—

(1) to establish the Center for Military Family and Community Outreach as described in subsection (b);

(2) to train social work students, social work faculty members, and social workers to understand the complex features of military life and enhance their competencies in developing and providing services to military families; and

(3) for such related activities and expenses as the Secretary of the Army may authorize.

(d) TRAINING COMPONENT.—Training provided through the Center for Military Family and Community Outreach shall focus on—

(1) mental health well-being;

(2) independence;

(3) resources; and

(4) social well being for military families.

(e) RESEARCH AND EDUCATION.—Research findings shall be disseminated through publications, workshops, and professional conferences. The Center for Military Family and Community Outreach shall hold annually a minimum of five half-day conferences and 20 workshops for social workers, faculty, and students. The Center shall host at least two State-wide or regional conferences (one for military families and one for professionals) concerning military culture, resources and prevention activities regarding grief, loss, divorce, domestic violence, sexual harassment, suicide, substance abuse, marital discord, financial, PTSD, and separation issues for families, children, and adolescents.

(f) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—Of the amounts authorized to be appropriated by section 301 for operation and maintenance for the Army, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $1,000,000 to carry out this section in furtherance of national security objectives.

SEC. 575. MENTAL HEALTH SUPPORT FOR MILITARY PERSONNEL AND FAMILIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $5,960,400,000 for operation and maintenance, Marine Corps. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $3,000,000 for a collaborative program that responds to escalating suicide rates and combat stress related arrests of military personnel, and trains active duty military personnel to recognize and respond to combat stress disorder, suicide risk, substance addiction, risk-taking behaviors and family violence, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 576. REPORT ON DEPARTMENT OF DEFENSE AUTISM PILOT PROJECTS.

(a) REPORT REQUIRED.—Not later than March 14, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on any pilot projects that the Department of Defense is conducting on autism services.

(b) MATTERS COVERED.—At a minimum, the report under subsection (a) shall include a comprehensive evaluation of consumption patterns of autism treatment services, including intensity and volumes of use across specific diagnoses, age groups, and treatment services.

Subtitle I—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 581. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: '', who shall be appointed from among general or flag officers

of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position''.

SEC. 582. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates

''(a) ASSIGNMENT OF COORDINATORS.—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

''(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

''(c) TRAINING AND CERTIFICATION.—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

''(2) In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

''(3) A decision to commit, obligate, or expend funds with or to a specific entity to assist with the development or implementation of the program shall—

''(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of this title or on competitive procedures; and

''(B) comply with other applicable provisions of law.

''(4) Effective October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

''(d) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'sexual assault prevention and response program' has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.''.

SEC. 583. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ACCESS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

"§ 1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

''(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

''(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

''(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such assistance;

''(B) assistance provided by a qualified Sexual Assault Response Coordinator; and

''(C) assistance provided by a qualified Sexual Assault Victim Advocate.

''(2) DEPENDENTS.—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Secretary concerned shall define the term 'vicinity' for purposes of this paragraph.

''(3) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

''(4) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates are available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

''(b) RESTRICTED REPORTING OPTION.—

''(1) AVAILABILITY OF RESTRICTED REPORTING.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

''(2) PERSONS COVERED BY RESTRICTED REPORTING.—Individuals covered by paragraph (1) are the following:

''(A) Military legal assistance counsel.

''(B) Sexual Assault Response Coordinator.

''(C) Sexual Assault Victim Advocate.

''(D) Personnel staffing the DOD Safe Helpline or successor operation.

''(E) Healthcare personnel.

''(F) Chaplain.

''(c) DEFINITIONS.—In this section:

''(1) The term 'sexual assault' includes any of the offenses covered by section 920 of this title (article 120).

''(2) The term 'military legal assistance counsel' means a judge advocate who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to provide legal assistance by the Judge Advocate General of the armed force of which the judge advocate is a member.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

''1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.''.

(c) CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title is amended by striking ''sections 1044a, 1044b, 1044c, and 1044d'' and inserting ''sections 1044a through 1044e''.

SEC. 584. PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.

(a) PRIVILEGE ESTABLISHED.—

(1) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section:

"§ 940a. Art. 140a. Privilege against disclosure of certain communications with Sexual Assault Response Coordinators, Victim Advocates, and certain other persons

''(a) PRIVILEGE AGAINST DISCLOSURE.—Communications between a person who is the victim of a sexual assault or other offense covered by section 920 of this title (article 120) and a person specified in subsection (b) and the records relating to such communications are not subject to discovery and may not be admitted into evidence in any case arising under this chapter.

''(b) PERSONS COVERED BY PRIVILEGE.—The privilege granted by subsection (a) applies to—

''(1) a Sexual Assault Response Coordinator;

''(2) a Sexual Assault Victim Advocate; and

''(3) personnel staffing the DOD Safe Helpline or successor operation.

''(c) CONSENT EXCEPTION.—The victim of a sexual assault may consent to the disclosure of any communication or record referred to in subsection (a) regarding the victim.

''(d) RELATION TO OTHER PRIVILEGES AGAINST DISCLOSURE.—The privilege granted by subsection (a) in cases arising under this chapter is in addition to any other privilege against disclosure that may exist with regard to communications between a victim of a sexual assault and another person.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

''940a. Art. 140a. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates, Victim Advocates, and certain other persons.''.

(b) APPLICABILITY.—Section 940a of title 10, United States Code, as added by subsection (a), applies to communications and records described in such section whether made before, on, or after the date of the enactment of this Act.

SEC. 585. MAINTENANCE OF RECORDS PREPARED IN CONNECTION WITH SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES OR DEPENDENTS OF MEMBERS.

(a) MAINTENANCE AND CONFIDENTIALITY OF SEXUAL ASSAULT RECORDS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 993. Maintenance of medical, investigative, and other records prepared in connection with sexual assaults

''(a) MAINTENANCE OF RECORDS.—The Secretary of Defense shall maintain for not less

than 100 years the records described in subsection (b) that are prepared by personnel of the Department of Defense in connection with a sexual assault involving a member of the armed forces or a dependent of a member to ensure future access to the records.

''(b) COVERED RECORDS.—The recordkeeping requirement imposed by subsection (a) applies to the following:

''(1) Department of Defense Form 2910, regarding the victim reporting preference statement, or any successor document.

''(2) Department of Defense Form 2911, regarding the forensic medical report prepared in the case of a sexual assault examination, or any successor document.

''(3) Medical records.

''(4) Investigative reports prepared in connection with a sexual assault.

''(5) Such other information and reports as the Secretary of Defense considers appropriate.

''(c) VICTIM ACCESS.—The Secretary of Defense shall ensure that the victim of the sexual assault for which the records described in subsection (b) are prepared has permanent access to the records.

''(d) PROTECTION OF RESTRICTED REPORTING OPTION.—The Secretary of Defense shall ensure that any recordkeeping system used to maintain records described in subsection (b) does not jeopardize the confidentiality of the restricted reporting option available to a victim of a sexual assault.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''993. Maintenance of medical, investigative, and other records prepared in connection with sexual assaults.''.

(b) COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of the prepared record of the proceedings of the court-martial shall be given to the victim of the offence if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive the record of the proceedings.''.

SEC. 586. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault

''(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

''(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault.''.

SEC. 587. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Subtitle A of title XVI of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new section:

''SEC. 1615. IMPROVED TRAINING AND EDUCATION PROGRAMS.

''(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

''(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts sexual assault prevention and response training.

''(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

''(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

''(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

''(c) INCLUSION IN FIRST RESPONDER TRAINING.—

''(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

''(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

''(d) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity to assist with the development or implementation of sexual assault prevention and response training and education under this section shall—

''(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of this title or on competitive procedures; and

''(2) comply with other applicable provisions of law.''.

Subtitle J—Other Matters

SEC. 591. LIMITATIONS ON AUTHORITY TO PROVIDE SUPPORT AND SERVICES FOR CERTAIN ORGANIZATIONS AND ACTIVITIES OUTSIDE DEPARTMENT OF DEFENSE.

(a) NOTICE OF USE OF AUTHORITY IN CONNECTION WITH TRAINING.—Subsection (a)(2) of section 2012 of title 10, United States Code, is amended by inserting before the period at the end the following: '', funding for such training was requested in the most recent budget submission for the military department of that Secretary, and no additional funding for such training is provided by the Secretary of Defense''.

(b) TERMINATION OF MILITARY MANPOWER EXCEPTION.—Subsection (d)(2) of such section is amended by striking ''Subparagraph (A)(i) of paragraph (1) does not apply in a case in which'' and inserting ''After September 30, 2011, subparagraph (A)(i) of paragraph (1) applies even though''.

(c) IMPROVED OVERSIGHT AND COST ACCOUNTING.—Subsection (j) of such section is amended—

(1) in the matter preceding paragraph (1), by inserting ''requested by the Secretary of a military department and'' after ''training projects''; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) Ensure that each project that is proposed to be conducted in accordance with this section is requested in writing, reviewed for full compliance with this section, and approved in advance of initiation by the Secretary of the military department concerned.''.

(d) ANNUAL FUNDING LIMITATION.—Such section is further amended by adding at the end the following new subsection:

''(k) LIMITATION ON ANNUAL OBLIGATION OF FUNDS.—Not more than $10,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.''.

SEC. 592. DISPLAY OF STATE, DISTRICT OF COLUMBIA, AND TERRITORIAL FLAGS BY ARMED FORCES.

(a) DISPLAY REQUIRED.—Section 2249b of title 10, United States Code, is amended—by adding at the end the following new subsection:

''(c) DISPLAY OF DISTRICT OF COLUMBIA AND TERRITORIAL FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by striking the colon and all that follows.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 134 of such title is amended by striking the item relating to section 2249b and inserting the following new item:

''2249b. Display of State flags.''.

SEC. 593. MILITARY ADAPTIVE SPORTS PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

''§ 2564a. Provision of assistance for adaptive sports programs for members of the armed forces

''(a) PROGRAM AUTHORIZED.—The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

''(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

''(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

''(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

''(1) for the purposes specified in subsection (b); and

''(2) for such related activities and expenses as the Secretary of Defense may authorize.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 717 the following new item:

''2564a. Provision of assistance for adaptive sports programs for members of the armed forces.''.

SEC. 594. WOUNDED WARRIOR CAREERS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—During fiscal years 2012 through 2016, the Secretary of Defense shall carry out a career-development services program with the Education and Employment Initiative for severely wounded warriors of the Armed Forces, and their spouses, if appropriate.

(b) ELEMENTS OF PROGRAM.—The program shall include at a minimum the following:

(1) Exploring career options.

(2) Obtaining education, skill, aptitude, and interest assessments.

(3) Developing veteran-centered career plans.

(4) Preparing resumes and education/training applications.

(5) Acquiring additional education and training, including internships and mentorship programs.

(6) Engaging with prospective employers and educators when appropriate.

(7) Entering into various kinds of occupations (whether full-time, part-time, paid, or volunteer, or self-employment as entrepreneurs or otherwise).

(8) Advancing in jobs and careers after initial employment.

(9) Identifying and resolving obstacles through coordination with the military departments, other departments and agencies of the Federal Government, State and local governments, and other appropriate service and benefits providers.

(c) PLACEMENT REQUIREMENT.—Services under the program shall be co-located at the largest geographic concentrations of wounded warriors in accordance with the Education and Employment Initiative's goal of establishing as many as 20 locations that can support transitioning wounded warriors seeking post-service education and employment.

(d) COST-BENEFIT ANALYSIS.—No later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees plans for a cost-benefit analysis of the results of the services provided to substantiate effective practices.

(e) INFORMATION SHARING.—Lessons learned, including relevant data and best practices derived from the program, shall be shared with relevant Federal agencies that also provide transition services and support to disabled veterans or wounded warriors.

(f) NEW BUDGET ITEM RELATING TO THE PROGRAM.—

(1) ADDITIONAL DISCRETIONARY BUDGETARY AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,201,964,000 for Defense-wide Operation and Maintenance Administrative and Service-wide Activities. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $1,000,000 for the program under this section in furtherance of national security objectives.

(2) MERIT-BASED OR COMPETITIVE DECISIONS.—Notwithstanding subsection (a), a decision to commit, obligate, or expend funds referred to in the second sentence of paragraph (1) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

SEC. 595. COMPTROLLER GENERAL STUDY OF MILITARY NECESSITY OF SELECTIVE SERVICE SYSTEM AND ALTERNATIVES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to assess the criticality of the Selective Service System to the Department of Defense in meeting future military manpower requirements that are in excess of the ability of the all-volunteer force; and

(2) to determine the fiscal and national security impacts of—

(A) disestablishing the Selective Service System;

(B) putting the Selective Service System into a deep standby mode, defined as retaining only personnel sufficient to conduct registration and maintain the registration database; and

(C) requiring the Department of Defense, or other Federal department, upon disestablishment of the Selective Service System and repeal of registration requirements, to assume responsibility for securing the Selective Service System registration data bases, and keeping them updated.

(b) ADDITIONAL CONSIDERATIONS FOR EACH OPTION.—As part of considering the impacts of disestablishment of the Selective Service System, putting it into a deep standby mode, or transferring responsibilities as described in subsection (a)(2)(C), the Comptroller General shall provide for each option—

(1) an estimate of the annual cost or savings of each option to the Federal government; and

(2) the feasibility, cost, and time required for each option—

(A) to reestablish the capability to meet the Selective Service System mission, as it existed before disestablishment; and

(B) to provide the Department of Defense the required number of conscripts for training, should conscription be authorized by Congress.

(c) SPECIAL CONSIDERATIONS REGARDING REGISTRATION.—The study shall also include an assessment of the feasibility, cost, and time required to meet registration requirements by—

(1) using existing Federal and State government institutions as an alternative to Selective Service registration to maintain an accurate, comprehensive database of Americans who, according to existing Selective Service System registration requirements, would be subject to conscription should conscription be authorized; and

(2) integrating various alternative registration databases for use in connection with conscription and provide a means to keep updated and accurate the Selective Service System database under each of the options described in subsection (a)(2).

(d) SUBMISSION OF RESULTS.—Not later than March 31, 2012, the Comptroller General shall submit the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

SEC. 596. SENSE OF CONGRESS REGARDING PLAYING OF BUGLE CALL COMMONLY KNOWN AS "TAPS" AT MILITARY FUNERALS, MEMORIAL SERVICES, AND WREATH LAYING CEREMONIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The bugle call commonly known as ''Taps'' is known throughout the United States as part of the military honors accorded at funerals, memorial services, and wreath ceremonies held for members of the uniformed services and veterans.

(2) In July 1862, following the Seven Days Battles, Union General Daniel Butterfield and bugler Oliver Willcox Norton created ''Taps'' at Berkley Plantation, Virginia, as a way to signal the end of daily military activities.

(3) ''Taps'' is now established by the uniformed services as the last call of the day and is sounded at the completion of a military funeral.

(4) ''Taps'' has become the signature, solemn musical farewell for members of the uniformed services and veterans who have faithfully served the United States during times of war and peace.

(5) Over its almost 150 years of use, ''Taps'' has been woven into the historical fabric of the United States.

(6) When sounded, ''Taps'' summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of ''Taps'' will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that at a military funeral, memorial service, or wreath laying, the bugle call commonly known as ''Taps'', consisting of 24 notes sounded on a bugle or trumpet, should be sounded by a live solo bugler or trumpeter when such arrangements are possible.

SEC. 597. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the American people for the safe return of members of the Armed Forces serving overseas are demonstrated through the proud display of yellow ribbons.

(2) The designation of a ''Yellow Ribbon Day'' would serve as an additional reminder for all Americans of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the Yellow Ribbon as the symbol of support for members of the Armed Forces.

(4) Yellow Ribbon Day would also signify a tribute and remembrance to all Prisoners of War and a fervent hope for the safe return and full accounting of all members of the Armed Forces who are Missing in Action.

(5) April 9th would be an appropriate day to designate as Yellow Ribbon Day as it was on April 9, 2004, that Staff Sergeant Matt Maupin became the first Prisoner of War of Operation Iraqi Freedom.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces who are serving overseas apart from their families and loved ones.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2012 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2012 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2012, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

SEC. 602. RESUMPTION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Effective October 1, 2011, section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

SEC. 603. LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.

(a) EXTENSION TO PRECOMMISSIONING UNIT SAILORS.—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting ''or assigned to duty in connection with commissioning or fitting out of a ship'' after ''sea duty''; and

(2) by inserting '', because the ship is under construction and is not yet habitable,'' after ''because of repairs,''.

(b) EXTENSION TO ENLISTED MEMBERS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''After the expiration of the authority provided in subsection (b), an officer'' and inserting ''A member'';

(B) by striking ''officer's quarters'' and inserting ''member's quarters'';

(C) by striking ''obtaining quarters'' and inserting ''obtaining housing''; and

(D) by striking ''the officer'' and inserting ''the member'';

(2) in paragraph (2)—

(A) by striking ''an officer'' both places it appears and inserting ''a member'';

(B) by striking ''quarters'' and inserting ''housing''; and

(C) by striking ''officer's grade'' and inserting ''member's grade''; and

(3) in paragraph (3)—

(A) by striking ''an officer'' and inserting ''a member''; and

(B) by striking ''quarters'' and inserting ''housing''.

(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:

''(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member's quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

''(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member's grade.

''(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

''(4) The Secretary may prescribe regulations to carry out this subsection.''.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the item relating to section 7572 and inserting the following new item:

''7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.

Section 408a(e) of title 37, United States Code, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

SEC. 622. MANDATORY PROVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR SERIOUSLY ILL AND WOUNDED MEMBERS OF THE ARMED FORCES.

Section 411k of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall''; and

(2) in subsection (d)(3), by striking ''may'' and inserting ''shall''.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

SEC. 631. PURPOSE.

It is the purpose of this subtitle to establish general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this subtitle and the 10-year transition period provided by section 6__6 provide the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) with the authority to prescribe and implement travel and transportation policy that is simple, efficient, relevant, and flexible and that meets mission needs and the needs of members of the uniformed services.

SEC. 632. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

''SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

''Sec.
''451. Definitions.
''452. Allowable travel and transportation: general authorities.
''453. Allowable travel and transportation: specific authorities.
''454. Travel and transportation pilot programs.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''Sec.
''461. Relationship to other travel and transportation authorities.
''462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
''463. Regulations.

''SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

"§ 451. Definitions

''(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

''(1) The term 'administering Secretary' or 'administering Secretaries' means the following:

''(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

''(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

''(2) The term 'authorized traveler' means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

''(A) A member of the uniformed services.

''(B) A family member of a member of the uniformed services.

''(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

''(D) A person who participates in a military funeral honors detail.

''(E) A Senior Reserve Officers' Training Corps cadet or midshipman.

''(F) An applicant or rejected applicant for enlistment.

''(G) Any other person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed section 463 of this title.

''(3) The term 'family member', with respect to a member of the uniformed services, means the following:

''(A) A dependent, as defined in section 401(a) of this title.

''(B) A child, as defined in section 401(b)(1) of this title.

''(C) A parent, as defined in section 401(b)(2) of this title.

''(D) A sibling of the member.

''(E) A former spouse of the member.

''(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations under section 463 of this title as having an association, connection, or affiliation with a member of the uniformed services or the family of such a member.

''(G) Any person not covered by subparagraphs (A) through (F) who is determined by the administering Secretary under regulations prescribed under section 463 of this title as warranting the status of being a family member for purposes of a particular travel incident.

''(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

''(1) The term 'official travel' means the following:

''(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

''(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

''(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

''(D) Local travel in or around the temporary duty or permanent duty station.

''(E) Other travel as authorized or ordered by the administering Secretary.

''(2) The term 'actual and necessary expenses' means expenses incurred in fact by a traveler as a reasonable consequence of official travel.

''(3) The term 'travel allowances' means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

''(4) The term 'transportation allowances' means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

''(5) The term 'transportation-, lodging-, or meals-in-kind' means transportation, lodging, or meals provided by the Government without cost to the traveler.

''(6) The term 'miscellaneous expenses' mean authorized expenses incurred in addition to authorized allowances during the performance of official travel.

''(7) The term 'personal property', with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal item that would not otherwise be prohibited by any other provision or law, or regulation prescribed under section 463 of this title.

''(8) The term 'relocation allowances' means the costs associated with relocating a member of the uniformed services or other authorized traveler between an old and new temporary or permanent duty assignment location or other authorized location.

''(9) The term 'dislocation allowances' means the costs associated with relocation of the household of a member of the uniformed services or other authorized traveler in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

''(10) The term 'per diem' means an amount established as a daily rate that is paid to an authorized traveler to cover lodging, meals, and other related travel expenses pursuant to regulations.

"§ 452. Allowable travel and transportation: general authorities

''(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler—

''(1) shall be provided transportation-, lodging, or meals-in-kind, or actual and necessary travel and transportation expenses for, or in connection with, official travel; or

''(2) may be provided transportation and travel allowances under other circumstances as specified in regulations prescribed under section 463 of this title.

''(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 463 of this title:

''(1) Temporary duty that requires en route travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

''(2) Permanent change of station that requires en route travel between an old and new temporary or permanent duty assignment location or other authorized location.

''(3) Temporary duty or assignment relocation related to a consecutive overseas tour or in-place-consecutive overseas tour.

''(4) Recruiting duties for the armed forces.

''(5) Assignment or detail to another Government agency or department.

''(6) Rest and recuperative leave.

''(7) Convalescent leave.

''(8) Reenlistment leave.

''(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

''(10) Ready Reserve muster duty.

''(11) Unusual, extraordinary, hardship, or emergency circumstances.

''(12) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

''(13) Attendance at or participation in international sports competitions described under section 717 of title 10.

''(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

''(1) Allowances for transportation, lodging, and meals.

''(2) Dislocation or relocation allowance paid in connection with a change in a member's temporary or permanent duty assignment location.

''(3) Other related miscellaneous expenses.

''(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

''(1) as an actual expense;

''(2) as an authorized allowance;

''(3) in-kind; or

''(4) using a combination of the authorities under paragraphs (1), (2), and (3).

''(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—A member of a uniformed service or other authorized person whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances.

''(f) ADVANCE PAYMENTS.—A member of the uniformed services or other authorized person may be allowed advance payments for authorized travel and transportation allowances.

''(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

''(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

"§ 453. Allowable travel and transportation: specific authorities

''(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel expenses and transportation expenses under this subchapter in accordance with this section:

''(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—A member of a uniformed service or other authorized traveler may be allowed travel expenses and transportation allowances incurred at a temporary duty location during an authorized absence from that location.

''(c) MOVEMENT OF PERSONAL PROPERTY.—

''(1) A member of a uniformed service or other authorized person may be allowed moving expenses and transportation allowances associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

''(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household

goods, and privately-owned vehicles in connection with the temporary or permanent move between authorized locations.

''(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 463 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may authorize additional weight allowances as necessary.

''(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

''(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

''(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—A member of the uniformed services or other authorized person may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including under circumstances warranting evacuation from a permanent duty assignment location.

''(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel and transportation in kind for the following persons in accordance with regulations prescribed under section 463 of this title:

''(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

''(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

''(3) A member who is discharged under section 1173 of title 10.

''(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 463 of this title.

''§ 454. Travel and transportation pilot programs

''(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Such pilot programs shall be conducted so as to evaluate one or more of the following:

''(1) Alternative methods for performing and reimbursing travel.

''(2) Means for limiting the need for travel.

''(3) Means for reducing the environmental impact of travel.

''(b) WAIVER AUTHORITY.—Subject to subsection (c), the administering Secretary may waive any otherwise applicable provision of law to the extent determined necessary by the Secretary for the purposes of carrying out a pilot program under subsection (a).

''(c) LIMITATION.—The authority to carry out a program under subsection (a) is subject to the availability of appropriated funds.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''§ 461. Relationship to other travel and transportation authorities

''A member of a uniformed service or other authorized traveler may not be paid travel and transportation allowances or receive travel and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for Government official travel and transportation performed under a single or related travel and transportation order or authorization by the administering Secretary.

''§ 462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

''(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

''(b) EXCEPTION.—The regulations prescribed to administer this subchapter shall specify procedures for determining the circumstances under which a repayment exception may be granted.

''(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

''§ 463. Regulations

''This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall be apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.''.

SEC. 633. OLD-LAW TRAVEL AND TRANSPORTATION AUTHORITIES TRANSITION EXPIRATION DATE AND TRANSFER OF CURRENT SECTIONS.

(a) CREATION OF SUBCHAPTER III AND TRANSITION EXPIRATION DATE.—Chapter 8 of title 37, United States Code, as added by section 632, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''§ 471. Travel authorities transition expiration date

''In this subchapter, the term 'travel authorities transition expiration date' means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''§ 472. Definitions and other incorporated provisions of chapter 7

''(a) DEFINITIONS.—The definitions contained in section 401 of this title apply to this subchapter.

''(b) OTHER PROVISIONS.—Sections 421 and 423 of this title apply to this subchapter.''.

(b) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632, inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a (as amended by section 621 of this Act), 409, 410, 411, 411a through 411k, 428 through 432, 434, and 435 of title 37, United States Code, are transferred (in that order) to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 472, and redesignated as follows:

Original section:	*Redesignated section:*
404	*474*
404a	*474a*
404b	*474b*
405	*475*
405a	*475a*
406	*476*
406a	*476a*
406b	*476b*
406c	*476c*
407	*477*
408	*478*
408a	*478a*
409	*479*
410	*480*
411	*481*
411a	*481a*
411b	*481b*
411c	*481c*
411d	*481d*
411e	*481e*
411f	*481f*
411g	*481g*
411h	*481h*
411i	*481i*
411j	*481j*
411k	*481k*
428	*488*
429	*489*
430	*490*
430	*491*
432	*492*
434	*494*
435	*495*

(3) TRANSFER OF SECTION 554.—Section 554 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 481k (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

SEC. 634. ADDITION OF SUNSET PROVISION TO OLD-LAW TRAVEL AND TRANSPORTATION AUTHORITIES.

Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by section 633(b), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

''(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(2) Section 474a is amended by adding at the end the following new subsection:

''(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.''.

(3) Section 474b is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.''.

(4) Section 475 is amended by adding at the end the following new subsection:

''(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.''.

(5) Section 475a is amended by adding at the end the following new subsection:

''(c) TERMINATION.—During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.''.

(6) Section 476 is amended by adding at the end the following new subsection:

''(n) TERMINATION.—No transportation, reimbursement, allowance, or per diem may be provided under this section—

''(1) with respect to a change of temporary or permanent station for which orders are issued

after the travel authorities transition expiration date; or

''(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.''.

(7) Section 476b is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(8) Section 476c is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(9) Section 477 is amended by adding at the end the following new subsection:

''(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.''.

(10) Section 478 is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No travel and transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(11) Section 479 is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.''.

(12) Section 481 is amended by adding at the end the following new subsection:

''(e) TERMINATION.—The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.''.

(13) Section 481a is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(14) Section 481b is amended by adding at the end the following new subsection:

''(h) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(15) Section 481c is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.''.

(16) Section 481d is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No transportation may be provided under this section after the travel authorities transition expiration date.''.

(17) Section 481e is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(18) Section 481f is amended by adding at the end the following new subsection:

''(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(19) Section 481h is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(20) Section 481i is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(21) Section 481j is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(22) Section 481k is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(23) Section 484 is amended by adding at the end the following new subsection:

''(k) TERMINATION.—No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.''.

(24) Section 488 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

(B) by adding at the end the following new subsection:

''(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(25) Section 489 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

(B) by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(26) Section 490 is amended by adding at the end the following new subsection:

''(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(27) Section 492 is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(28) Section 494 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(29) Section 495 is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.''.

SEC. 635. TECHNICAL AND CLERICAL AMENDMENTS.

(a) CHAPTER HEADING.—The heading of chapter 7 of title 37, United States Code, is amended to read as follows:

''CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES''.

(b) TABLE OF CHAPTERS.—The table of chapters preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following new items:

''7. Allowances Other Than Travel and Transportation Allowances 401

''8. Travel and Transportation Allowances ..... 451''.

(c) TABLE OF SECTIONS.—

(1) CHAPTER 7.—The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of such title, as added by section 632, is amended—

(A) by inserting after the item relating to section 454 the following new item:

''455. Appropriations for travel: may not be used for attendance at certain meetings.''; and

(B) by inserting after the item relating to section 463 the following:

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''Sec.

''471. Travel authorities transition expiration date.

''472. Definitions and other incorporated provisions of chapter 7.

''474. Travel and transportation allowances: general.

''474a. Travel and transportation allowances: temporary lodging expenses.

''474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.

''475. Travel and transportation allowances: per diem while on duty outside the continental United States.

''475a. Travel and transportation allowances: departure allowances.

''476. Travel and transportation allowances: dependents; baggage and household effects.

''476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.

''476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.

''476c. Travel and transportation allowances: members assigned to a vessel under construction.

''477. Travel and transportation allowances: dislocation allowance.

''478. Travel and transportation allowances: travel within limits of duty station.

''478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.

''479. Travel and transportation allowances: house trailers and mobile homes.

''480. Travel and transportation allowances: miscellaneous categories.

''481. Travel and transportation allowances: administrative provisions.

''481a. Travel and transportation allowances: travel performed in connection with convalescent leave.

''481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.

''481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.

''481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.

''481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.

''481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.

''481g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.

''481h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.
''481i. Travel and transportation allowances: parking expenses.
''481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
''481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
''484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
''488. Allowance for recruiting expenses.
''489. Travel and transportation allowances: minor dependent schooling.
''490. Travel and transportation: dependent children of members stationed overseas.
''491. Benefits for certain members assigned to the Defense Intelligence Agency.
''492. Travel and transportation: members escorting certain dependents.
''494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
''495. Funeral honors duty: allowance.''.

(3) CHAPTER 10.—The table of sections at the beginning of chapter 10 of such title is amended by striking the item relating to section 554.

(d) CROSS REFERENCES.—

(1) DEFENSE LAWS.—Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by section 633 is amended so as to conform the reference to the section number of the section as so redesignated.

(2) OTHER LAWS.—Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by section 633 is deemed to refer to the section as so redesignated.

SEC. 636. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code, as added by section 632, and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code), in using the authorities under subchapter III of chapter 8 of title 37, United States Code, as added by section 633, may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) TRANSITION PERIOD.—In this section, the term ''transition period'' means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. EXPANSION OF USE OF UNIFORM FUNDING AUTHORITY TO INCLUDE PERMANENT CHANGE OF STATION AND TEMPORARY DUTY LODGING PROGRAMS OPERATED THROUGH NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) INCLUSION OF ADDITIONAL PROGRAMS.—Subsection (a) of section 2491 of title 10, United States Code, is amended—

(1) by striking ''Under regulations'' and inserting ''(1) Under regulations'';

(2) by striking ''morale, welfare, and recreation programs'' the first place it appears and inserting ''a program specified in paragraph (2)'';

(3) by striking ''morale, welfare, and recreation programs'' the second place it appears and inserting ''such programs''; and

(4) by adding at the end the following new paragraph:

''(2) This section applies with respect to the following:

''(A) Morale, welfare, and recreation programs of the Department of Defense.

''(B) Permanent change of station and temporary duty lodging programs conducted as supplemental mission programs of the Department of Defense.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''morale, welfare, and recreation program'' and inserting ''program specified in subsection (a)(2)''; and

(2) in subsection (c)(1), by striking ''morale, welfare, and recreation programs within the Department of Defense'' and inserting ''a program specified in subsection (a)(2)''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2491 and inserting the following new item:

''2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs.''.

SEC. 642. CONTRACTING AUTHORITY FOR NONAPPROPRIATED FUND INSTRUMENTALITIES TO PROVIDE AND OBTAIN GOODS AND SERVICES.

(a) CLARIFICATION OF MULTI-YEAR AND PARTNERSHIP ISSUES.—Section 2492 of title 10, United States Code, is amended to read as follows:

''§2492. Nonappropriated fund instrumentalities: contracting authority to provide and obtain goods and services

''(a) CONTRACT AUTHORITY.—An agency or instrumentality of the Department of Defense that supports the operation of the exchange system, or the operation of a morale, welfare, and recreation system, of the Department of Defense may enter into a single-year or multi-year contract or other agreement to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system with any of the following:

''(1) Another element of the Department of Defense.

''(2) Another Federal department, agency, or instrumentality.

''(3) A private-sector entity.

''(b) INCLUSION OF CERTAIN SERVICES.—Contracts and other agreements authorized by subsection (a) may include a contract or agreement to provide or obtain recreational, educational, family support, or youth developmental programs and services.

''(c) PARTNERSHIPS.—Contracts and other agreements authorized by subsection (a) may include partnerships with private-sector entities that provide programs and services at no cost to the Government on military installations using Government facilities and other support resources.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2492 and inserting the following new item:

''2492. Nonappropriated fund instrumentalities: contracting authority to provide and obtain goods and services.''.

SEC. 643. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE AS A FISHER HOUSE.

Section 2493 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE.—(1) The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is deemed to be a Fisher House for purposes of this section and any other law applicable to Fisher Houses and Fisher Suites.

''(2) The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base shall be available for use by the following:

''(A) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

''(B) Other family members of the member eligible for transportation under section 411f(e) of title 37.

''(C) An escort of a family member described in subparagraph (A) or (B).''.

SEC. 644. DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.

Section 7604(c) of title 10, United States Code, is amended by striking ''shall'' and inserting ''may''.

SEC. 645. ACCESS OF MILITARY EXCHANGE STORES SYSTEM TO CREDIT AVAILABLE THROUGH FEDERAL FINANCING BANK.

Section 2487 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ACCESS OF EXCHANGE STORES SYSTEM TO FEDERAL FINANCING BANK.—To facilitate the provision of in-store credit to patrons of the exchange stores system while reducing the costs of providing such credit, the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges may issue and sell their obligations to the Federal Financing Bank as provided in section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285).''.

SEC. 646. ENHANCED COMMISSARY STORES PILOT PROGRAM.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

''§2488a. Enhanced commissary stores

''(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at a military installation designated for closure or adverse realignment under a base closure law.

''(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—(1) In addition to selling items in the merchandise categories specified in subsection (b) of

section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in the following categories as commissary merchandise:

''(A) Alcoholic beverages.

''(B) Tobacco products.

''(C) Items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

''(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store.

''(c) SALES PRICE ESTABLISHMENT AND SURCHARGE.—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store, except that prices for such merchandise shall be at least 10 percent below the average price of comparable merchandise sold in retail stores within the geographic area of the enhanced commissary store.

''(d) RETENTION AND USE OF PORTION OF PROCEEDS.—(1) The Secretary of Defense may retain amounts equal to the difference between—

''(A) the retail price of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) and in other merchandise categories authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store; and

''(B) the invoice cost of such merchandise.

''(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.

''(e) DURATION OF AUTHORITY.—An enhanced commissary store may not be operated under the authority of this section before October 1, 2011, or after December 31, 2013.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

''2488a. Enhanced commissary stores.''.

Subtitle F—Disability, Retired Pay and Survivor Benefits

SEC. 651. MONTHLY AMOUNT AND DURATION OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), relating to fiscal year 2013, by striking ''$90'' and inserting ''$163'';

(2) in subparagraph (F), relating to fiscal year 2014, by striking ''$150'' and inserting ''$200'';

(3) in subparagraph (G), relating to fiscal year 2015, by striking ''$200'' and inserting ''$215'';

(4) in subparagraph (H), relating to fiscal year 2016, by striking ''$275; and'' and inserting ''$282;'';

(5) in subparagraph (I), relating to fiscal year 2017, by striking ''$310.'' and inserting ''$314;''; and

(6) by adding at the end the following new subparagraphs:

''(J) for months during fiscal year 2018, $9;

''(K) for months during fiscal year 2019, $15;

''(L) for months during fiscal year 2020, $20; and

''(M) for months during fiscal year 2021, $27.''.

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking ''September 30, 2017'' and inserting ''September 30, 2021''; and

(2) by striking ''October 1, 2017'' both places it appears and inserting ''October 1, 2021''.

Subtitle G—Other Matters

SEC. 661. REIMBURSEMENT OF AMERICAN NATIONAL RED CROSS FOR HUMANITARIAN SUPPORT AND OTHER SERVICES PROVIDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 2602 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) The Secretary of Defense or the Secretary of a military department may reimburse the American National Red Cross for humanitarian support and other services approved by the Secretary that are provided to members of the Army, Navy, Air Force, and Marine Corps and their dependents. Such services may include identification and verification of family emergency circumstances and communications related to such circumstances.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. ANNUAL ENROLLMENT FEES FOR CERTAIN RETIREES AND DEPENDENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20- to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during a career member's retirement that is over and above what the member pays with money.

(b) ANNUAL ENROLLMENT FEES.—Section 1097(e) of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(1) The Secretary of Defense'';

(2) by striking ''A premium,'' and inserting ''Except as provided by paragraph (2), a premium,''; and

(3) by adding at the end the following new paragraph:

''(2) Beginning October 1, 2012, the Secretary of Defense may only increase in any year the annual enrollment fees described in paragraph (1) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.''.

SEC. 702. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities

''(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

''(2) An individual described in this paragraph is the following:

''(A) A member of the uniformed services or dependent—

''(i) who is receiving outpatient medical care at a military medical treatment facility; and

''(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

''(B) A member of the uniformed services or dependent who—

''(i) is a family member of an infant receiving inpatient medical care at a military medical treatment facility; and

''(ii) provides care to the infant while the infant receives such inpatient medical care.

''(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

''(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 703. BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) MENTAL HEALTH ASSESSMENTS.—Section 1074a of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary of Defense shall provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

''(2) Mental health services provided to a member under this subsection shall be at no cost to the member.''; and

(3) in subsection (i), as redesignated by paragraph (1), by striking ''medical and dental readiness'' and inserting ''medical, dental, and behavioral health readiness''.

(b) BEHAVIORAL HEALTH SUPPORT.—

(1) IN GENERAL.—Each member of a reserve component of the Armed Forces participating in annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs for member of the reserve components described in this paragraph shall include one or any combination of the following:

(A) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(B) Programs providing training on suicide prevention and post-suicide response.

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(3) STATE DEFINED.—In this subsection, the term ''State'' has the meaning given that term in section 10001 of title 10, United States Code.

SEC. 704. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by striking ''If a covered beneficiary'' and inserting ''(1) Except as provided in paragraph (2), if a covered beneficiary''; and

(2) by adding at the end the following new paragraph:

''(2) After September 30, 2012, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2012.''.

Subtitle B—Health Care Administration

SEC. 711. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

''§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) The Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SEC. 712. LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement, research, development, test, and evaluation, or operation and maintenance of the future electronic health records program, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report addressing—

(1) an architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);

(3) the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4249);

(4) the effectiveness of the Interagency Program Office to manage or oversee efforts with respect to the future electronic health records program; and

(5) any other matters the Secretary considers appropriate.

(b) FUTURE ELECTRONIC HEALTH RECORDS PROGRAM DEFINED.—In this section, the term ''future electronic health records program'' means the programs of the Department of Defense referred to as the ''EHR way ahead'' and the ''virtual lifetime electronic record''.

Subtitle C—Other Matters

SEC. 721. REVIEW OF WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense shall conduct a comprehensive review of—

(1) the availability, efficacy, and adequacy of reproductive health care services available for female members of the Armed Forces, including gynecological services and breast and gynecological cancer services;

(2) the availability, efficacy, and adequacy of women-specific preventative health care services for female members of the Armed Forces;

(3) the availability of women-specific treatment for sexual assault or abuse; and

(4) the extent to which military medical treatment facilities are following the policies of the Department of Defense with respect to women-specific health services.

(b) MATTERS INCLUDED.—The review required by subsection (a) shall include an assessment of the following:

(1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.

(2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of women-specific services and treatment for female members of the Armed

Forces who experience sexual assault or sexual abuse.

(4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.

(5) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(c) REPORT.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the review required by subsection (a).

SEC. 722. COMPTROLLER GENERAL REVIEWS OF DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking ''Not later'' and all that follows through ''thereafter'' and inserting ''Not later than July 31 of each of 2011, 2013, and 2015''.

SEC. 723. COMPTROLLER GENERAL REPORT ON CONTRACTED HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

(a) REPORT.—Not later than March 31, 2012, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the contracting activities of the military departments with respect to providing health care professional services to members of the Armed Forces, dependents, and retirees.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A review of the contracting practices used by the military departments to provide health care professional services by civilian providers.

(2) An assessment of whether the contracting practices described in paragraph (1) are the most cost effective means to provide necessary care.

(3) A determination of—

(A) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in military medical treatment facilities or other on-base facilities; and

(B) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.

SEC. 724. TREATMENT OF WOUNDED WARRIORS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $9,679,444,000 for research, development, test, and evaluation, Army, for advanced technology development, medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,000,000 for the program described in subsection (c) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) WOUNDED WARRIOR PROGRAM.—

(1) IN GENERAL.—The Secretary of the Army shall establish a program to enter into public-private partnerships to enable coordinated, rapid clinical evaluation and the wide-area deployment of novel treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries.

(2) PRIORITIES.—In carrying out the program under this subsection, the Secretary shall ensure that the program—

(A) is composed of a national network of leading clinical centers and includes an integrated clinical trial effort; and

(B) will address the priorities of the Armed Forces with respect to stabilization, retention, and readiness.

SEC. 725. COOPERATIVE HEALTH CARE AGREEMENTS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $500,000 for cooperative health care agreements between military installations and local or regional health care systems pursuant to section 713 of the National Defense Authorization Act of 2010 (Public Law 111–84; 123 Stat. 2380; 10 U.S.C. 1073 note) to strengthen local or regional health care systems for members of the Armed Forces and communities surrounding military installations with both active duty and training components with no inpatient medical facilities.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 726. PROSTATE CANCER IMAGING RESEARCH INITIATIVE.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $7,581,000 for the prostate cancer imaging research initiative. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $2,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 727. DEFENSE CENTERS OF EXCELLENCE FOR PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $176,345,000 for information technology development under the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $2,000,000 for the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to enhance efforts to disseminate post-deployment mental health information in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 728. COLLABORATIVE MILITARY-CIVILIAN TRAUMA TRAINING PROGRAMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,000,000 for the Defense Health Program for collaborative military-civilian trauma training programs pursuant to the cooperative health care agreements between military installations and local or regional health care systems under section 713 of the National Defense Authorization Act of 2010 (Public Law 111–84; 123 Stat. 2380; 10 U.S.C. 1073 note) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) REPORT.—Not later than 120 days after the date on which the Secretary establishes collaborative military-civilian trauma training programs pursuant to subsection (a), the Secretary shall submit to the congressional defense committees a report on the effectiveness of training under the programs as compared to training under other medical training programs.

SEC. 729. TRAUMATIC BRAIN INJURY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $1,000,000 for the development of national medical guidelines regarding the post-acute rehabilitation of individuals with traumatic brain

injury in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 730. COMPETITIVE PROGRAMS FOR ALCOHOL AND SUBSTANCE ABUSE DISORDERS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $415,000,000 for the continued support of wounded, ill, and injured medical research, to include psychological health, traumatic brain injury, and post-traumatic stress disorder. Of the amounts authorized to be appropriated by section 1406, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the continued support of a competitive program for translational research centers tasked with addressing alcohol and substance abuse issues in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. REQUIREMENTS RELATING TO CORE LOGISTICS CAPABILITIES FOR MILESTONE A AND MILESTONE B AND ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.

(a) ADDITIONAL MILESTONE A REQUIREMENTS.—

(1) ADDITIONAL ITEMS OF CERTIFICATION.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(A) in paragraph (2), by striking ''core competency'' and inserting ''function'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) that relevant sustainment criteria and alternatives were evaluated and addressed in the initial capabilities document in sufficient depth to support an analysis of alternatives and to establish the foundation for developing key performance parameters for sustainment of the program throughout its projected life cycle;'';

(D) by striking ''and'' at the end of paragraph (5) (as so redesignated);

(E) by inserting after paragraph (5) (as so redesignated) the following new paragraph (6):

''(6) that a preliminary assessment of the core logistics capabilities necessary to maintain and repair the program has been performed; and''; and

(F) in paragraph (7) (as so redesignated), by striking ''develop and procure'' and inserting ''develop, procure, and sustain''.

(2) DEFINITION.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

''(7) The term 'core logistics capabilities' means the core logistics capabilities identified under section 2464(a) of this title.''.

(b) ADDITIONAL MILESTONE B REQUIREMENTS.—

(1) ADDITIONAL ITEM OF CERTIFICATION.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by redesignating subparagraph (E) as subparagraph (G);

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

(C) by inserting after subparagraph (D) the following new subparagraphs:

''(E) life-cycle sustainment planning has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

''(F) the requirements for core logistics capabilities and associated sustaining workload for the program have been identified; and''.

(2) DEFINITION.—Subsection (g) of such section is amended by striking paragraph (5) (relating to Key Decision Point B) and inserting the following new paragraph (5):

''(5) The term 'core logistics capabilities' means the core logistics capabilities identified under section 2464(a) of this title.''.

(c) GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance implementing the amendments made by subsections (a) and (b) in a manner that is consistent across the Department of Defense.

(d) ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.—

(1) AMENDMENTS TO SECTION 2366A.—Section 2366a of title 10, United States Code, is amended—

*(A) in the section heading, by striking ''**or Key Decision Point**'';*

(B) in subsection (a), in the matter preceding paragraph (1), by striking '', or Key Decision Point A approval in the case of a space program,'' and by striking '', or Key Decision Point B approval in the case of a space program,''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''(or Key Decision Point A approval in the case of a space program)''; and

(ii) in paragraph (2)(C)(ii), by striking '', or Key Decision Point A approval in the case of a space program,''.

(2) AMENDMENTS TO SECTION 2366B.—Section 2366b of such title is amended—

*(A) in the section heading, by striking ''**or Key Decision Point B**'';*

(B) in subsection (a), in the matter preceding paragraph (1), by striking '', or Key Decision Point B approval in the case of a space program,''; and

(C) in subsections (b)(2) and (d)(1), by striking ''(or Key Decision Point B approval in the case of a space program)'' each place it appears.

(3) AMENDMENTS TO TABLE OF SECTIONS.—The items relating to sections 2366a and 2366b in the table of sections at the beginning of chapter 139 of such title are amended to read as follows:

''2366a. Major defense acquisition programs: certification required before Milestone A approval.

''2366b. Major defense acquisition programs: certification required before Milestone B approval.''.

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 2433a(c)(1) of such title is amended by striking '', or Key Decision Point approval in the case of a space program,'' each place it appears in subparagraphs (B) and (C).

SEC. 802. REVISION TO LAW RELATING TO DISCLOSURES TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—

(1) REVISED AUTHORITY TO COVER DISCLOSURES UNDER LITIGATION SUPPORT CONTRACTS.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

''§ 129d. Disclosure to litigation support contractors

''(a) DISCLOSURE AUTHORITY.—An officer or employee of the Department of Defense may disclose sensitive information to a litigation support contractor if—

''(1) the disclosure is for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; and

''(2) under a contract with the Government, the litigation support contractor agrees to and acknowledges—

''(A) that sensitive information furnished will be accessed and used only for the purposes stated in the relevant contract;

''(B) that the contractor will take all precautions necessary to prevent disclosure of the sensitive information provided to the contractor;

''(C) that such sensitive information provided to the contractor under the authority of this section shall not be used by the contractor to compete against a third party for Government or non-Government contracts; and

''(D) that the violation of subparagraph (A), (B), or (C) is a basis for the Government to terminate the litigation support contract of the contractor.

''(b) DEFINITIONS.—In this section:

''(1) The term 'litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support.

''(2) The term 'sensitive information' means confidential commercial, financial, or proprietary information, technical data, or other privileged information.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

''129d. Disclosure to litigation support contractors.''.

(b) REPEAL OF SUPERSEDED PROVISIONS ENACTED IN PUBLIC LAW 111–383.—Section 2320 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking ''subsection (a)'' and all that follows through ''a covered Government'' and inserting ''subsection (a), allowing a covered Government''; and

(B) by striking subparagraph (B); and

(2) by striking subsection (g).

SEC. 803. EXTENSION OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER DEFENSE CONTRACTS.

(a) CERTAIN COMPENSATION NOT ALLOWABLE UNDER DEFENSE CONTRACTS.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended by striking ''senior executives of contractors'' and inserting ''any individual performing under the covered contract''.

(b) CONFORMING AMENDMENT.—Subsection (l) of such section is amended by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be implemented in the Federal Acquisition Regulation within 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act.

SEC. 804. SUPPLIER RISK MANAGEMENT.

(a) SUPPLIER RISK MANAGEMENT.—In order to reduce waste, fraud, and abuse and ensure that the Department of Defense awards contracts to responsible suppliers, the Secretary of Defense shall manage supplier risk in accordance with this section and with the requirements of section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).

(b) EVALUATION OF SUPPLIER RISK BEFORE AWARD OF CONTRACT.—The Secretary shall direct contracting personnel to use a business credit reporting bureau (or such other objective source of business information as the Secretary considers appropriate) to evaluate supplier risk on all contract actions.

(c) IDENTIFICATION AND TRACKING OF SUPPLIERS AFTER AWARD OF CONTRACT.—The Secretary shall ensure that existing suppliers, including subcontractors and sources of supply, are identified and tracked. In implementing this subsection, the Secretary shall use an automated commercial-off-the-shelf product to identify suppliers by location and to monitor suppliers for events that may affect supplier performance, including debarments and suspensions, mergers and acquisitions, bankruptcy filings, criminal proceedings against a person or company, financial changes, or deterioration of a company.

SEC. 805. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) AVAILABILITY.—Paragraph (6) of section 1705(e) of title 10, United States Code, is amended to read as follows:

''(6) DURATION OF AVAILABILITY.—Amounts credited to the Fund in accordance with subsection (d)(2), transferred to the Fund pursuant to subsection (d)(3), appropriated to the Fund, or deposited to the Fund shall remain available for obligation in the fiscal year for which credited, transferred, appropriated, or deposited and the two succeeding fiscal years.''.

(b) EFFECTIVE DATE.—Paragraph (6) of such section, as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act.

SEC. 806. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.

(a) DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313 the following new section:

''§ 2313a. Defense Contract Audit Agency: annual report

''(a) REQUIRED REPORT.—The Director of the Defense Contract Audit Agency shall prepare an annual report of the activities of the Agency during the previous fiscal year. The report shall include, at a minimum—

''(1) a description of significant problems, abuses, and deficiencies found during the conduct of contractor audits;

''(2) a description of the recommendations for corrective action made during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

''(3) a summary of each particularly significant audit;

''(4) statistical tables showing—

''(A) the total number of audit reports completed and pending;

''(B) the priority given to each type of audit;

''(C) the length of time taken for each type of audit; and

''(D) the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs);

''(5) a summary of the pending audits, along with a rationale for why each pending audit is not yet completed; and

''(6) a summary of any recommendations of actions or resources needed to improve the audit process.

''(b) SUBMISSION OF ANNUAL REPORT.—Not later than March 30 of each year, the Director shall submit to the congressional defense committees the report required by subsection (a).

''(c) PUBLIC AVAILABILITY.—Not later than 60 days after the submission of an annual report to the congressional defense committees under subsection (b), the Director shall make the report available on the publicly available website of the Agency or such other publicly available website as the Director considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313 the following new item:

''2313a. Defense Contract Audit Agency: annual report.''.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CALCULATION OF TIME PERIOD RELATING TO REPORT ON CRITICAL CHANGES IN MAJOR AUTOMATED INFORMATION SYSTEMS.

Section 2445c(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: ''after contract award (excluding any time during which the contract award is subject to a bid protest)''.

SEC. 812. CHANGE IN DEADLINE FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FROM 60 TO 45 DAYS.

Section 2432(f) of title 10, United States Code, is amended by striking ''60'' and inserting ''45''.

SEC. 813. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVER ORDER CONTRACTS.

Paragraph (3) of section 4106(f) of title 41, United States Code, is amended to read as follows:

''(3) EFFECTIVE PERIOD.—Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.''.

SEC. 814. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDANS.

Section 2253(a)(2) of title 10, United States Code, is amended by striking ''vehicles'' and inserting ''passenger sedans''.

SEC. 815. AMENDMENT RELATING TO BUYING TENTS, TARPAULINS, OR COVERS FROM AMERICAN SOURCES.

Section 2533a(b)(1)(C) of title 10, United States Code, is amended by inserting ''(and the materials and components thereof)'' after ''tents, tarpaulins, or covers''.

SEC. 816. PARA-ARAMID FIBERS AND YARNS.

(a) REPEAL OF FOREIGN SUPPLIER EXEMPTION.—Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2084) is repealed.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of para-aramid fibers and yarns.

SEC. 817. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FROM FOREIGN SOURCES FOR THE PRODUCTION OF UNIFORMS.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

Subtitle C—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

SEC. 821. RESTRICTIONS ON AWARDING CONTRACTS IN SUPPORT OF CONTINGENCY OPERATIONS IN IRAQ OR AFGHANISTAN TO ADVERSE ENTITIES.

(a) PROHIBITION ON CONTRACTS WITH ADVERSE ENTITIES.—Effective on the date occurring 60 days after the date of the enactment of this Act, the Secretary of Defense may not award a contract in support of a contingency operation in Iraq or Afghanistan to an adverse entity.

(b) VOIDING CONTRACTS WITH ADVERSE ENTITIES.—With respect to any contract in effect before, on, or after the effective date of the prohibition in subsection (a), if the Secretary of Defense determines under subsection (c) that the contract, or any subcontract under the contract, is being performed by an adverse entity, the Secretary may, in accordance with applicable law—

(1) void the contract; or

(2) require the prime contractor to void any such subcontract.

(c) DETERMINATION OF ADVERSE ENTITY.—

(1) IN GENERAL.—For purposes of this section, an adverse entity is any foreign entity or foreign individual that the Secretary of Defense, acting through the Commander of the United States Central Command, determines, based on credible evidence—

(A) is directly engaged in hostilities or is substantially supporting forces that are engaged in hostilities against the United States or its coalition partners in a contingency operation in Iraq or Afghanistan; and

(B) is performing on a contract awarded, or task or delivery order issued, by or on behalf of the Department of Defense as a contractor, a subcontractor, or an employee of a contractor or subcontractor.

(2) NOTIFICATION.—Upon a determination by the Commander that an individual or entity is an adverse entity, the Commander shall notify in writing the head of the contracting activity responsible for the contingency operation concerned.

(3) REVIEW.—Not later than 15 days after receipt of a notification under paragraph (2), the head of the contracting activity shall—

(A) review the contracts concerned, and any subcontracts under such contracts, awarded under the authority of the head of the contracting activity to verify whether the adverse entity is currently performing under any such contract or subcontract; and

(B) notify the Commander in writing of any contracts or subcontracts that the head verifies are being performed by the adverse entity.

(d) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement this section. The guidance shall include, at a minimum, the following:

(1) A requirement for each contract awarded in support of a contingency operation in Iraq or Afghanistan awarded after the date of the enactment of this Act to include a clause pertaining to the authority provided under subsection (b).

(2) Criteria by which such authority will be applied, including criteria to ensure compliance with applicable laws.

SEC. 822. AUTHORITY TO USE HIGHER THRESHOLDS FOR PROCUREMENTS IN SUPPORT OF CONTINGENCY OPERATIONS.

With respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used in support of a contingency operation in Iraq or Afghanistan, regardless of whether the award of a contract, or the making of a purchase, for the procurement is inside or outside the United States—

(1) the simplified acquisition threshold is deemed to be $1,000,000; and

(2) the micro-purchase threshold is deemed to be $25,000.

SEC. 823. AUTHORITY TO EXAMINE RECORDS OF FOREIGN CONTRACTORS PERFORMING CONTRACTS IN SUPPORT OF CONTINGENCY OPERATIONS IN IRAQ OR AFGHANISTAN.

(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of Defense may examine the records of a foreign contractor performing a contract in support of a contingency operation in Iraq or Afghanistan.

(b) EXCEPTION.—Subsection (a) does not apply to a foreign contractor that is a foreign government or agency thereof or that is precluded by applicable laws from making its records available for examination.

(c) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement this section.

SEC. 824. DEFINITIONS.

In this subtitle:

(1) CONTRACT IN SUPPORT OF A CONTINGENCY OPERATION IN IRAQ OR AFGHANISTAN.—The term ''contract in support of a contingency operation in Iraq or Afghanistan'' means a contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation in Iraq or Afghanistan.

(2) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning provided by section 101(a)(13) of title 10, United States Code.

(3) RECORDS.—The term ''records'' has the meaning provided by section 2313(l) of title 10, United States Code.

(4) FOREIGN CONTRACTOR.—The term ''foreign contractor'' means a contractor or subcontractor organized or existing under the laws of a country other than the United States.

Subtitle D—Defense Industrial Base Matters

SEC. 831. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE PILOT PROGRAM.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the defense industrial base pilot program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A quantitative and qualitative analysis of the effectiveness of the defense industrial base pilot program.

(2) An assessment of the legal, policy, or regulatory challenges associated with effectively executing the pilot program.

(3) Recommendations for changes to the legal, policy, or regulatory framework for the pilot program to make it more effective.

(4) A description of any plans to expand the pilot program, including to other sectors beyond the defense industrial base.

(5) An assessment of the potential legal, policy, or regulatory challenges associated with expanding the pilot program.

(6) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 832. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR POTENTIAL SHORTFALLS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall undertake an assessment of the current and long-term availability within the United States industrial base of critical equipment, components, subcomponents, and materials needed to support short or prolonged conventional conflicts. In carrying out the assessment, the Secretary shall—

(1) identify items that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) perform a risk assessment of the supply chain for items identified under paragraph (1) and an evaluation of the extent to which—

(A) the supply chain for such items could be disrupted by a first strike on the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) develop mitigation strategies to address any gaps and vulnerabilities in the ability of the Department to respond to potential contingencies identified in operational plans of the combatant commanders if the sources that provide items identified under paragraph (1) should become unavailable.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings of the assessment required under subsection (a).

(c) GAO REVIEW.—The Comptroller General of the United States shall review the assessment required under subsection (a) and the report required under subsection (b) and submit to Congress a report on such review. The review shall include an assessment of—

(1) the completeness of the report;

(2) the reasonableness of the methodology used to develop the report;

(3) the conclusions contained in the report; and

(4) the extent to which the Department has implemented a Department-wide framework to identify and address gaps and vulnerabilities in the supply chain.

SEC. 833. COMPTROLLER GENERAL ASSESSMENT OF GOVERNMENT COMPETITION IN THE DEPARTMENT OF DEFENSE INDUSTRIAL BASE.

(a) COMPTROLLER GENERAL ASSESSMENT REQUIRED.—The Comptroller General of the United States shall carry out an assessment of the effect of Government mandated and supported competition in the Department of Defense industrial base that includes, at a minimum, the following:

(1) An examination of the aerospace propulsion business volume that the Department generates and whether such volume facilitates or supports multiple levels of competitors.

(2) An examination of the factors necessary to achieve cost effectiveness in initiating and supporting a competitive industrial base.

(3) An examination of the actual costs of developing a second source for previous private sector provided materials versus savings provided through such competitions.

(4) The advantages and disadvantages of other potential options or methods as well as any shortfalls in the current processes.

(5) Recommendations for any administrative or legislative action that the Comptroller General deems appropriate in the context of the assessment.

(b) REPORT.—Not later than April 1, 2012, the Comptroller General shall submit to the Chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations, as appropriate, of the Comptroller General with respect to the assessment conducted. The Comptroller General shall receive comments from the Secretary of Defense and others, as appropriate.

SEC. 834. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of enactment of this Act;

(2) the apparent objectives of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term ''foreign boycott'' means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 835. RARE EARTH MATERIAL INVENTORY PLAN.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency Strategic Materials shall submit to the Secretary of Defense a plan to establish an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials, as identified by the report required by section 843 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4282) and as otherwise determined to be necessary. The plan shall—

(1) identify and describe the steps necessary to create an inventory of rare earth materials, including oxides, metals, alloys, and magnets, to support national defense requirements and ensure reliable sources of such materials for defense purposes;

(2) provide a detailed cost-benefit analysis of creating such an inventory in accordance with Office of Management and Budget Circular A–94;

(3) provide an analysis of the potential market effects, including effects on the pricing and commercial availability of such rare earth materials, associated with creating such an inventory;

(4) identify and describe the mechanisms available to the Administrator to make such an inventory accessible, including by purchase, to entities requiring such rare earth materials to support national defense requirements, including producers of end items containing rare earth materials;

(5) provide a detailed explanation of the ability of the Administrator to authorize the sale of excess materials to support a Rare Earth Material Stockpile Inventory Program;

(6) analyze any potential requirements to amend or revise the Defense Logistics Agency Strategic Materials Annual Material Plan for Fiscal Year 2012 and subsequent years to reflect an inventory of rare earth materials to support national defense requirements;

(7) identify and describe the steps necessary to develop or maintain a competitive, multi-source supply-chain to avoid reliance on a single source of supply;

(8) identify and describe supply sources considered by the Administrator to be reliable, including an analysis of the capabilities of such sources to produce such materials in forms required for military applications in the next five years, as well as the security of upstream supply for these sources of material; and

(9) include such other considerations and recommendations as necessary to support the establishment of such inventory.

(b) DETERMINATION.—

(1) IN GENERAL.—Not later than 90 days after the date on which the plan is submitted under subsection (a), the Secretary of Defense shall determine whether to execute the plan described in subsection (a).

(2) SUBMITTAL.—The Secretary shall submit to the congressional defense committees—

(A) the plan under subsection (a); and

(B) a notice of the determination under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term ''rare earth'' means any of the following chemical elements in any of their physical forms or chemical combinations and alloys:

(A) Scandium.

(B) Yttrium.

(C) Lanthanum.

(D) Cerium.

(E) Praseodymium.

(F) Neodymium.

(G) Promethium.

(H) Samarium.

(I) Europium.

(J) Gadolinium.

(K) Terbium.

(L) Dysprosium.

(M) Holmium.

(N) Erbium.

(O) Thulium.

(P) Ytterbium.

(Q) Lutetium.

(2) The term ''capability'' means the required facilities, manpower, technological knowhow, and intellectual property necessary for the efficient and effective production of rare earth materials.

Subtitle E—Other Matters

SEC. 841. MISCELLANEOUS AMENDMENTS TO PUBLIC LAW 111–383 RELATING TO ACQUISITION.

(a) AMENDMENTS TO CAPABILITIES COVERED BY ACQUISITION PROCESS FOR RAPID FIELDING.—Section 804(b)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

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

(2) by striking ''; and'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(b) AMENDMENTS TO ELEMENTS OF GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 812(b) of such Act (Public Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(c) AMENDMENTS TO DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.—Section 1073 of such Act (Public Law 111–383; 124 Stat. 4366; 10 U.S.C. 2359a note) is amended—

(1) in subsection (a), by striking ''shall'' in the first sentence and inserting ''may''; and

(2) in subsection (b), by amending the first sentence to read as follows: ''If the Secretary establishes a program under subsection (a), the Secretary shall issue guidelines for the operation of the program.''.

SEC. 842. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) REVISION TO CONTRACTS DESCRIBED.—Subsection (b) of section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amended by striking ''For the purposes of this section,'' and all that follows through the end and inserting the following: ''For the purposes of this section, the Department of Defense is deemed to own a photovoltaic device if the device is installed on Department of Defense property or in a facility owned or leased by or for the Department of Defense.''.

(b) REVISION TO DEFINITION OF PHOTOVOLTAIC DEVICES.—Subsection (c) of such section is amended by striking ''means'' and all that follows through the end and inserting the following: ''means devices that convert light directly into electricity.''.

SEC. 843. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.

(a) EXCLUSIVE JURISDICTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any cause of action filed on or after the first day of the first month beginning more than 30 days after the date of the enactment of this Act.

SEC. 844. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: ''This section shall not apply to the Department of Defense.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REVISION OF DEFENSE BUSINESS SYSTEMS REQUIREMENTS.

Section 2222 of title 10, United States Code, is amended to read as follows:

''§ 2222. Defense business systems: architecture, accountability, and modernization

''(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEMS.—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system that will have a total cost in excess of $1,000,000 unless—

''(1) the appropriate pre-certification authority for the defense business system has determined that—

''(A) the defense business system is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

''(i) the business process to be supported by the defense business system is as streamlined and efficient as practicable; and

''(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

''(B) the defense business system is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(C) the defense business system is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

''(2) the defense business system has been reviewed and certified by the investment review board established under subsection (g); and

''(3) the certification of the investment review board has been approved by the Defense Business Systems Management Committee established by section 186 of this title.

''(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a business system that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

''(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—(1) The Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

''(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget; and

''(B) a transition plan for implementing the enterprise architecture for defense business systems.

''(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition activities, logistics activities, or installations and environment activities of the Department of Defense.

''(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

''(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

''(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

''(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations covered by subparagraphs (A) through (D).

''(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

''(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

''(A) comply with applicable law, including Federal accounting, financial management, and reporting requirements;

''(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

''(C) integrate budget, accounting, and program information and systems; and

''(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

''(3) A defense business systems computing environment integrated into the defense business enterprise architecture for the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer.

''(e) COMPOSITION OF TRANSITION PLAN.—(1) The transition plan developed under subsection (c)(1)(B) shall include the following:

''(A) A listing of the additional systems that are expected to be needed to complete the defense business enterprise architecture, along with each system's time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

''(B) A listing of the defense business systems as of December 2, 2002 (known as 'legacy systems'), that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

''(C) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture.

''(2) Each of the strategies under paragraph (1) shall include specific time-phased milestones, performance measures, and a statement of the financial and nonfinancial resource needs.

''(f) APPROPRIATE PRE-CERTIFICATION AUTHORITIES.—For purposes of subsection (a), the appropriate pre-certification authority for a defense business system is as follows:

''(1) In the case of an Army program, the Chief Management Officer of the Army.

''(2) In the case of a Navy program, the Chief Management Officer of the Navy.

''(3) In the case of an Air Force program, the Chief Management Officer of the Air Force.

''(4) In the case of a program of a Defense Agency, the Director, or equivalent, of that Defense Agency unless otherwise approved by the Deputy Chief Management Officer.

''(5) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer.

''(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require the Deputy Chief Management Officer, not later than October 1, 2011, to establish an investment review board and investment management process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

''(2) The review of defense business systems under the investment management process shall include the following:

''(A) Review and approval by the investment review board of each defense business system before the obligation of funds on the system in accordance with the requirements of subsection (a).

''(B) Periodic review, but not less often than annually, of all defense business systems, grouped in portfolios of defense business systems.

''(C) Representation on the investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including the Under Secretaries of Defense, the Chief Information Officer of the Department of Defense, and the Chief Management Officers of the military departments.

''(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business systems depending on scope, complexity, and cost.

''(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

''(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

''(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

''(1) Identification of each defense business system for which funding is proposed in that budget.

''(2) Identification of all funds, by appropriation, proposed in that budget for each such system, including—

''(A) funds for current services (to operate and maintain the system); and

''(B) funds for business systems modernization, identified for each specific appropriation.

''(3) For each such system, identification of the appropriate pre-certification authority under subsection (f).

''(4) For each such system, a description of each approval made under subsection (a)(3) with regard to such system.

''(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. The report shall—

''(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the defense business systems submitted for certification under such subsection;

''(2) identify the number of defense business systems so certified;

''(3) identify any defense business system during the preceding fiscal year that was not certified under subsection (a), and the reasons for the lack of certification;

''(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems implementation or modernization efforts; and

''(5) include a copy of the most recent report of the Chief Management Officer of each military department on implementation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4569; 10 U.S.C. 2222 note).

''(j) DEFINITIONS.—In this section:

''(1) The term 'pre-certification authority', with respect to a defense business system, means the Department of Defense official responsible for the defense business system, as designated by subsection (f).

''(2) The term 'defense business system' means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(3) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44.

''(4) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40.

''(5) The term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.''.

SEC. 902. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy

and Marine Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. NOTIFICATION REQUIREMENT FOR HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) NOTIFICATION REQUIRED.—Upon a determination by the Secretary of Defense that a commercial communications service will cause or is causing widespread harmful interference with Global Positioning System receivers used by the Department of Defense, the Secretary shall submit to Congress notice of such determination.

(b) CONTENTS.—The notice required under subsection (a) shall include—

(1) a summary of the reasons that a commercial communications service will cause or is causing harmful interference with Global Positioning System receivers used by the Department of Defense;

(2) a description of the entity that will cause or is causing such harmful interference;

(3) a description of the magnitude and duration of such harmful interference or the potential magnitude and duration of such harmful interference; and

(4) a summary of the Secretary's plans for addressing such harmful interference.

Subtitle C—Intelligence-Related Matters

SEC. 921. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS BY THE COMPTROLLER GENERAL ON INTELLIGENCE INFORMATION SHARING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the Comptroller General a report on actions taken by the Secretary in response to the recommendations of the Comptroller General in the report issued on January 22, 2010, titled ''Intelligence, Surveillance, and Reconnaissance: Establishing Guidance, Timelines, and Accountability for Integrating Intelligence Data Would Improve Information Sharing'' (GAO-10-265NI), regarding the need to develop guidance, such as a concept of operations, to provide overarching direction and priorities for sharing intelligence information across the defense elements of the intelligence community.

(b) REVIEW OF REPORT.—The Comptroller General shall submit to the appropriate congressional committees a review of the report submitted under subsection (a), including a determination by the Comptroller General as to whether the actions taken by the Secretary of Defense in response to the recommendations referred to in such subsection are consistent with and adequately address such recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Select Committee on Intelligence of the Senate.

SEC. 922. INSIDER THREAT DETECTION.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for information sharing protection and insider threat mitigation for the information systems of the Department of Defense to detect unauthorized access to, use of, or transmission of classified or controlled unclassified information.

(b) ELEMENTS.—The program established under subsection (a) shall include the following:

(1) Technology solutions for deployment within the Department of Defense that allow for centralized monitoring and detection of unauthorized activities, including—

(A) monitoring the use of external ports and read and write capability controls;

(B) auditing unusual and unauthorized user activities;

(C) a roles-based access certification system;

(D) cross-domain guards for transfers of information between different networks; and

(E) patch management for software and security updates.

(2) Policies and procedures to support such program, including special consideration for policies and procedures related to international and interagency partners and activities in support of ongoing operations in areas of hostilities.

(3) A governance structure and process that integrates information security and sharing technologies with the policies and procedures referred to in paragraph (2). Such structure and process shall include—

(A) coordination with the existing security clearance and suitability review process;

(B) coordination of existing anomaly detection techniques, including those used in counterintelligence investigation or personnel screening activities; and

(C) updating and expediting of the classification review and marking process.

(4) A continuing analysis of—

(A) gaps in security measures under the program; and

(B) technology, policies, and processes needed to increase the capability of the program beyond the initially established full operating capability to address such gaps.

(5) A baseline analysis framework that includes measures of performance and effectiveness.

(6) A plan for how to ensure related security measures are put in place for other departments or agencies with access to Department of Defense networks.

(7) A plan for enforcement to ensure that the program is being applied and implemented on a uniform and consistent basis.

(c) OPERATING CAPABILITY.—The Secretary shall ensure the program established under subsection (a)—

(1) achieves initial operating capability not later than October 1, 2012; and

(2) achieves full operating capability not later than October 1, 2013.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that includes—

(1) the implementation plan for the program established under subsection (a);

(2) the resources required to implement the program;

(3) specific efforts to ensure that implementation does not negatively impact activities in support of ongoing operations in areas of hostilities;

(4) a definition of the capabilities that will be achieved at initial operating capability and full operating capability, respectively; and

(5) a description of any other issues related to such implementation that the Secretary considers appropriate.

(e) BRIEFING REQUIREMENT.—The Secretary shall provide briefings to the Committees on Armed Services of the House of Representatives and the Senate as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a briefing describing the governance structure referred to in subsection (b)(3).

(2) Not later than 120 days after the date of the enactment of this Act, a briefing detailing the inventory and status of technology solutions deployment referred to in subsection (b)(1), including an identification of the total number of host platforms planned for such deployment, the current number of host platforms that provide appropriate security, and the funding and timeline for remaining deployment.

(3) Not later than 180 days after the date of the enactment of this Act, a briefing detailing the policies and procedures referred to in subsection (b)(2), including an assessment of the effectiveness of such policies and procedures and an assessment of the potential impact of such policies and procedures on information sharing within the Department of Defense and with interagency and international partners.

(f) BUDGET SUBMISSION.—On the date on which the President submits to Congress the budget for fiscal year 2013 under section 1105 of title 31, Untied States Code, the Secretary of Defense shall submit to the congressional defense committees an identification of the resources requested in such budget to carry out the program established under subsection (a).

Subtitle D—Total Force Management

SEC. 931. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT.

(a) REVISION OF GENERAL PERSONNEL POLICY SECTION.—Section 129a of title 10, United States Code, is amended to read as follows:

''§ 129a. General policy for total force management

''(a) POLICIES AND PROCEDURES.—The Secretary of Defense shall establish policies and procedures for determining the appropriate mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

''(b) RISK MITIGATION OVER COST.—In establishing the policies and procedures under subsection (a), the Secretary shall ensure that establishment of an appropriately balanced workforce with sufficient levels of personnel to carry out the mission of the Department and the core mission areas of the armed forces (as identified pursuant to section 118b of this title) takes precedence over cost savings.

''(c) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

''(1) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing guidance to implement such policies and procedures.

''(2) The manpower and force structure authorities for each Department of Defense component shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

''(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1). In carrying out this paragraph, the Under Secretary shall require each contracting officer to obtain a written statement from each requiring official that the work required is appropriate for contractor personnel consistent with this title, the Federal Acquisition Regulation, the Defense Supplement to the Federal Acquisition Regulation, and Department of Defense instructions governing appropriate use of contractors.

''(4) The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. If the Under Secretary of Defense (Comptroller) recommends a defense budget for a fiscal year that inhibits the implementation of such policies and procedures, then a justification for such recommendation shall be included in the defense budget materials (as defined in section 2228(f)(5) of this title) for that fiscal year.

''(d) USE OF PLAN, INVENTORY, AND LIST.—In carrying out the policies and procedures established under subsection (a), the Secretary shall—

''(1) incorporate the civilian strategic workforce plan (required by section 115b of this title) into such policies and procedures;

''(2) incorporate the civilian positions master plan (required by section 1597(c) of this title) into such policies and procedures;

''(3) use the inventory of contracts for services required by section 2330a(c) of this title; and

''(4) use the list of activities required by the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note).

''(e) CONSIDERATIONS IN CONVERTING PERSONNEL.—If conversion of personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall—

''(1) ensure compliance with—

''(A) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

''(B) section 2461 of this title (relating to public-private competition required before conversion to contractor performance); and

''(2) include in each manpower requirements report under section 115a of this title a complete justification for converting from one form of personnel to another.

''(f) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this title may be construed as authorizing—

''(1) a Department of Defense component to directly convert a function to contractor performance without complying with section 2461 of this title;

''(2) the use of contractor personnel for functions that are inherently governmental or closely associated with inherently governmental even if there is a civilian personnel shortfall in the Department of Defense;

''(3) the establishment of numerical goals or budgetary savings targets for the conversion of functions to performance by either Department of Defense civilian personnel or for conversion to performance by contractor personnel; or

''(4) the imposition of a civilian hiring freeze that may inhibit the implementation of the policies and procedures established under subsection (a).''.

(b) CLERICAL AMENDMENT.—The item relating to section 129a in the table of sections at the beginning of such chapter is amended to read as follows:

''129a. General policy for total force management.''.

SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''(2) the funds made available to the department for such fiscal year.'' and inserting ''(2) the total force management policies and procedures established under section 129a of this title.'';

(2) in subsection (d), by striking ''within that budget activity for which funds are provided for that fiscal year.'' and inserting ''within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.''; and

(3) in subsection (e), by striking the sentence beginning with ''With respect to''.

SEC. 933. ADDITIONAL AMENDMENTS RELATING TO TOTAL FORCE MANAGEMENT.

(a) AMENDMENTS TO SECRETARY OF DEFENSE REPORT.— Section 113(l) of title 10, United States Code, is amended in paragraphs (2), (3), and (4) by striking ''military and civilian personnel'' each place it appears and inserting ''military, civilian, and contractor personnel''.

(b) AMENDMENTS RELATING TO CERTAIN GUIDELINES.— Section 1597(b) of title 10, United States Code, is amended by inserting after the first sentence the following: ''In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.''.

(c) AMENDMENT TO REQUIREMENTS FOR ACQUISITION OF SERVICES.—Section 863 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4293; 10 U.S.C. 2330 note) is amended by adding at the end of subsection (d) the following new paragraph:

''(9) Considerations relating to total force management policies and procedures established under section 129a of this title.''.

SEC. 934. AMENDMENTS TO ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

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

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

''(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year; and

''(3) the contractor personnel requirements level for performing contract services as defined in section 235 of this title for each component of the Department of Defense for the next fiscal year and the contractor full-time equivalents level for the prior fiscal year as reported in the inventory for contracts for services required by subsection (c) of section 2330a of this title.''.

SEC. 935. REVISIONS TO STRATEGIC WORKFORCE PLAN.

(a) REVISION IN REPORTING PERIOD.—

(1) IN GENERAL.—Section 115b of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**Annual strategic**'' and inserting ''**Biennial civilian strategic**'';

(B) in the heading of subsection (a), by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(C) in subsection (a)(1), by striking ''on an annual basis'' and inserting ''in every even-numbered year''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of such title is amended by striking the item relating to section 115b and inserting the following:

''115b. Biennial civilian strategic workforce plan.''.

(b) REVISION IN ASSESSMENT CONTENTS AND PERIOD.—Section 115b(b)(1) of such title is amended—

(1) in subparagraph (A), by striking ''seven-year period following the year in which the plan is submitted'' and inserting ''five-year period corresponding to the current future-years defense program''; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ''as determined under the total force management policies and procedures established under section 129a of this title''.

(c) REFERENCE TO SECTION 129A.—Section 115b(c)(2)(D) is amended by inserting before the period at the end the following: ''and the policies and procedures established under section 129a of this title''.

SEC. 936. TECHNICAL AMENDMENTS TO REQUIREMENT FOR INVENTORY OF CONTRACTS FOR SERVICES.

Section 2330a(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(and pursuant to contracts for goods to the extent services are also provided under such contracts)'' after ''pursuant to contracts for services'';

(B) in subparagraph (A)—

(i) by striking ''and'' at the end of clause (i); and

(ii) by striking clause (ii) and inserting the following:

''(ii) the calculation of contractor full-time equivalents for direct labor, using direct labor hours, in a manner that is comparable to the calculation of Department of Defense civilian full-time employees; and

''(iii) the conduct and completion of the annual review required under subsection (e)(1).''; and

(C) in subparagraph (B), by inserting ''for requirements specifically relating to acquisition'' before the period; and

(2) in paragraph (2)(E), by striking ''The number of contractor employees,'' and inserting ''The number of contractors,''.

SEC. 937. MODIFICATION OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO CONTRACTOR PERFORMANCE.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is amended—

(1) in subsection (a), by striking ''Secretary of Defense submits to the congressional defense committees the certification required under subsection (d)'' and inserting ''Comptroller General submits to the congressional defense committees the assessment required under subsection (c)''; and

(2) by striking subsection (d).

SEC. 938. PRELIMINARY PLANNING AND DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Section 2461(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by striking '', begins'' and inserting ''shall be conducted in accordance with guidance and procedures that shall be issued and maintained by the Under Secretary of Defense for Personnel and Readiness and shall begin'';

(B) by inserting after ''the date on which'' the following: ''a component of'';

(C) by inserting ''first'' before ''obligates'';

(D) by inserting ''specifically'' after ''funds'';

(E) by inserting ''for the preliminary planning effort'' after ''support''; and

(F) in clause (i), by inserting ''a public-private'' before ''competition''; and

(2) in subparagraph (F)—

(A) by inserting ''or Defense Agency'' after ''military department'';

(B) by striking ''of such date'' and inserting ''of the actions intended to be taken during the preliminary planning process'';

(C) by inserting ''of such actions'' after ''public notice'';

(D) by inserting after ''website'' the following: ''and through other means as determined necessary'';

(E) by inserting after the first sentence the following: ''Following the completion of preliminary planning for a public-private competition, if applicable, the head of a military department or Defense Agency shall submit to Congress written notice of the initiation of the public-private competition and shall announce such initiation in the Federal Register.''; and

(F) by striking ''Such date is the first day of preliminary planning for a public-private competition for'' and inserting ''The date of such announcement shall be used for''.

SEC. 939. CONVERSION OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

Section 2463 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) is an inherently governmental function;'';

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (B) the following new subparagraphs (C), (D), and (E):

''(C) acquisition workforce functions;

''(D) is a critical function that is necessary to maintain sufficient organic expertise and technical capability;

''(E) has been performed by Department of Defense civilian employees at any time during the previous 10-year period;''.

(2) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(3) by inserting after subsection (c) the following new subsections (d) and (e):

''(d) DETERMINATIONS RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—(1) Except as provided in paragraph (2), in determining whether a function should be converted to performance by Department of Defense civilian employees, the Secretary of Defense shall—

''(A) develop methodology for determining costs based on the guidance outlined in the Directive-Type Memorandum 09–007 entitled 'Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support' or any successor guidance for the determination of costs when costs are the sole basis for the determination;

''(B) take into consideration any supplemental guidance issued by the Secretary of a military department for determinations affecting functions of that military department; and

''(C) ensure that the difference in the cost of performing the function by a contractor compared to the cost of performing the function by Department of Defense civilian employees would be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function; or

''(ii) $10,000,000.

''(2) Paragraph (1) shall not apply to a function described in subparagraph (A) of subsection (b)(1).

''(e) NOTIFICATION RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—The Secretary of Defense shall establish procedures for the timely notification of any contractor who performs a function that the Secretary plans to convert to performance by Department of Defense civilian employees pursuant to subsection (a). The Secretary shall provide a copy of any such notification to the congressional defense committees.''; and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) by striking ''this section'' and all that follows and inserting ''this section:''; and

(B) by adding at the end the following new paragraphs:

''(1) The term 'functions closely associated with inherently governmental functions' has the meaning given that term in section 2383(b)(3) of this title.

''(2) The term 'acquisition function' has the meaning given that term under section 1721(a) of this title.

''(3) The term 'inherently governmental function' has the meaning given that term in the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U. S.C. 501 note).''.

SEC. 940. ASSESSMENT OF APPROPRIATE DEPARTMENT OF DEFENSE AND CONTRACTOR PERSONNEL FOR THE DEFENSE MEDICAL READINESS TRAINING INSTITUTE.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment to determine the appropriate mix of Department of Defense civilian personnel and contractor personnel to carry out the mission and functions of the Defense Medical Readiness Training Institute.

(b) FACTORS FOR CONSIDERATION.—In carrying out the assessment required under subsection (a), the Secretary shall take into consideration the policy, guidance, procedures, and methodologies for total force management of the Department of Defense, including—

(1) such policy, guidance, procedures, and methodologies described in sections 129 and 129a of title 10, United States Code, as amended by this Act;

(2) manpower requirements for planning, programming, and budgeting;

(3) the Department of Defense strategic human capital plans developed pursuant to section 115b of such title;

(4) the annual personnel authorization requests to Congress pursuant to section 115a of such title; and

(5) a determination of the Secretary with respect to whether the functions performed by the Defense Medical Readiness Training Institute are inherently governmental, closely associated with inherently governmental, or commercial in nature.

(c) OTHER ELEMENTS OF ASSESSMENT.—The assessment required under subsection (a) shall include an assessment of each of the following:

(1) The effect of distributed training at multiple locations in the United States on the ability of the Defense Medical Readiness Training Institute to accomplish its training mission.

(2) The extent to which simulated training can be used effectively at locations remote from the Defense Medical Readiness Training Institute campus.

(3) A cost-benefit analysis as outlined in Office of Management and Budget Circular A-94 of the use of simulated training versus training using classroom instructors.

(4) The budgetary effect of expanding the use of contractor-provided training to accomplish the mission of the Defense Medical Readiness Training Institute.

(5) Any other matter relevant to the mission of the Defense Medical Readiness Training Institute that the Secretary determines is appropriate.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the analysis required under subsection (a).

Subtitle E—Quadrennial Roles and Missions and Related Matters

SEC. 951. TRANSFER OF PROVISIONS RELATING TO QUADRENNIAL ROLES AND MISSIONS REVIEW.

(a) TRANSFER OF PROVISIONS RELATING TO ASSESSMENT OF ROLES AND MISSIONS.—Section 153(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (D), (E), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Advising the Secretary on the roles and missions of the armed forces and on the assignment of functions to the armed forces in order to obtain maximum efficiency and effectiveness of the armed forces.''; and

(3) by amending subparagraph (G) (as redesignated by paragraph (1)) to read as follows:

''(G) Identifying, assessing, and prioritizing joint military requirements (including existing systems and equipment) for defense acquisition, and identifying the core mission areas associated with each such requirement.''.

(b) REQUIREMENT FOR NATIONAL MILITARY STRATEGY REVIEW TO BE CONSISTENT WITH QUADRENNIAL ROLES AND MISSIONS REVIEW.—Section 153(d)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (ii);

(2) by striking the period and inserting ''; and'' at the end of clause (iii); and

(3) by adding at the end the following new clause:

''(iv) the most recent quadrennial roles and missions review conducted by the Secretary of Defense pursuant to section 118b of this title.''.

(c) ASSESSMENT OF ROLES AND MISSIONS.—Section 153 of such title is further amended by adding at the end the following new subsection:

''(e) ASSESSMENT OF ROLES AND MISSIONS.—(1) In each year in which the Secretary of Defense is required to conduct a quadrennial roles and missions review pursuant to section 118b of this title, the Chairman shall prepare and submit to the Secretary of Defense an assessment of the roles and missions of the armed forces and the assignment of functions to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency and effectiveness of the armed forces.

''(2) The assessment shall be conducted so as to—

''(A) organize the significant missions of the armed forces into core mission areas that cover broad areas of military activity; and

''(B) ensure that core mission areas are defined and functions are assigned so as to avoid unnecessary duplication of effort among the armed forces.

''(3) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year.''.

(d) CONFORMING AMENDMENTS.—Section 118b of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking ''Upon receipt of the Chairman's assessment, and after giving appropriate consideration to the Chairman's recommendations, the Secretary'' and inserting ''The Secretary''.

SEC. 952. REVISIONS TO QUADRENNIAL ROLES AND MISSIONS REVIEW.

Section 118b of title 10, United States Code, as amended by section 951, is further amended—

(1) in subsection (a), by striking ''core competencies and capabilities of the Department of Defense to perform and support such roles and missions'' and inserting ''functions and capabilities of the Department of Defense and its major components to achieve the objectives of the national defense strategy and the national military strategy'';

(2) by redesignating subsections (c) and (d) as subsections (b) and (c);

(3) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and all that follows through ''shall identify—'' and inserting ''CONDUCT OF REVIEW.—Each quadrennial roles and missions review shall identify—'';

(B) in paragraph (2), by striking ''core competencies and capabilities'' and inserting ''functions and capabilities of each of the armed forces'';

(C) in paragraph (3), by striking ''core competencies'' and inserting ''functions'';

(D) by striking ''core competencies and'' and inserting ''the functions and the''; and

(E) in paragraph (5), by striking ''core competencies'' and inserting ''functions''; and

(4) in subsection (d) (as so redesignated), by inserting ''findings of the'' before ''quadrennial''.

SEC. 953. AMENDMENT TO PRESENTATION OF FUTURE-YEARS BUDGET AND COMPTROLLER GENERAL REPORT ON BUDGET JUSTIFICATION MATERIAL.

(a) ORGANIZATION OF FUTURE-YEARS BUDGET.—

(1) IN GENERAL.—Section 222(b) of title 10, United States Code, is amended by striking ''on the basis of both major force programs and the core mission areas'' and inserting ''on the basis of major force programs and the core mission areas and functions of each of the armed forces''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the future-years mission budget for fiscal year 2013 and each fiscal year thereafter.

(b) REPORT REQUIRED.—

(1) MATTERS COVERED.—The Comptroller General of the United States shall prepare a report containing assessments of—

(A) the sufficiency of Department of Defense regulations, policies, and guidance governing the construction of budget exhibits;

(B) the current program element structure and content used to account for the budget activity of the Department of the Defense;

(C) the degree to which the Secretary of Defense has implemented the recommendations for improving the consistency, clarity, accuracy,

and completeness of the Department of Defense budget documentation contained in Government Accountability Report GAO-07-1058; and

(D) the degree to which the Department of Defense has complied with the Congressional intent and requirements of the amendments made by section 944 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 289).

(2) RECOMMENDATIONS.—The report required by this subsection shall also include such recommendations as the Comptroller General considers to be appropriate in order to improve the consistency, clarity, accuracy, and completeness of the Department of Defense budget justification material content and to improve the Department's ability to identify and track resources by the core mission areas and functions of the armed forces as required by section 118b of title 10, United States Code.

SEC. 954. CHAIRMAN OF THE JOINT CHIEFS OF STAFF ASSESSMENT OF CONTINGENCY PLANS.

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''assessment of'' and all that follows through the period and inserting: ''assessment of—

''(A) the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy; and

''(B) the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of contingency plans of each geographic combatant commander, and the effect of such deficiencies and strengths on strategic plans and on meeting national security objectives and policy.''; and

(2) in paragraph (2)—

(A) by inserting after ''National Military Strategy is significant,'' the following, ''or that critical deficiencies in force capabilities exist for a contingency plan,''; and

(B) by inserting ''or deficiency'' before the period at the end.

SEC. 955. QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

''(4) to make recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, in order to allow Congress to determine the level of acceptable risk to execute the missions associated with the national defense strategy within appropriated funds.''.

Subtitle F—Other Matters

SEC. 961. DEADLINE REVISION FOR REPORT ON FOREIGN LANGUAGE PROFICIENCY.

Section 958 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 297) is amended—

(1) in subsection (a), by striking ''annually thereafter'' and inserting ''by June 30 each year thereafter''; and

(2) in subsection (d), by striking ''December 31, 2013'' and inserting ''June 30, 2013''.

SEC. 962. MILITARY ACTIVITIES IN CYBERSPACE.

(a) AFFIRMATION.—Congress affirms that the Secretary of Defense is authorized to conduct military activities in cyberspace.

(b) AUTHORITY DESCRIBED.—The authority referred to in subsection (a) includes the authority to carry out a clandestine operation in cyberspace—

(1) in support of a military operation pursuant to the Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107–40) against a target located outside of the United States; or

(2) to defend against a cyber attack against an asset of the Department of Defense.

(c) BRIEFINGS ON ACTIVITIES.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate on covered military cyberspace activities that the Department of Defense carried out during the preceding quarter.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct military activities in cyberspace.

SEC. 963. ACTIVITIES TO IMPROVE MULTILATERAL, BILATERAL, AND REGIONAL COOPERATION REGARDING CYBERSECURITY.

(a) ESTABLISHMENT OF CYBERSECURITY PROGRAM.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051b the following new section:

''§ 1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security

''(a) ASSIGNMENTS AUTHORIZED; PURPOSE.—The Secretary of Defense may authorize the temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

''(b) PAYMENT OF CERTAIN EXPENSES.—To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.

''(c) PROTECTION OF DEPARTMENT CYBERSECURITY.—In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.

''(d) MULTI-YEAR AVAILABILITY OF FUNDS.—Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

''(e) INFORMATION SECURITY DEFINED.—In this section, the term 'information security' refers to—

''(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and

''(2) the security policies, security procedures, or acceptable use policies with respect to an information system.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051b the following new item:

''1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security.''.

(b) REPORT ON EXPANSION OF FELLOWSHIP OPPORTUNITIES.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the feasibility and benefits of expanding the fellowship program authorized by section 1051c of title 10, United States Code, as added by subsection (a), to include ministry of defense officials, security officials, or other civilian officials of foreign countries.

SEC. 964. REPORT ON UNITED STATES SPECIAL OPERATIONS COMMAND STRUCTURE.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a study of the United States Special Operations Command subunified structure.

(b) ELEMENTS.—The report required under this section shall include, at a minimum, the following:

(1) Recommendations to revise as necessary the present command structure to better support development and deployment of joint special operations forces and capabilities.

(2) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law

108–136; 10 U.S.C. 371 note), as most recently amended by section 1012(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346), is amended by striking ''2011'' and inserting ''2012''.

SEC. 1012. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is amended by striking ''During fiscal years 2002 through 2011'' and inserting ''Until September 30, 2013''.

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—Such section is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''tribal,'' after ''local,''; and

(B) in paragraph (2), by striking ''State or local'' both places it appears and insert ''State, local, or tribal''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''State or local'' and inserting ''State, local, or tribal'';

(B) in paragraph (4), by striking ''State, or local'' and inserting ''State, local, or tribal''; and

(C) in paragraph (5), by striking ''State and local'' and inserting ''State, local, and tribal''.

(c) CLARIFICATION OF AUTHORITY TO PROVIDE CERTAIN NONLETHAL EQUIPMENT OR SERVICES.—Subsection (b)(4) of such section is amended by inserting before the period at the end the following: '', including the provision of nonlethal equipment or services necessary for the operation of such bases or facilities, other than any equipment specifically identified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998''.

SEC. 1013. ONE-YEAR EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4347), is amended by striking ''2012'' and inserting ''2013''.

SEC. 1014. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346), is amended—

(1) in subsection (a), by striking ''2011'' and inserting ''2012''; and

(2) in subsection (c), by striking ''2011'' and inserting ''2012''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.

(a) ANNUAL PLAN.—Section 231 of title 10, United States Code, is amended to read as follows:

''§ 231. Budgeting for construction of naval vessels: annual plan and certification

''(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for a fiscal year—

''(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

''(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

''(2) Each such naval vessel construction plan shall include the following:

''(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

''(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

''231. Budgeting for construction of naval vessels: annual plan and certification''.

Subtitle D—Counterterrorism

SEC. 1031. DEFINITION OF INDIVIDUAL DETAINED AT GUANTANAMO.

In this subtitle, the term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, on or after March 7, 2011, who—

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

(2) is in the custody or under the effective control of the Department of Defense.

SEC. 1032. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

Section 127b of title 10, United States Code, is amended—

(1) in subsection (c)(3)(C), by striking ''September 30, 2011'' and inserting ''September 30, 2014''; and

(2) in subsection (f)(1), by striking ''December'' and inserting ''February''.

SEC. 1033. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: '', or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title''; and

(2) in subparagraph (D), by inserting ''on the sentence'' after ''vote was taken''.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended—

(1) in the first sentence of subsection (b)—

(A) by inserting after ''military judge'' the following: '', including a charge or specification that has been referred capital,'';

(B) by inserting ''by the military judge'' after ''may be entered''; and

(C) by inserting ''by the members'' after ''vote''; and

(2) by adding at the end the following new subsection:

''(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

''(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.''.

SEC. 1034. AFFIRMATION OF ARMED CONFLICT WITH AL-QAEDA, THE TALIBAN, AND ASSOCIATED FORCES.

Congress affirms that—

(1) the United States is engaged in an armed conflict with al-Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad;

(2) the President has the authority to use all necessary and appropriate force during the current armed conflict with al-Qaeda, the Taliban, and associated forces pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note);

(3) the current armed conflict includes nations, organization, and persons who—

(A) are part of, or are substantially supporting, al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners; or

(B) have engaged in hostilities or have directly supported hostilities in aid of a nation, organization, or person described in subparagraph (A); and

(4) the President's authority pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) includes the authority to detain belligerents, including persons described in paragraph (3), until the termination of hostilities.

SEC. 1035. REQUIREMENT FOR NATIONAL SECURITY PROTOCOLS GOVERNING DETAINEE COMMUNICATIONS.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a national security protocol applicable to each individual detained at Guantanamo. Each such national security protocol shall include a description of each of the following:

(1) The authority of an individual covered by the protocol to have access to military or civilian legal representation, or both, and any limitations on such access.

(2) Any items that are considered contraband for such an individual.

(3) Any category of information that such an individual is not permitted to discuss or include in any communications made to persons other than Federal Government personnel and members of the Armed Forces or materials the individual has or creates.

(4) Any types of materials to which such an individual is authorized to have access and the process by which such materials, along with materials created by the individual, are reviewed.

(5) The nature of any communication such an individual is permitted to have with any persons other than Federal Government personnel and members of the Armed Forces, including mail, phone calls, and video teleconferences, and the extent to which any such communication is to be monitored.

(6) Any meetings the individual is permitted to have with any persons other than Federal Government personnel and members of the Armed Forces and the extent to which such a meeting is to be monitored.

(7) Any category of information or material that may not be provided to such an individual by persons other than Federal Government personnel and members of the Armed Forces or by the individual's military or civilian legal counsel or military personal representative.

(8) The manner in which any legal materials or communications subject to review under the protocol will be monitored for the protection of national security while also ensuring that any applicable legal privileges are maintained for purposes of litigation related to trial under chapter 47A of title 10, United States Code, or a petition for habeas corpus.

(9) The measures planned to be taken to implement and enforce the provisions of the security protocol.

(b) TREATMENT OF CLASSIFIED MATERIAL IN SECURITY PROTOCOLS.—A security protocol submitted under subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 1036. PROCESS FOR THE REVIEW OF NECESSITY FOR CONTINUED DETENTION OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REVIEW PROCESS.—The Secretary of Defense shall establish a review process to review the detention of each individual detained at Guantanamo. Such review process shall be designed to determine whether the continued military detention of each such individual is necessary to protect the national security of the United States. The review process shall include, for each such individual, a full review not less than once every three years and a limited file review not less than once every year.

(b) RELATIONSHIP TO OTHER LAWS.—The review process established by this section shall not affect the jurisdiction of any Federal court to determine the legality of the detention of an individual detained at Guantanamo.

(c) MILITARY REVIEW PANELS.—The Secretary shall establish military review panels to carry out the reviews required by subsection (a). Each military panel shall be made up of military officers with expertise in operations, intelligence, and counterterrorism matters. Any officer assigned to a military panel under this subsection must have the necessary security clearances to review all information submitted by the Government in any proceeding before the panel.

(d) PROCEDURES FOR FULL REVIEW.—

(1) MILITARY PERSONAL REPRESENTATIVES.—In any full review proceeding before a military panel established pursuant to subsection (c), an individual detained at Guantanamo shall be assisted by a military personal representative with the appropriate security clearance. The military personal representative shall appear before the military panel to advocate on behalf of the individual and to introduce information on behalf of the individual.

(2) MILITARY PANEL PROCEEDINGS.—During a proceeding before such a military panel, such an individual, with the assistance of the individual's military personal representative, shall be permitted to—

(A) present to the military panel a written or oral statement;

(B) introduce relevant information, including written declarations;

(C) answer any questions posed by the military panel; and

(D) call witnesses who are reasonably available and willing to provide information that is relevant and material to whether the individual represents a continuing threat to the United States or its allies.

(3) ADVANCE NOTICE OF SUMMARY OF INFORMATION.—Such an individual shall be provided, in writing and in a language the individual understands, with advance notice of an unclassified summary of the factors and information the military panel will consider, including mitigating information described in paragraph (7)(D), in making a recommendation with respect to the individual's continued military detention.

(4) PROVISION OF INFORMATION TO MILITARY PERSONAL REPRESENTATIVE.—The Government's submission to the military panel regarding the threat posed by such an individual and any mitigating information described in paragraph (7)(D) shall be provided to the military personal representative for the individual. Where it is necessary to protect national security, including the protection of intelligence sources and methods, the panel may determine that the military personal representative must receive a sufficient substitute or summary of classified information, rather than the underlying information.

(5) PERMITTED ACTIONS BY OUTSIDE PARTIES.—An outside party, including any private counsel for such an individual, may file a written submission to the military panel on the question of whether the individual represents a threat to the national security of the United States. An outside party filing such a submission must obtain written permission from the individual before filing the submission.

(6) TIMEFRAME FOR REVIEW.—A full review of an individual detained at Guantanamo to determine whether the continued military detention of the individual is necessary may not take place sooner than 21 days after the individual first becomes an individual detained at Guantanamo.

(7) FACTORS FOR CONSIDERATION.—In conducting a full review of an individual detained at Guantanamo, the panel shall consider whether the individual represents a continuing threat to the United States or its allies, taking into consideration the following factors:

(A) The likelihood the individual will resume terrorist activity if transferred or released.

(B) The likelihood the individual will reestablish ties with an organization engaged in hostilities against the United States or its allies if transferred or released.

(C) The behavior of the individual while in military custody.

(D) Any information reviewed by the officials preparing the Government's submission to the panel that tends to mitigate the threat posed by the individual.

(8) INTELLIGENCE INFORMATION FACTOR.—In conducting a full review of an individual detained at Guantanamo, the panel shall consider the factor of whether information known to the individual could be of significant intelligence value to the national security of the United States, taking into consideration information provided by the intelligence community, including an overall assessment provided by the Director of National Intelligence regarding the intelligence value of the information known by the individual.

(9) RECOMMENDATION.—The panel shall evaluate the factors described in paragraphs (7) and (8) with respect to an individual detained at Guantanamo, taking into consideration the totality of the circumstances, and shall make a recommendation with respect to whether the continued military detention of the individual is necessary.

(e) PROCEDURES FOR FILE REVIEW.—

(1) GOVERNMENT SUBMISSION OF INFORMATION.—For each annual file review of an individual detained at Guantanamo, the Government shall submit to a military panel established under subsection (c) any significant new information regarding the threat posed by the individual to the United States or its allies, including significant mitigating information reviewed by the officers compiling the material submitted by the Government.

(2) INDIVIDUAL WRITTEN SUBMISSION.—The individual receiving the file review may submit to the panel such written information as the individual determines appropriate.

(3) COMMENCEMENT OF FULL REVIEW.—If, during the course of a file review of an individual, a significant question is raised as to whether the continued military detention of the individual is necessary, the Secretary of Defense shall promptly convene a full review of the individual in accordance with this section.

(f) PREVIOUSLY PROVIDED INFORMATION.—The officers assembling the Government submission to a military panel for a full review under subsection (d) or a file review under subsection (e) shall include in their review to prepare the submission any information previously provided by the Government in discovery for a case before a military commission or a proceeding in a Federal court relating to a petition for habeas corpus.

(g) INTERAGENCY REVIEW BOARD.—

(1) ESTABLISHMENT.—There is hereby established an interagency review board.

(2) MEMBERSHIP.—The members of the interagency review board shall be senior officials of the Department of State, the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Joint Chiefs of Staff, who shall be appointed the heads of their employing agencies. The Director of National Intelligence shall appoint a senior official of the Office of the Director of National Intelligence to serve as a non-voting advisory member of the interagency review board.

(3) RESPONSIBILITIES.—

(A) REVIEW.—The review board shall be responsible for reviewing the recommendations of a military panel in a full review made under subsection (d)(9) for clear error. If the members of the review board disagree with a recommendation of a military panel by a majority

vote, the recommendation shall be rejected. The review board shall seek consensus in such cases to the greatest extent possible.

(B) DISPOSITION OF INDIVIDUALS NOT RECOMMENDED FOR CONTINUED DETENTION.—In the case of an individual who the military panel has recommended no longer be subject to military detention, if the review board accepts the recommendation of the military panel, the review board shall identify a suitable location outside the United States to which to transfer the individual. In making such recommendation, the board shall consider whether the country to which the individual is proposed to be transferred—

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

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

(iii) is likely to subject the individual to prosecution;

(iv) 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;

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

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

(vii) has agreed to share any information with the United States 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;

(viii) has agreed to allow appropriate agencies of the United States to have access to the individual, if requested; and

(ix) has made assurances regarding the humane treatment of the individual.

(h) REEVALUATION OF RECOMMENDATIONS.—If the review board rejects the recommendation of a military panel with respect to an individual detained at Guantanamo, the military panel may reevaluate the individual. The military panel shall determine whether to reevaluate such an individual by not later than 10 days after the date on which the review board rejects the recommendation of the panel, and shall complete such reevaluation by not later than 60 days after making such determination.

(i) FORWARDING OF RECOMMENDATION AND REVIEW.—Upon a decision to accept or reject a recommendation of a military panel made under subsection (g)(3), and after a reevaluation under subsection (h), if any, the review board shall forward the recommendation and the acceptance or rejection to the Secretary of Defense for signature. In the case of a recommendation described in subsection (g)(3)(B), the review panel shall include with the recommendation a written discussion of the factors referred to in that subparagraph and a recommended location to which to transfer the individual. The Secretary of Defense may only delegate the responsibility of signing such a recommendation and acceptance or rejection to the Deputy Secretary of Defense.

(j) EXCEPTIONS.—An individual detained at Guantanamo shall not be subject to the review process established under this section under circumstances as follows:

(1) In the case of such an individual upon whom charges have been served in accordance with section 948s of title 10, United States Code, until after final judgment has been reached on such charges.

(2) In the case of such an individual who has been convicted by a military commission under chapter 47A of such title of an offense under subchapter VIII of that chapter, until after the individual has completed his sentence.

(3) In the case of such an individual who has been ordered released by a Federal court.

(k) NO ENFORCEABLE RIGHTS.—Nothing in this section creates any right for which an individual may seek enforcement in any court of the United States.

(l) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the establishment of the review process required under this section.

(m) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1037. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM NAVAL STATION GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

SEC. 1038. PROHIBITION ON FAMILY MEMBER VISITATION OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 may be used to permit any person who is a family member of an individual detained at Guantanamo to visit the individual at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1039. PROHIBITION ON THE TRANSFER OR RELEASE OF CERTAIN DETAINEES TO OR WITHIN THE UNITED STATES.

(a) PROHIBITION ON TRANSFER OR RELEASE TO OR WITHIN THE UNITED STATES.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 2012 may be used to transfer or release an individual detained at Guantanamo or an individual described in subsection (b) to or within the United States, its territories, or possessions.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

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

(2) is in the custody or under the effective control of the Department of Defense at a location outside the United States other than United States Naval Station, Guantanamo Bay, Cuba, and detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

SEC. 1040. PROHIBITIONS RELATING TO THE TRANSFER OR RELEASE OF CERTAIN DETAINEES TO OR WITHIN FOREIGN COUNTRIES.

(a) LIMITATION ON TRANSFER TO FOREIGN COUNTRIES.—

(1) LIMITATION.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 2012 may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in paragraph (2) by not later than 30 days before the transfer of the individual.

(2) CERTIFICATION.—The certification described in this paragraph is a written certification made by the Secretary of Defense, in consultation with the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

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

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

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

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

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

(G) has agreed to allow appropriate agencies of the United States to have access to the individual, if requested.

(3) PROHIBITION ON TRANSFER IN CASES OF RECIDIVISM.—

(A) PROHIBITION.—The Secretary of Defense may not transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual detained at Guantanamo who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

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

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

(b) DEFINITION OF FOREIGN TERRORIST ORGANIZATION.—In this section 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. 1041. COUNTERTERRORISM OPERATIONAL BRIEFING REQUIREMENT.

(a) BRIEFINGS REQUIRED.—Beginning not later than March 1, 2012, the Secretary of Defense shall provide to the congressional defense committees quarterly briefings outlining Department of Defense counterterrorism operations and related activities involving special operations forces.

(b) ELEMENTS.—Each briefing under subsection (a) shall include each of the following:

(1) A global update on activity within each geographic combatant command.

(2) An overview of authorities and legal issues including limitations.

(3) An outline of interagency activities and initiatives.

(4) Any other matters the Secretary considers appropriate.

SEC. 1042. REQUIREMENT FOR DEPARTMENT OF JUSTICE CONSULTATION REGARDING PROSECUTION OF TERRORISTS.

(a) IN GENERAL.—Before any officer or employee of the Department of Justice institutes any prosecution of an alien in a United States district court for a terrorist offense, the Attorney General, Deputy Attorney General, or Assistant Attorney General for the Criminal Division, shall consult with the Director of National Intelligence and the Secretary of Defense about—

(1) whether the prosecution should take place in a United States district court or before a military commission under chapter 47A of title 10, United States Code; and

(2) whether the individual should be transferred into military custody for purposes of intelligence interviews.

(b) DEFINITIONS.—In this section—

(1) the term ''terrorist offense'' means any offense for which the defendant could be tried by a military commission under chapter 47A of title 10, United States Code; and

(2) the term ''alien'' means any person who is not a citizen of the United States.

Subtitle E—Nuclear Forces

SEC. 1051. ANNUAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, as amended by section 1071 and 1072, is further amended by adding after section 490a the following new section:

''§ 490b. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

''(a) ANNUAL ASSESSMENTS.—(1) Each covered official shall annually assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

''(2) The systems described in this paragraph are the following:

''(A) Each type of delivery platform for nuclear weapons.

''(B) The nuclear command and control system.

''(b) ANNUAL REPORT.—(1) Not later than December 1 of each year, beginning in 2011, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

''(2) Each report under paragraph (1) shall include the following:

''(A) The results of the assessment.

''(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

''(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

''(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

''(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

''(c) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year, beginning in 2012, the Secretary of Defense shall submit to the President a report containing—

''(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

''(B) any comments that the Secretary considers appropriate with respect to each such report;

''(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

''(D) any other information that the Secretary considers appropriate.

''(2) Not later than March 15 of each year, beginning in 2012, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

''(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

''(d) COVERED OFFICIAL DEFINED.—In this section, the term 'covered official' means—

''(1) the Commander of the United States Strategic Command;

''(2) the Director of the Strategic Systems Program of the Navy; and

''(3) the Commander of the Global Strike Command of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490a the following new item:

''490b. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.''.

SEC. 1052. PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than December 12, 2011, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan.

(d) FORM.—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1053. ANNUAL REPORT ON THE PLAN FOR THE MODERNIZATION OF THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) IN GENERAL.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2019, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex;

(C) maintain, modernize, or replace the delivery platforms for nuclear weapons; and

(D) retire, dismantle, or eliminate any covered nuclear system.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery platforms for nuclear weapons.

(D) A detailed estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over the 10-year period following the date of the report.

(E) A detailed description of the steps taken to implement the plan submitted in the previous year.

(b) FORM.—The reports under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may include a classified annex.

(c) COVERED NUCLEAR SYSTEM DEFINED.—The term ''covered nuclear system'' means the following:

(1) B–52H or B2 bomber aircraft and nuclear air-launched cruise missiles.

(2) Trident ballistic missile submarines, launch tubes, and Trident D–5 submarine-launched ballistic missiles.

(3) Minuteman III intercontinental ballistic missiles and associated silos.

(4) Nuclear warheads or gravity bombs that can be delivered by the systems specified in paragraph (1), (2), or (3).

(5) Nuclear weapons delivered by means other than the systems specified in paragraph (1), (2), or (3).

SEC. 1054. SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the ''New START Treaty'') signed on April 8, 2010, and entered into force on February 5, 2011, will significantly reduce the strategic nuclear forces of the United States to 1,550 deployed warheads and a combined limit of 800 deployed and nondeployed intercontinental ballistic missile launchers, submarine launched ballistic missile launchers, and heavy bombers equipped to carry nuclear weapons.

(4) The Nuclear Posture Review of April 2010 stated that, ''the President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

SEC. 1055. LIMITATION ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) The President of the United States, in a letter dated December 18, 2010, declared that, ''I recognize that nuclear modernization requires investment for the long-term, in addition to this one-year budget increase. That is my commitment to the Congress that my Administration will pursue these programs and capabilities for as long as I am President. In future years, we will provide annual updates to the [report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)].''.

(4) On March 29, 2011, the Assistant to the President for National Security Affairs stated, ''As we implement New START, we're making preparations for the next round of nuclear reductions. Under the President's direction, the Department of Defense will review our strategic requirements and develop options for further reductions in our current nuclear stockpile, which stands at approximately 5,000 warheads, including both deployed and reserve warheads. To develop these options for further reductions, we need to consider several factors, such as potential changes in targeting requirements and alert postures that are required for effective deterrence.''.

(b) IMPLEMENTATION OF NEW START TREATY.—

(1) LIMITATION.—

(A) Except as provided by paragraph (2), the Secretary of Defense and the Secretary of Energy may not obligate or expend amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of fiscal years 2011 through 2017 to retire any covered nuclear system of the United States as required by the New START Treaty.

(B) Nothing in subparagraph (A) shall be construed to limit any action (including verification) required by the New START Treaty other than retiring any covered nuclear system of the United States.

(2) WAIVER.—The Secretary of Defense and the Secretary of Energy may jointly waive the limitation under paragraph (1)(A) for a covered nuclear system if—

(A) the Secretaries submit to the congressional defense committees written notice of the status of carrying out the modernization plan described in the most recent report required by section 1053; and

(B) with respect to such notice—

(i) if the notice describes that such plan is being carried out, a period of 30 days has elapsed following the date on which the President submits to the congressional defense committees such report that includes written notice of the proposed retirement of such nuclear system, as required by subsection (a)(1)(D) of such section 1053; or

(ii) if the notice describes that such plan is not being carried out, a period of 180 days has elapsed following the date on which the President submits to the congressional defense committees the report described in clause (i).

(3) DEFINITIONS.—In this subsection:

(A) The term ''covered nuclear systems'' means the following:

(i) B–52H or B2 bomber aircraft and nuclear air-launched cruise missiles.

(ii) Trident ballistic missile submarines, launch tubes, and Trident D–5 submarine-launched ballistic missiles.

(iii) Minuteman III intercontinental ballistic missiles and associated silos.

(iv) Nuclear warheads or gravity bombs that can be delivered by the systems specified in clause (i), (ii), or (iii).

(v) Nuclear weapons delivered by means other than the systems specified in clause (i), (ii), or (iii).

(B) The term ''retire'', with respect to a covered nuclear system, includes retiring, dismantling, eliminating, removing from deployed status or preparing to retire, dismantle, eliminate, or remove from deployed status.

(c) PROHIBITION ON REDUCTION OF STOCKPILE HEDGE.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Energy may not obligate or expend amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy to retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nondeployed strategic or nonstrategic nuclear weapon until the date that is 90 days after the date on which the Secretary of Energy submits to the congressional defense committees written certification that—

(A) the Chemistry and Metallurgy Research Replacement nuclear facility (in this paragraph referred to as the ''nuclear facility'') and the Uranium Processing Facility (in this paragraph referred to as the ''processing facility'') are fully operational;

(B) the nuclear facility and the Plutonium Facility–4 are together able to deliver to the nuclear weapons stockpile not less than a total of 80 pits per year;

(C) the processing facility is able to deliver to the nuclear weapons stockpile not less than 80 refurbished or new canned subassemblies per year; and

(D) the nuclear security enterprise has a capacity that supports two simultaneous life extension programs.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to the dismantlement of legacy warheads that are awaiting dismantlement on the date of the enactment of this Act.

(d) PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 130e. Prohibition on unilateral reduction of nuclear weapons

''(a) IN GENERAL.—The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is less than the level described in the New START Treaty unless such action is—

''(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

''(2) specifically authorized by an Act of Congress.

''(b) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130d the following new item:

''130e. Prohibition on unilateral reduction of nuclear weapons.''.

(e) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 1056. NUCLEAR EMPLOYMENT STRATEGY.

(a) FINDINGS.—Congress finds the following:

(1) Section 1057 of H.R. 5136, as passed by the House of Representatives during the 111th Congress, included a requirement that any future reductions of the nuclear forces of the United States below the level described in the New START Treaty be contingent on the certification by the Secretary of Defense that ''such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting''.

(2) On March 29, 2011, the Assistant to the President for National Security Affairs stated, ''As we implement New START, we're making preparations for the next round of nuclear reductions. Under the President's direction, the Department of Defense will review our strategic requirements and develop options for further reductions in our current nuclear stockpile, which stands at approximately 5,000 warheads, including both deployed and reserve warheads. To develop these options for further reductions, we need to consider several factors, such as potential changes in targeting requirements and alert postures that are required for effective deterrence.''.

(b) CHANGES TO STRATEGY.—The President may not make any changes to the nuclear employment strategy of the United States unless—

(1) the President submits to the appropriate congressional committees a report on such proposed changes, including—

(A) the implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense;

(B) certification that such proposed changes do not require a change in targeting strategy from counterforce targeting to countervalue targeting; and

(C) certification that such proposed changes preserve the nuclear force structure triad composed of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, and strategic bomber aircraft; and

(2) a period of 90 days has elapsed after the date on which such report under paragraph (1) is submitted.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1057. COMPTROLLER GENERAL REPORT ON NUCLEAR WEAPON CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, cover the following:

(1) An update to the September 1991 report of the Comptroller General (GAO/NSIAD-91-319FS) titled ''Strategic Weapons: Nuclear Weapons Targeting Process'' that addresses—

(A) the relationship between the strategic nuclear targeting process and the determination of requirements for nuclear weapons and related delivery systems;

(B) the level of civilian oversight;

(C) the categories and types of targets; and

(D) any other matters addressed in such report or are otherwise considered appropriate by the Comptroller General.

(2) The process and rigor used to determine the effectiveness of nuclear weapons capabilities, force structures, employment policies, and targeting requirements in achieving the goals of deterrence, extended deterrence, assurance, and defense.

(3) An assessment of the requirements of the Department of Defense for strategic nuclear bomber aircraft and intercontinental ballistic missiles, including assessments of the extent to which the Secretary of Defense has—

(A) determined the force structure and capability requirements for nuclear-capable strategic bomber aircraft, bomber-delivered nuclear weapons, and intercontinental ballistic missiles;

(B) synchronized the requirements described in subparagraph (A) with plans to extend the service life of nuclear gravity bombs, nuclear-armed cruise missiles, and intercontinental ballistic missile warheads; and

(C) evaluated long-term intercontinental ballistic missile alert posture requirements and basing options.

(c) REPORTS.—

(1) IN GENERAL.—The Comptroller General shall submit to the appropriate congressional committees one or more reports on the study conducted under subsection (a).

(2) FORM.—Any report submitted under this subsection may be submitted in classified form, but if so submitted, an unclassified version shall also be submitted with such submission or at a later date.

(d) COOPERATION.—The Secretary of Defense and Secretary of Energy shall provide the Comptroller General full cooperation and access to appropriate officials and information for the purposes of conducting this study under subsection (a).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle F—Financial Management

SEC. 1061. AMENDMENTS RELATING TO FINANCIAL MANAGEMENT WORKFORCE.

(a) AUTHORITY TO DEVELOP POLICIES AND PROCEDURES.—Section 1599d of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, in consultation with the Under Secretary of Defense (Comptroller) shall develop policies and procedures related to the financial management workforce in the Department of Defense.''.

(b) REVISION IN TERMINOLOGY.—Such section is further amended—

*(1) in the section heading, by striking ''**Professional accounting**'' and inserting ''**Financial management**''; and*

(2) in subsection (a), by striking ''professional accounting'' and inserting ''financial management''.

(c) REVISION IN DEFINITION.—Subsection (f) of such section (as so redesignated) is amended to read as follows:

''(f) DEFINITION.—In this section, the term 'financial management position' means a position or group of positions in the General Schedule 500 occupational series, which perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature.''.

SEC. 1062. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

Section 1008(c) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1206; 10 U.S.C. 113 note) is amended by striking ''Not later than October 31'' and inserting ''Not later than the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements''.

SEC. 1063. FINANCIAL MANAGEMENT PERSONNEL COMPETENCY ASSESSMENT.

(a) IDENTIFICATION OF PERSONNEL AND SKILLS.—Within 60 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, shall identify the number of financial management personnel and the financial and budgetary skills required—

(1) to effectively perform financial and budgetary accounting, including reconciling fund balances with the Treasury;

(2) to document processes and maintain internal controls for financial and budgetary accounting cycles; and

(3) to maintain professional certification standards.

(b) COMPETENCY ASSESSMENT.—

(1) GUIDANCE.—Within 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Personnel and Readiness shall issue joint guidance regarding the assessment of the competency of the Department of Defense financial management personnel to perform the financial and budgetary skills identified pursuant to subsection (a).

(2) COMPETENCY ASSESSMENT.—Following the issuance of the joint guidance required by paragraph (1), the Chief Management Officer of the Department of Defense, in the case of the Defense Finance and Accounting Service or other Defense Agency, and the Chief Management Officers of the military departments, shall each conduct a competency assessment of the financial management personnel of the Defense Agencies and the military departments, respectively.

(3) REPORTS AND CORRECTIVE ACTION PLANS.—Each Chief Management Officer shall prepare and submit to the Secretary Defense a report on each competency assessment conducted, along with a corrective action plan for any skill gaps identified, within 180 days after the date of the enactment of this Act. The report should include a corrective action plan for each skills gap identified, including—

(A) near-term and longer-term measures for resolution;

(B) assignment of responsibilities for corrective action, and

(C) establishment of milestones for completing corrective actions.

(c) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding the competency assessments and corrective action plans of the Chief Management Officers.

(d) LONG TERM MONITORING.—Each Chief Management officer shall designate, and include in the report submitted to the Secretary under subsection (b)(3), the accountable office to be involved in the corrective action process, including monitoring the progress in implementing corrective actions and determining whether additional action is needed to expedite the corrective action process.

(f) DEFINITION.—In this section, the term ''financial management personnel'' means—

(1) civilian personnel in the General Schedule 500 occupational series who perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature; and

(2) members of the Armed Forces who have a military occupational specialty involving duties similar to the duties of the civilian personnel referred to in paragraph (1) or who otherwise perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature.

SEC. 1064. TRACKING IMPLEMENTATION OF DEPARTMENT OF DEFENSE EFFICIENCIES.

(a) ANNUAL ASSESSMENTS.—For each of fiscal years 2012 through 2016, the Comptroller General of the United States shall carry out an assessment of the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the initiative led by the Secretary of Defense to identify at least $100,000,000,000 in efficiencies during fiscal years 2012 through 2016.

(b) ANNUAL REPORT.—Not later than October 30 of each of 2012 through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment carried out under subsection (a) for the fiscal year ending on September 30 of that year. Each such report shall include the recommendations of the Comptroller General with respect to the matter covered by the assessment.

SEC. 1065. BUSINESS CASE ANALYSIS FOR DEPARTMENT OF DEFENSE EFFICIENCIES.

(a) ASSESSMENT.—The Comptroller General of the United States shall carry out an assessment of the extent to which components of the Department of Defense conducted a business case analysis prior to recommending and implementing efficiencies initiatives. In carrying out the assessment, the Comptroller General shall—

(1) use a case study approach;

(2) identify best practices used by components of the Department of Defense; and

(3) identify deficiencies in the analysis conducted.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report of the assessment required by subsection (a). The report shall include the Comptroller General's recommendations relating to the appropriate application of business case analysis and best practices that should be adopted by the Department of Defense prior to the implementation of any future effort to identify savings in defense operations.

(c) DEFINITION.—In this section, the term ''efficiencies initiatives'' means initiatives led by the Secretary of Defense to identify at least $100,000,000,000 in savings during fiscal years 2012 through 2016.

SEC. 1066. FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.

(a) FUNDING.—The Secretary of Defense may obligate or expend funds only for the execution

of the Financial Improvement and Audit Readiness plan of the Department of Defense submitted in accordance with section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) from the amounts specified in the subactivity groups for Financial Improvement and Audit Readiness in section 4301.

(b) INCLUSION OF SUBORDINATE ACTIVITIES FOR INTERIM MILESTONES.—For each interim milestone identified in the Financial Improvement and Audit Readiness plan, the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall include a detailed description of the subordinate activities necessary to accomplish each interim milestone, including—

(1) a justification of the time required for each activity;

(2) metrics identifying the progress within each activity; and

(3) mitigating strategies for correcting failed milestone deadlines.

SEC. 1067. CORRECTIVE ACTION PLAN RELATING TO EXECUTION OF FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report relating to the Financial Improvement and Audit Readiness plan of the Department of Defense submitted in accordance with section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 121 Stat. 4306; 10 U.S.C. 2222 note).

(b) MATTERS COVERED.—The report shall include a corrective action plan for any weaknesses and deficiencies in the execution of the Financial Improvement and Audit Readiness. The corrective action plan shall—

(1) identify near-term and longer-term measures for resolution of any such weaknesses and deficiencies;

(2) assign responsibilities in the Department of Defense for actions to implement such measures;

(3) specify steps for implementation of such measures; and

(4) provide timeframes for implementation of such measures.

Subtitle G—Studies and Reports

SEC. 1071. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL JOINT REPORT FROM OFFICE OF MANAGEMENT AND BUDGET AND CONGRESSIONAL BUDGET OFFICE ON SCORING OF OUTLAYS IN DEFENSE BUDGET FUNCTION.—

(1) REPEAL.—Chapter 9 of title 10, United States Code, is amended by striking section 226.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 226.

(b) MISCELLANEOUS STUDIES AND REPORTS.—

(1) REPEAL.—Chapter 23 of title 10, United States Code, is amended by striking sections 484, 487, and 490.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 484, 487, and 490.

(c) BIENNIAL REPORT ON GLOBAL POSITIONING SYSTEM.—Section 2281 of title 10, United States Code, is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) ANNUAL REPORT ON FISHER HOUSES.—Section 2493 of title 10, United States Code, is amended by striking subsection (g).

(e) ANNUAL REPORT ON PUBLIC SALES OF MILITARY EQUIPMENT.—

(1) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by striking section 2582.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2582.

(f) ANNUAL REPORT ON THE CHIEF OF NAVY RESERVE.—Section 5143 of title 10, United States Code, is amended by striking subsection (e).

(g) REQUESTS FOR IDENTIFICATION OF NOMINATING AUTHORITY FOR PERSONS APPOINTED TO THE NAVAL ACADEMY.—Section 6954 of title 10, United States Code, is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(h) BIENNIAL REPORT ON EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) REPEAL.—Chapter 1606 of title 10, United States Code, is amended by striking section 16137.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 16137.

(i) ANNUAL REPORT ON READY RESERVE.—Section 12302(b) of title 10, United States Code, is amended by striking the last sentence.

(j) REPORT ON SCIENCE AND TECHNOLOGY INVESTMENT STRATEGY.—Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4650; 10 U.S.C. 2358 note) is amended by striking subsection (c).

(k) REVIEW AND DETERMINATION OF CERTAIN CONTRACTS FOR TELEPHONE SERVICES.—Section 885(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by striking the second sentence.

(l) QUARTERLY REPORTS ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking section 1402.

(m) CONGRESSIONAL NOTIFICATION REGARDING BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking subsection (d).

(n) ANNUAL REPORT ON MEDICAL READINESS PLAN.—Section 731 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by striking subsection (c).

(o) REPORT ON REQUIREMENTS TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended by striking section 374.

(p) SEMIANNUAL REPORTS ON SITUATION IN THE BALKANS.—Section 1212 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–326) is amended by striking subsections (c) and (d).

(q) SEMIANNUAL REPORT ON KOSOVO PEACEKEEPING.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended by striking section 1213.

(r) ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended by striking section 1025.

(s) ANNUAL CERTIFICATION ON MILITARY-TO-MILITARY EXCHANGE WITH PEOPLE'S LIBERATION ARMY OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 2101 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 782; 10 U.S.C. 168 note) is amended by striking subsection (d).

(t) ANNUAL REPORT ON THE ARMED FORCES RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(u) ANNUAL REPORT ON SUPPLEMENTAL SUBSISTENCE ALLOWANCE.—Section 402a of title 37, United States Code, is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 1072. BIENNIAL REVIEW OF REQUIRED REPORTS.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, as amended by section 1071, is further amended by adding at the end the following new section:

"§ 490a. Biennial review of required reports

''(a) REVIEW OF CONGRESSIONAL REPORTS.—The Secretary of Defense shall conduct a review, on a biennial basis, all of the reports required to be submitted to Congress of the Department of Defense. In conducting each such review, the Secretary shall evaluate the content, quality, cost, and timeliness of the Department's compliance with the requirement to submit each report by the date required.

''(b) SUBMISSION OF RECOMMENDATIONS FOR REPEAL OR MODIFICATION OF CONGRESSIONAL REPORT REQUIREMENTS.—The Secretary may, not later than March 1 of the year in which a review under subsection (a) is conducted, recommend to the appropriate congressional committees the repeal or modification of a report requirement identified in the review. Any such recommendation shall include—

''(1) a detailed justification for the repeal or modification of the report requirement; and

''(2) recommendations for reducing cost and improving the efficiency of the Department of Defense in responding to congressional report requirements.

''(c) REVIEW OF DEPARTMENT OF DEFENSE INTERNAL REPORTS.—(1) The Secretary of Defense shall conduct a review, on a biennial basis, the reports internal to the Department of Defense. Each such review shall include—

''(A) the reports required by the Office of the Secretary of Defense and the military departments;

''(B) the reports required by the secretaries of each military department of their respective military departments; and

''(C) other reporting requirements internal to the Department of Defense as designated for review by the Secretary.

''(2) Based on the findings of a review conducted under paragraph (1), the Secretary shall—

''(A) identify report requirements that are redundant, overly burdensome, of limited value, unjustifiably costly, or otherwise determined to unduly reduce the efficiency of the Department of Defense;

''(B) take such steps as may be necessary to eliminate or modify such report requirements; and

''(C) include, in the budget justification materials submitted to Congress in support of the Department of Defense budget (as submitted with the budget of the President under section 1105(a) of title 31) for a fiscal year following a year in which a review is conducted under paragraph (1) a summary of the cost reductions resulting from actions taken by the Secretary pursuant to paragraph (2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''490a. Biennial review of required reports.''.

SEC. 1073. TRANSMISSION OF REPORTS IN ELECTRONIC FORMAT.

Section 122a(a) of title 10, United States Code, is amended by striking ''made available'' and all that follows through the period and inserting the following new paragraphs:

''(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

''(2) to the maximum extent practicable, transmitted in an electronic format.''.

SEC. 1074. MODIFICATIONS TO ANNUAL AIRCRAFT PROCUREMENT PLAN.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''The Secretary'' and inserting ''Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year''; and

(ii) by striking ''include with the defense budget materials for each fiscal year'' and insert ''submit to the congressional defense committees''; and

(B) in paragraph (1), by inserting '', the Department of the Army,'' after ''Navy'';

(2) in subsection (b)—

(A) in paragraph (4), by striking ''Strategic'' and inserting ''Intertheater'';

(B) by redesignating paragraph (8) as paragraph (11); and

(C) by inserting after paragraph (7) the following new paragraphs:

''(8) Remotely piloted aircraft.

''(9) Rotary-wing aircraft.

''(10) Operational support and executive lift aircraft.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''national security strategy of the United States'' and inserting ''national military strategy of the United States''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting '', the Department of the Army,'' after ''Navy'';

(ii) in subparagraph (B), by striking ''national security strategy of the United States'' and inserting ''national military strategy of the United States'';

(iii) in subparagraph (C)—

(I) by inserting ''investment'' before ''funding'';

(II) by striking ''the program'' and inserting ''each aircraft program'';

(III) by inserting before the period at the end the following: '', set forth in aggregate for the Department of Defense and in aggregate for each military department'';

(iv) by redesignating subparagraph (D) as subparagraph (F);

(v) by inserting after subparagraph (C) the following new subparagraphs:

''(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

''(E) For each of the cost estimates required by subparagraphs (C) and (D)—

''(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

''(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

''(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.''.

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting '', the Department of the Army,'' after ''Navy'';

(C) by adding at the end the following new paragraphs:

''(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

''(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.'';

(4) in subsection (d), by inserting '', the Department of the Army,'' after ''Navy'';

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection (e):

''(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

''(A) The total number of aircraft in the inventory.

''(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

''(i) Primary aircraft.

''(ii) Backup aircraft.

''(iii) Attrition and reconstitution reserve aircraft.

''(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

''(i) Bailment aircraft.

''(ii) Drone aircraft.

''(iii) Aircraft for sale or other transfer to foreign governments.

''(iv) Leased or loaned aircraft.

''(v) Aircraft for maintenance training.

''(vi) Aircraft for reclamation.

''(vii) Aircraft in storage.

''(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

''(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.''; and

(7) in subsection (f), as redesignated by paragraph 5, by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) SECTION HEADING.—The heading for such section is amended to read as follows:

''§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification''.

(c) CLERICAL AMENDMENT.—The item relating to section 231a in the table of sections at the beginning of chapter 9 of title 10, United States Code, is amended to read as follows:

''231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.''.

SEC. 1075. CHANGE OF DEADLINE FOR ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

Section 10541(a) of title 10, United States Code, is amended by striking ''February 15'' and inserting ''March 15''.

SEC. 1076. REPORT ON HOMELAND DEFENSE ACTIVITIES.

Section 908(a) of title 32, United States Code, is amended by adding at the end the following ''For any fiscal year during which no assistance was provided, and no activities were carried out, under this chapter, a report is not required to be submitted under this section.''.

SEC. 1077. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''and the Permanent'' and inserting ''the Permanent''; and

(2) by inserting before ''a report'' the following: '', the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives''.

Subtitle H—Miscellaneous Authorities and Limitations

SEC. 1081. EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR DATA FILES OF THE MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) EXEMPTION.—

(1) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2254 the following new section:

''§ 2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act

''(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES FROM DISCLOSURE UNDER FOIA.—

''(1) The Secretary of Defense may exempt information contained in any data file of the military flight operations quality assurance system of a military department from disclosure under section 552(b)(3) of title 5.

''(2) In this section, the term 'data file' means a file of the military flight operations quality assurance (in this section referred to as 'MFOQA') system that contains information acquired or generated by the MFOQA system, including—

''(A) any data base containing raw MFOQA data; and

''(B) any analysis or report generated by the MFOQA system or which is derived from MFOQA data.

''(3) Information that is exempt under paragraph (1) from disclosure under section 552(b)(3) of title 5 shall be exempt from such disclosure even if such information is contained in a data file that is not exempt in its entirety from such disclosure.

''(4) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section and which specifically cites and repeals or modifies those provisions.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall ensure consistent application of the authority in subsection (a) across the military departments and shall specifically identify officials in each military department who shall be delegated the Secretary's authority under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2254 the following new item:

''2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.''.

(b) APPLICABILITY.—Section 2254a of title 10, United States Code, as added by subsection (a), shall apply to any information entered into any data file of the military flight operations quality assurance system before, on, or after the date of the enactment of this Act.

SEC. 1082. LIMITATION ON PROCUREMENT AND FIELDING OF LIGHT ATTACK ARMED RECONNAISSANCE AIRCRAFT.

(a) REQUIRED REVIEW.—

(1) REVIEW.—In the report on the quadrennial roles and missions review required to be submitted not later than the date on which the President submits the budget for fiscal year 2013, pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall specifically review the capability of the elements of the Department of Defense (including any office, agency, activity, or command described in

section 111(b) of such title) that are responsible for conducting light attack and armed reconnaissance missions or fulfilling requests of partner nations for training in the conduct of such missions.

(2) MATTERS INCLUDED.—In conducting the review under paragraph (1), the Secretary shall—

(A) identify any gaps in the ability of the Department to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations for training in the conduct of such missions;

(B) identify any unnecessary duplication of efforts between the elements of the Department to procure or field aircraft to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations to train in the conduct of such missions, including any planned—

(i) developmental efforts;

(ii) operational evaluations; or

(iii) acquisition of such aircraft through procurement or lease; and

(C) include findings and recommendations the Secretary considers appropriate to address any gaps identified under subparagraph (A) or unnecessary duplication of efforts identified under subparagraph (B).

(b) LIMITATION.—Except as provided by subsection (c) and (d), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 may be obligated or expended for the procurement or fielding of light attack armed reconnaissance aircraft until the date on which—

(1) the Joint Requirements Oversight Council validates the requirements for the development or procurement of such aircraft to address a gap identified under subsection (a)(2)(A); and

(2) the Under Secretary of Defense for Acquisition, Technology, and Logistics approves the acquisition strategy for such aircraft.

(c) USE OF FUNDS FOR PREVIOUSLY AUTHORIZED PROGRAMS.—The limitation in subsection (b) does not apply to a program for which funding was authorized to be appropriated for a fiscal year before fiscal year 2012.

(d) WAIVER.—The Secretary of Defense may waive the limitation in subsection (b) if the Secretary submits to the congressional defense committees written certification that the procurement or fielding of light attack armed reconnaissance aircraft is necessary to support ongoing contingency operations in Afghanistan or Iraq.

SEC. 1083. USE OF STATE PARTNERSHIP PROGRAM FUNDS FOR CIVILIANS AND NON-DEFENSE AGENCY PERSONNEL.

Of the funds made available to the National Guard for the State Partnership Program, up to $3,000,000 may be made available to pay travel and per diem costs associated with the participation of United States and foreign civilian and non-defense agency personnel in authorized National Guard State Partnership Program events conducted both in the United States and in foreign partner countries.

SEC. 1084. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing beyond low rate initial production at a prototype integration facility of any of the following:

(1) The Tank Automotive Research, Development and Engineering Center.

(2) The United States Army Communications-Electronics Command.

(3) The United States Army Aviation and Missile Command.

(b) WAIVER.—The Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) LOW-RATE INITIAL PRODUCTION.—For purposes of this section, the term ''low-rate initial production'' shall be determined in accordance with section 2400 of title 10, United States Code.

Subtitle I—Other Matters

SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding after section 130e, as added by section 1055, the following new section:

''§ 130f. Treatment under Freedom of Information Act of critical infrastructure information

''(a) EXEMPTION.—Department of Defense critical infrastructure information that, if disclosed, may result in the disruption, degradation, or destruction of operations, property, or facilities of the Department of Defense, shall be exempt from disclosure pursuant to section 552(b)(3) of title 5.

''(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—Department of Defense critical infrastructure information obtained by a State or local government from a Federal agency shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such critical infrastructure information.

''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''130f. Treatment under Freedom of Information Act of certain critical infrastructure information.''.

SEC. 1092. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and stockpiled conventional munitions assistance'' after ''demining assistance''; and

(B) in paragraph (3)(A), by inserting '', stockpiled conventional munitions,'' after ''landmines'';

(2) in subsection (d)(2), by inserting '', and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance'' after ''paragraph (1)''; and

(3) by striking subsection (e) and inserting the following new subsection (e):

''(e) DEFINITIONS.—In this section:

''(1) The term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

''(2) The term 'stockpiled conventional munitions assistance', as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.''.

SEC. 1093. MANDATORY IMPLEMENTATION OF THE STANDING ADVISORY PANEL ON IMPROVING COORDINATION AMONG THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

Section 1054 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4605) is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)(5), by striking ''should be'' and all that follows and inserting ''shall be appointed by not later than March 30, 2012.'';

(3) in subsection (d)—

(A) by striking ''If the advisory panel is established under subsection (a)'' and inserting ''By not later than March 30, 2012''; and

(B) by striking '', not later than 60 days after the date of the final appointment of the members of the advisory panel pursuant to subsection (b)(5),'';

(4) by striking subsection (e) and redesignating subsections (f) thought (i) as subsections (e) through (h), respectively;

(5) in subsection (f)(2), as so redesignated, by striking ''Not later than December 31 of the year in which the interim report is submitted under paragraph (1)'' and inserting ''Not later than December 31 of each year during which the advisory panel operates'';

(6) in subsection (g), as so redesignated, by striking ''December 31, 2012'' and inserting ''December 31, 2016''; and

(7) in subsection (h), as so redesignated, by striking paragraph (3).

SEC. 1094. NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS.

The Secretary of the Navy shall ensure that the Navy maintains—

(1) a minimum of 10 carrier air wings; and

(2) for each such carrier air wing, a dedicated and fully staffed headquarters.

SEC. 1095. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

(c) DEFINITION.—In this section, the term ''organizational clothing and individual equipment'' means an item of organizational clothing or equipment prescribed for wear or use with the uniform.

SEC. 1096. NATIONAL ROCKET PROPULSION STRATEGY.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Defense has undertaken numerous reviews of the solid rocket motor and

liquid rocket engine propulsion industrial base, including pursuant to—

(A) section 915 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4329) (relating to the preservation of the solid rocket motor industrial base);

(B) section 916 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4330) (relating to the implementation plan to sustain solid rocket motor industrial base);

(C) section 917 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4330) (relating to the review and plan on sustainment of liquid rocket propulsion systems industrial base);

(D) section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2479) (relating to the plan for sustainment of land-based solid rocket motor industrial base); and

(E) section 1050 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 318) (relating to the report on solid rocket motor industrial base).

(2) Multiple departments and agencies of the Federal Government rely on the solid rocket motor and liquid rocket engine propulsion industrial base, including the Department of Defense, the National Reconnaissance Office, and the National Aeronautics and Space Administration, and decisions made by one agency may have severe ramifications on others.

(3) The planned end in 2011 of the Space Shuttle program and the decision in 2010 by the President to terminate the Constellation program of the National Aeronautics and Space Administration have led to increased costs for rocket propulsion systems for defense and intelligence programs that rely on the rocket propulsion industrial base.

(4) According to the Air Force, the fiscal year 2012 budget request for the Evolved Expendable Launch Vehicle has increased by 50 percent over the fiscal year 2011 request in part due to the uncertainty in the launch industrial and supplier base resulting from decisions by the National Aeronautics and Space Administration.

(5) According to the Navy, the unit cost for Trident II D5 rocket motors has increased 80 percent, in large part as a result of the elimination of investment by the National Aeronautics and Space Administration in solid rocket motors.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(c) STRATEGY REQUIRED.—The President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(1) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(2) a description of the plans of the President, the Secretary of Defense, the intelligence community, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(3) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, targets, and satellite and human spaceflight launch vehicles;

(4) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(5) any other relevant information the President considers necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 1097. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.

(a) AUTHORITY.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§2115. Inclusion of religious symbols as part of military memorials

''(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of—

''(1) a military memorial that is established or acquired by the United States Government; or

''(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

''(b) MILITARY MEMORIAL DEFINED.—In this section, the term 'military memorial' means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2115. Inclusion of religious symbols as part of military memorials.''.

SEC. 1098. UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity;

(2) take into consideration the location of ground infrastructure and research needs; and

(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

(d) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator's findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

(e) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(f) DEFINITION.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''test range'' means a defined geographic area where research and development are conducted.

SEC. 1099. SENSE OF CONGRESS REGARDING THE KILLING OF OSAMA BIN LADEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Osama bin Laden was responsible for ordering the attacks of September 11, 2001, that killed almost 3,000 American citizens.

(2) Osama bin Laden and his terrorist organization, al-Qaeda, have been responsible for carrying out attacks on innocent men and women around the world.

(3) The United States Special Operations Command organizes, trains, and equips Special Operations Forces and is providing those forces to the United States Central Command under whose operational control they serve.

(4) Special Operations forces were able to complete the mission to kill Osama bin Laden without United States casualties.

(5) The killing of Osama bin Laden represents a milestone victory in bringing to justice the mastermind of September 11, 2001.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Special Operations Forces provide a tremendous service to the Nation; and

(2) the killing of Osama bin Laden is a major victory for international justice and for the United States in the war against terrorism and radical extremists.

SEC. 1099A. GRANTS TO CERTAIN REGULATED COMPANIES FOR SPECIFIED ENERGY PROPERTY NOT SUBJECT TO NORMALIZATION RULES.

(a) IN GENERAL.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting ''(other than subsection (d)(2) thereof)'' after ''section 50 of the Internal Revenue Code of 1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 1099B. SUBMITTAL OF INFORMATION REGARDING INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, and other appropriate committees of Congress, the following information in connection with individuals formerly or currently detained at United States Naval Station,

Guantanamo Bay, Cuba in the custody or under the effective control of the Department of Defense:

(1) Information compiled in coordination with the Director of National Intelligence relating to information or reports on the locations of individuals who were formerly detained at Guantanamo.

(2) Information compiled in coordination with the Attorney General and the Director of National Intelligence relating to the full Task Force assessments prepared for each such individual by the Guantanamo Task Force established pursuant to Executive Order 13492 and any Department of Defense memoranda regarding the process for the review and transfer of such individuals.

(3) Information compiled in coordination with the Director of National Intelligence regarding any subsequent threat assessment prepared by any element of the intelligence community on any such individual who remains in detention or for whom a decision to release or transfer is pending.

(b) FORM OF SUBMISSION.—All information required to be submitted under this section shall be submitted—

(1) consistent with the protection of intelligence sources and methods; or

(2) if disclosure would compromise such protection, directly to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in unredacted form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) with respect to information described in paragraphs (1) and (3) of subsection (a), the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(2) with respect to information described in paragraph (2) of such subsection, the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AMENDMENTS TO DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) CAREER PATHS.—Section 9902(a)(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

''(D) Development of attractive career paths.''.

(b) APPOINTMENT FLEXIBILITIES.—Section 9902(b) of title 5, United States Code, is amended by adding at the end the following:

''(5) The Secretary shall develop a training program for Department of Defense human resource professionals to implement the requirements in this subsection.

''(6) The Secretary shall develop indicators of effectiveness to determine whether appointment flexibilities under this subsection have achieved the objectives set forth in paragraph (1).''.

(c) ADDITIONAL REQUIREMENTS.—Section 9902(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) provide mentors to advise individuals on their career paths and opportunities to advance and excel within their fields;

''(7) develop appropriate procedures for warnings during performance evaluations for employees who fail to meet performance standards;''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The heading for chapter 99 of title 5, United States Code, is amended to read as follows:

''CHAPTER 99—DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES''.

(2) CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 99 and inserting the following:

''99. Department of Defense Personnel Authorities ..... 9901''.

SEC. 1102. PROVISIONS RELATING TO THE DEPARTMENT OF DEFENSE PERFORMANCE MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended by adding at the end the following:

''(h) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the implementation of any performance management and workforce incentive system under subsection (a) or any procedures relating to personnel appointment flexibilities under subsection (b) (whichever is earlier), and whenever any significant action is taken under any of the preceding provisions of this section (but at least biennially) thereafter, the Secretary shall—

''(A) conduct appropriately designed and statistically valid internal assessments or employee surveys to assess employee perceptions of any program, system, procedures, or other aspect of personnel management, as established or modified under authority of this section; and

''(B) submit to the appropriate committees of Congress and the Comptroller General, a report describing the results of the assessments or surveys conducted under subparagraph (A) (including the methodology used), together with any other information which the Secretary considers appropriate.

''(2) REVIEW.—After receiving any report under paragraph (1), the Comptroller General—

''(A) shall review the assessments or surveys described in such report to determine if they were appropriately designed and statistically valid;

''(B) shall conduct a review of the extent to which the program, system, procedures, or other aspect of program management concerned (as described in paragraph (1)(A)) is fair, credible, transparent, and otherwise in conformance with the requirements of this section; and

''(C) within 6 months after receiving such report, shall submit to the appropriate committees of Congress—

''(i) an independent evaluation of the results of the assessments or surveys reviewed under subparagraph (A), and

''(ii) the findings of the Comptroller General based on the review under subparagraph (B),

together with any recommendations the Comptroller General considers appropriate.

''(3) DEFINITION.—For purposes of this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committees on Armed Services of the Senate and the House of Representatives;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Oversight and Government Reform of the House of Representatives.''.

(b) AMENDMENT RELATING TO CERTAIN REPORTS.—Section 1113(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2502) is amended to read as follows:

''(e) REPORTS.—The Secretary of Defense shall submit to the covered committees (as defined by subsection (g)(6))—

''(1) no later than 6 months after the date of enactment of this Act, a report on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semiannual basis until the conversion is fully completed;

''(2) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

''(A) a plan for the personnel management system, as authorized by section 9902(a) of title 5, United States Code (as amended by this section); and

''(B) progress reports on the design and implementation of the personnel management system (as described in subparagraph (A)); and

''(3) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

''(A) a plan for the appointment procedures, as authorized by section 9902(b) of such title 5 (as so amended); and

''(B) progress reports on the design and implementation of the appointment procedures (as described in subparagraph (A)).

Implementation of a plan described in paragraph (2)(A) may not commence before the 90th day after the date on which such plan is submitted under this subsection to the covered committees.''.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 1106(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 357), as amended by section 1113(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2503), is repealed.

SEC. 1103. REPEAL OF SUNSET PROVISION RELATING TO DIRECT HIRE AUTHORITY AT DEMONSTRATION LABORATORIES.

Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1580 note) is amended by striking subsection (e).

SEC. 1104. DENIAL OF CERTAIN PAY ADJUSTMENTS FOR UNACCEPTABLE PERFORMANCE.

(a) ANNUAL PAY ADJUSTMENTS.—Section 5303 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Notwithstanding any other provision of this section, an adjustment under this section shall not be made in the case of any employee having an unacceptable performance rating.

''(2) For purposes of administering any provision of law, rule, or regulation which—

''(A) provides premium pay, retirement, life insurance, or other employee benefit, which requires any deduction or contribution,

''(B) imposes any requirement or limitation, or

''(C) requires any other computation (such as under section 5304(c)(1)(B)),

on the basis of a rate of basic pay, the rate of basic pay payable after the application of paragraph (1) shall be treated as the rate of basic pay for the employee involved.''.

(b) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary to carry out the purposes of this section.

SEC. 1105. REVISIONS TO BENEFICIARY DESIGNATION PROVISIONS FOR DEATH GRATUITY PAYABLE UPON DEATH OF A GOVERNMENT EMPLOYEE.

(a) AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.—Section 8102a(d)(4) of title 5, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''covered by this section'' and inserting ''covered by subsection (a)''; and

(B) by striking ''not more than 50 percent of the amount payable under this section'' and inserting ''all or a portion of the amount payable under this section'';

(2) in the second sentence, by striking ''50 percent,'' and inserting ''100 percent,''; and

(3) in the third sentence, by inserting ''(if any)'' after ''gratuity''.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.—Section 8102a(d) of title 5, United States Code, is further amended by adding at the end the following:

''(6) If a person covered by subsection (a) has a spouse , but makes a designation under paragraph (4) for a person other than the spouse to

receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.''.

SEC. 1106. EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective as of January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2487), is amended by striking ''calendar years 2009 and 2010'' and inserting ''calendar years 2011 and 2012''.

SEC. 1107. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

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

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

''(A) payments authorized under this section; and

''(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.''; and

(2) in paragraph (3), by adding at the end the following: ''In computing an employee's total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.''.

SEC. 1108. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

''§ 7906. Services of post-combat case coordinators

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

''(1) the terms 'employee', 'agency', 'injury', 'war-risk hazard', and 'hostile force or individual' have the meanings given those terms in section 8101; and

''(2) the term 'qualified employee' means an employee as described in subsection (b).

''(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

''(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

''(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

''(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

''(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

''(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

''(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

''(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

''(B) for suicidal or homicidal thoughts or behaviors.

''(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

''(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

''(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

''7906. Services of post-combat case coordinators.''.

SEC. 1109. AUTHORITY TO WAIVE RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) WAIVER AUTHORITY.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense who—

(1) during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code;

(2) during the period beginning on June 1, 2004, and ending on May 1, 2008, was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster; and

(3) as determined by the Secretary of Defense—

(A) before accepting the reappointment referred to in paragraph (2), received a written representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) reasonably relied on that representation in accepting the reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection (a) only if the Secretary determines that recovery of the payment involved would be against equity and good conscience or would be contrary to the best interests of the United States.

(d) DISCRETIONARY AUTHORITY.—In the case of an employee or former employee who is described in subsection (b), and who, before the date of enactment of this Act, repaid any amount of a voluntary separation incentive payment made under section 9902(f)(1) of title 5, United States Code, the Secretary of Defense may grant a waiver in accordance with the subsections (a) through (c) and make a refund, out of any appropriation or fund available for that purpose, of any portion of such amount which the Secretary in his sole discretion considers appropriate.

SEC. 1110. EXTENSION OF CONTINUED HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking ''December 31, 2011'' each place it appears and inserting ''December 31, 2016''; and

(2) in clause (ii), by striking ''February 1, 2012'' and inserting ''February 1, 2017''.

SEC. 1111. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

''(B) For purposes of this paragraph—

''(i) the term 'agency' means the Department of Defense or a military department; and

''(ii) the term 'head of the agency' means the Secretary of Defense or the Secretary of a military department.''.

SEC. 1112. SENSE OF CONGRESS RELATING TO PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT CERTAIN REMOTE MILITARY INSTALLATIONS.

It is the sense of Congress that the Secretary of Defense and the Director of the Office of Personnel Management should develop procedures for determining locality pay for employees of the Department of Defense in circumstances that may be unique to such employees, such as the assignment of employees to a military installation so remote from the nearest established communities or suitable places of residence as to handicap significantly the recruitment or retention of well qualified individuals, due to the difference between the cost of living at the post of assignment and the cost of living in the locality or localities where such employees generally reside.

SEC. 1113. REPORTS BY OFFICE OF SPECIAL COUNSEL.

(a) IN GENERAL.—Section 1213(e) of title 5, United States Code, is amended by striking paragraphs (3) and (4) and inserting the following:

''(3) The Special Counsel shall transmit to the President and the congressional committees with jurisdiction over the agency which the disclosure (referred to in subsection (a)) involves—

''(A) a concise summary of any report received from such agency under subsection (c) in connection with such disclosure; or

''(B) if a report is not received within the time prescribed in subsection (c)(2), written notice to that effect.

The Special Counsel may include, as part of any transmission under subparagraph (A) or (B), any additional information or documentation which the Special Counsel considers appropriate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of any agency report which is due or received by the Office of Special Counsel after the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 1114. DISCLOSURE OF SENIOR MENTORS.

(a) REQUIREMENT TO DISCLOSE NAMES OF SENIOR MENTORS.—The Secretary of Defense shall disclose the names of senior mentors serving in the Department of Defense by publishing a list of the names on the publicly available website of the Department of Defense. The list shall be updated at least quarterly.

(b) SENIOR MENTOR DEFINED.—In this section, the term ''senior mentor'' has the meaning provided in the memorandum from the Secretary of

Defense relating to policy on senior mentors, dated April 1, 2010.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4385), is further amended by striking ''$45,000,000'' and inserting ''$50,000,000''.

(b) EXTENSION.—Subsection (h) of such section, as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''2013'' and inserting ''2014''.

(c) BRIEFING AND REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and a report that outlines future requirements for the authorities contained in section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.2086) (as amended by this section), authorities similar to the authorities contained in section 1208 of such Act, and authorities to support special operations counterterrorism, unconventional warfare, and irregular warfare in anticipation of and preparation for the expiration of the authorities under section 1208 of such Act at the end of fiscal year 2014.

SEC. 1202. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—

(1) IN GENERAL.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recently amended by section 1207(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended—

(A) in paragraph (1), by striking ''$350,000,000'' and inserting ''$400,000,000''; and

(B) in paragraph (5)—

(i) by striking ''and not more than'' and inserting ''not more than''; and

(ii) by inserting after ''fiscal year 2012'' the following: '', and not more than $150,000,000 may be used during fiscal year 2013''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) REPORT.—Subsection (f) of such section is amended to read as follows:

''(f) REPORT.—

''(1) IN GENERAL.—The President shall transmit to the congressional committees specified in subsection (e)(3), as part of the supporting materials of the annual congressional budget justification, a report on the implementation of this section for the prior fiscal year.

''(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

''(A) In the case of a program or programs to build the capacity of a foreign country's national military forces or maritime security forces to conduct counterterrorism operations, the extent to which the nature of the potential or actual terrorist threat is consistently and comprehensively verified by the Secretary of Defense prior to initiating a program or programs.

''(B) The extent to which foreign countries participate in the preparation of a program or programs under this section, to include the development of a full concept of operations for the program or programs under this section.

''(C) The extent to which proposal submissions of foreign countries evaluate the commitment and capability of foreign countries to implement a program or programs under this section or otherwise identify specific funds necessary for sustainment of a program or programs under this section.

''(D) A statement of current policies, responsibilities, procedures, and reporting requirements that assist with the conduct or support of a program or programs under this section.

''(E) The extent to which United States embassies and security assistance officers with responsibility for conducting or supporting a program or programs under this section are able to track actual obligation and expenditures of funds, funds rendered unavailable for obligation, and other financial data similar to data required by the financial management system for the Foreign Military Sales program.

''(F) The extent to which the United States Government has developed and implemented specific plans to monitor and evaluate outcomes of a program or programs under this section.''.

(c) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended by—

(1) by striking ''September 30, 2012'' and inserting ''September 30, 2013'' ; and

(2) by striking ''fiscal years 2006 through 2012'' and inserting ''fiscal years 2006 through 2013''.

SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Section 943(h) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 State. 4579) is amended by striking ''2011'' and inserting ''2016''.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—

(A) by striking ''The'' and inserting ''Subject to paragraph (2), the'';

(B) by striking ''$400,000,000'' and inserting ''$475,000,000''; and

(C) by striking ''fiscal year 2011'' and inserting ''fiscal year 2012'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) LIMITATION.—The Secretary of Defense may use not more than 85 percent of the amount specified in paragraph (1) to carry out the program authorized under subsection (a) until the Secretary of Defense, in consultation with the Secretary of State, submits to the appropriate congressional committees a plan for the allocation and use of funds under the program for fiscal year 2012.''; and

(4) in paragraph (3) (as redesignated), by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) AUTHORITY FOR FISCAL YEAR 2012.—During fiscal year 2012, from funds made available to the Department of Defense for operation and maintenance, not to exceed $425,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS AND BRIEFINGS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal year quarter of fiscal year 2012, 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 of the program under subsection (a).

(2) FORM.—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.

(3) BRIEFINGS.—Not later than 15 days after the submission of each report required under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program in Afghanistan.

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program in Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) RESTRICTION ON AMOUNT OF PAYMENTS.—Funds made available under this section for the Commanders' Emergency Response Program in Afghanistan may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds $20,000,000.

(f) NOTIFICATION.—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program in Afghanistan for a project in Afghanistan with a total anticipated cost of $5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program in Afghanistan 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 any agreement with either the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, 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.

(g) DEFINITION.—In this section, the term ''Commanders' Emergency Response Program in Afghanistan'' means the program that—

(1) authorizes United States military commanders in Afghanistan to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

(2) provides an immediate and direct benefit to the people of Afghanistan.

(h) CONFORMING AMENDMENT.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is hereby repealed.

SEC. 1213. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking ''section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''section 1504 of the National Defense Authorization Act for Fiscal Year 2012''.

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section, as so amended, is further amended in the second sentence by striking ''fiscal year 2010 or 2011'' and inserting ''fiscal year 2010, 2011, or 2012''.

(c) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1214. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) IN GENERAL.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as amended by section 1220 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''September 30, 2011'' both places it appears and inserting ''September 30, 2012''.

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—

(1) LIMITATION ON FUNDS; REPORT REQUIRED.—

(A) IN GENERAL.—Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the ''Fund'') for any fiscal year after fiscal year 2011, not more than 25 percent of such amounts may be obligated or expended until such time as the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on the strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund.

(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hampers the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.

(vi) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in clause (ii), and to address the gaps in capabilities listed in clause (iii).

(2) ANNUAL UPDATE REQUIRED.—For any fiscal year in which amounts in the Fund are requested to be made available to the Secretary of Defense, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, an update of the report required under paragraph (1).

(3) FORM.—The report required under paragraph (1) and the update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—Section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2522) is amended—

(A) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(B) by adding at the end the following:

''(2) MATTERS TO BE INCLUDED.—The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

''(A) A discussion of progress in achieving United States strategic objectives in Pakistan during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

''(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 for any fiscal year after fiscal year 2011.

SEC. 1215. REPORT ON EXTENSION OF UNITED STATES-IRAQ STATUS OF FORCES AGREEMENT.

(a) REPORT ON EXTENSION OF AGREEMENT.—Not later than 10 days after completion of any agreement between the United States Government and the Government of Iraq that would retain a United States force presence in Iraq greater than the force presence envisioned for the Office of Security Cooperation-Iraq, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the terms of such agreement.

(b) NOTIFICATION AND REPORT IN ABSENCE OF AGREEMENT.—

(1) IN GENERAL.—If, on December 31, 2011, no agreement between the United States Government and the Government of Iraq described in subsection (a) has been completed, the Secretary of Defense shall provide written notification to the congressional defense committees that no such agreement has been completed and shall submit to the appropriate congressional committees the report required under paragraph (2) not later than January 31, 2012.

(2) REPORT.—The report referred to in paragraph (1) is a report that—

(A) describes the capability gaps of the Iraqi Security Forces, in classified and unclassified form, including capability gaps relating to intelligence matters, protection of Iraqi airspace, and logistics and maintenance; and

(B) describes how the programs of the Office of Security Cooperation-Iraq and other United States programs, such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps of the Iraqi Security Forces, as described in subparagraph (A), should the Government of Iraq request such assistance.

(3) UPDATES.—The Secretary of Defense shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, for each of the fiscal years 2014 and 2015 an update of the report required under paragraph (2). The requirement to submit updates under this paragraph shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees the report required under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1216. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) AUTHORITY.—The Secretary of Defense is authorized to support operations and activities of the Office of Security Cooperation in Iraq (OSC-I) in order to carry out United States Government transition activities in Iraq, including life support, transportation and personal security, and facilities renovation and construction activities.

(b) LIMITATION.—The authority contained in subsection (a) may not be exercised to pay the salaries and expenses of personnel of the Department of State.

(c) FUNDING.—Amounts authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force, as specified in the funding table in section 4301, may be used to carry out this section.

Subtitle C—Reports and Other Matters

SEC. 1221. REVIEW AND REPORT ON IRAN'S AND CHINA'S CONVENTIONAL AND ANTI-ACCESS CAPABILITIES.

(a) REVIEW.—The Secretary of Defense shall direct an appropriate entity outside the Department of Defense to conduct an independent review of the following:

(1) The gaps between Iran's conventional and anti-access capabilities and United States' capabilities to overcome them.

(2) The gaps between China's anti-access capabilities and United States' capabilities to overcome them.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains the review conducted under subsection (a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) ADDITIONAL TO OTHER REPORTS, ETC.—The review conducted under subsection (a) and the report required under subsection (b) are in addition to the report required under section 1238 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4402) and the strategy and briefings required under section 1243 of such Act (Public Law 111–383; 124 Stat. 4405).

(d) DEFINITION.—In this section, the term ''anti-access'' has the meaning given the term in section 1238(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4403).

SEC. 1222. REPORT AND CONSULTATION ON ENERGY SECURITY OF NATO ALLIANCE.

(a) FINDINGS.—Congress finds the following:

(1) Adopted in Lisbon in November 2010, the new North Atlantic Treaty Organization (NATO) Strategic Concept declares that ''All countries are increasingly reliant on the vital communication, transport and transit routes on which international trade, energy security and prosperity depend. They require greater international efforts to ensure their resilience against attack or disruption. Some NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs. As a larger share of world consumption is transported across the globe, energy supplies are increasingly exposed to disruption.''.

(2) The new NATO Strategic Concept further declares that, ''to deter and defend against any threat to the safety and security of our populations'', the NATO alliance will, ''develop the capacity to contribute to energy security, including protection of critical energy infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning.''.

(b) REPORT.—

(1) ASSESSMENT.—The Secretary of Defense shall direct a federally funded research and development center of the Department of Defense to conduct an assessment of the energy security of the NATO alliance.

(2) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a detailed report on the assessment conducted pursuant to paragraph (1).

(3) CONTENTS.—The report required under paragraph (2) shall include the following:

(A) A listing of the extent to which each NATO member country is dependent on a single oil or natural gas supplier or distribution network. Such listing shall be expressed in terms of a percentage basis.

(B) A description of potential adverse effects of oil or natural gas price shortages or price spikes on those NATO member countries that are most dependent on a single oil or natural gas supplier or distribution network and on United States Armed Forces based in Europe, including effects on the military and defensive capabilities of such countries.

(C) A description of potential risks posed to NATO member countries, including NATO member countries in Eastern Europe, and to United States Armed Forces based in Europe, by the relative lack of easy access to the spot market for natural gas.

(D) A description of the extent to which the United States military, in conjunction with the militaries of NATO member countries, could respond to and mitigate the energy security risk to NATO member countries and to United States Armed Forces based on Europe posed by the threat of a deliberate disruption of the supply of oil or natural gas, and the relative challenges and cost of such a response, including for transporting oil and natural gas over land after delivery by sea to the port of a NATO member country.

(E) A set of recommendations for available options to NATO member countries that are most dependent on a single oil or natural gas supplier or distribution network to avoid such dependency, and the potential benefits of increased pipelines within Europe to give Eastern European countries access to the spot market for natural gas in the event of a supply interruption.

(F) A description of all supply interruptions of natural gas to NATO member countries over the past 20 years.

(G) An analysis of the threats posed by supply interruptions, whether accidental, unauthorized or deliberate, to energy distribution infrastructure and transit areas and lines to NATO member countries most dependent on a single oil or natural gas supplier or distribution network and to United States Armed Forces based in Europe, including from events such as potential natural disasters or terrorist attacks, and the adequacy of the Department of Defense's current contingency plans to respond to such interruptions.

(H) A description of how NATO's military capability might be adversely affected if a major oil or natural gas supplier or distribution network were to deliberately disrupt the supply of oil or natural gas.

(I) An analysis of whether and how major suppliers of oil and natural gas to NATO member countries in Europe have used their energy markets to influence European political affairs, and the potential of such actions to undermine the long-term solidarity and future of the NATO alliance.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form (including as much detail as possible), but may contain a classified annex.

(d) CONSULTATION.—The Secretary of Defense shall consult with other NATO member countries and NATO's Emerging Security Challenges Division on other ways the United States as a NATO member country can contribute to the energy security of the NATO alliance and NATO regional partners, including through protection of critical energy infrastructure and transit areas and lines, cooperation with NATO partners, and consultation among NATO allies on the basis of strategic assessments and contingency planning.

(e) DEFINITION.—In this section the term ''specified congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1223. EXTENSION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''2012'' and inserting ''2014''.

SEC. 1224. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) REPORT.—Not later than March 1, 2012, and March 1, 2013, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Democratic People's Republic of Korea (in this section referred to as ''North Korea''). The report shall address the current and probable future course of military-technological development of the North Korean military, the tenets and probable development of North Korean security strategy and military strategy, and military organizations and operational concepts, through the next 20 years.

(b) MATTERS TO BE INCLUDED.—A report required under subsection (a) shall include at least the following elements:

(1) An assessment of the security situation on the Korean peninsula.

(2) The goals and factors shaping North Korean security strategy and military strategy.

(3) Trends in North Korean security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (2).

(4) An assessment of North Korea's regional security objectives, including those that would affect South Korea, Japan, the People's Republic of China, and Russia.

(5) A detailed assessment of the sizes, locations, and capabilities of North Korean strategic, special operations, land, sea, and air forces.

(6) Developments in North Korean military doctrine and training.

(7) An assessment of the proliferation activities of North Korea, as either a supplier or a consumer of materials or technologies relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Other military and security developments involving North Korea that the Secretary of Defense considers relevant to United States national security.

(c) DEFINITION.—In this section the term ''specified congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1225. NATIONAL SECURITY RISK ASSESSMENT OF UNITED STATES FEDERAL DEBT OWNED BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) DETERMINATION OF INTEREST PAID TO SERVICE DEBT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Congressional Budget Office shall determine and make publicly available the amount of accrued interest on United States Federal debt paid to the People's Republic of China during the 5-year period ending on the date of the enactment of this Act.

(b) ASSESSMENT AND REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) carry out an assessment of the national security risks posed to the United States and United States allies as a result of the United States Federal debt liabilities owed to China as a creditor of the United States Government and the amount of interest determined to have been paid by the United States to China pursuant to subsection (a); and

(2) submit to the specified congressional committees a report that contains the results of the assessment carried out under paragraph (1).

(c) MATTERS TO BE INCLUDED.—The report required by subsection (b)(2) shall include the following:

(1) A description of the United States Federal debt liabilities owed to China as a creditor of the United States Government.

(2) A description of the amounts projected for defense spending by China in 2011.

(3) A discussion of any options available to China for deterring United States military freedom of action in the Western Pacific as a result of its creditor status.

(4) Other related issues the Secretary of Defense considers relevant.

(d) FORM.—The report required by subsection (b)(2) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(e) DEFINITION.—In this section the term ''specified congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1226. CONGRESSIONAL NOTIFICATION REQUIREMENT BEFORE PERMANENT RELOCATION OF ANY UNITED STATES MILITARY UNIT STATIONED OUTSIDE THE UNITED STATES.

(a) NOTIFICATION AND RELATED REPORT.—Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

"§ 162a. Congressional notification before permanent relocation of military units stationed outside the United States

''(a) NOTIFICATION AND REPORTING REQUIREMENT.—If the Secretary of Defense plans to relocate a unit stationed outside the United States, the Secretary shall submit to the appropriate committees of Congress, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, for the fiscal year in which the relocation will occur, written notification of the relocation and the report required by subsection (b) related to that relocation.

''(b) ELEMENTS OF REPORT.—The notification required by subsection (a) shall include a report containing a description of the following:

''(1) How relocation of the unit supports the United States national security strategy.

''(2) How relocation of the unit supports the security commitments undertaken by the United States pursuant to relevant international security treaties, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

''(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

''(4) Whether relocation of the unit will result in cost savings or increased costs to the Department of Defense as a result of—

''(A) the loss of the permanent presence of the unit at the overseas location;

''(B) the reliance on the rotation of units or other means to achieve the same security objectives; and

''(C) the costs of maintaining the unit at its new location.

''(5) How relocation of the unit impacts the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

''(c) EXCEPTIONS.—Subsection (a) does not apply in the case of—

''(1) the relocation of a unit deployed in support of a contingency operation;

''(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the installation; or

''(3) a reduction in the number of Brigade Combat Teams stationed in Europe from four to three.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to relocate military units stationed outside the United States.

''(e) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

''(2) GEOGRAPHIC COMBATANT COMMAND.—The term 'geographic combatant command' means a combatant command with a geographic area of responsibility that does not include North America.

''(3) UNIT.—The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 162 the following new item:

''162a. Congressional notification before permanent relocation of military units stationed outside the United States.''.

(c) CONFORMING AMENDMENTS.—Section 1063 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2469; 10 U.S.C. 113 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1227. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) MATTERS TO BE INCLUDED.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(1) in paragraph (7)—

(A) by adding at the end before the period the following: ''or otherwise undermine the Department of Defense's capability to conduct information assurance''; and

(B) by adding at the end the following: ''Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.''; and

(2) in paragraph (9), by adding at the end the following: ''Such analyses shall include an assessment of the nature of China's cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof. Such cyber activities shall include activities originating or suspected of originating from China and shall include government and nongovernment activities believed to be sanctioned or supported by the Government of China.''.

(b) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ***''military and security developments involving''*** *and inserting* ''military power of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

SEC. 1228. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN FEDERATION WITH ACCESS TO UNITED STATES MISSILE DEFENSE TECHNOLOGY.

(a) LIMITATION ON FUNDS FOR SENSITIVE TECHNOLOGY AND DATA.—No funds made available to carry out this Act may be used to provide the Russian Federation with access to—

(1) sensitive missile defense technology of the United States, including hit-to-kill technology; or

(2) sensitive data, including sensitive technical data, warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(b) LIMITATION ON FUNDS FOR OTHER TECHNOLOGY AND DATA.—No funds made available to carry out this Act may be used to provide the Russian Federation with access to missile defense technology or technical data not described in subsection (a) as part of a defense technical cooperation agreement between the Russian Federation and the United States unless, not less than 30 days prior to providing the Russian Federation with access to any such technology or technical data, the President submits to the appropriate congressional committees the report described in subsection (c) and the certification described in subsection (d).

(c) REPORT.—The report referred to in subsection (b) is a report that contains a description of the following:

(1) The specific missile defense technology or technical data to be accessed, the reasons for providing such access, and how the technology or technical data is intended to be used.

(2) The measures necessary to protect the technology or technical data.

(3) The specific missile defense technology or technical data of the Russian Federation that the Russian Federation is providing the United States with access to.

(4) The status and substance of discussions between the United States and the Russian Federation on missile defense matters.

(d) CERTIFICATION.—The certification referred to in subsection (b) is a certification of the President that providing the Russian Federation with access to the missile defense technology or technical data—

(1) includes an agreement on prohibiting access to such defense technology or technical data by third parties;

(2) will not enable the Russian Federation or any third party that may obtain access to such defense technology or technical data by means intentional or otherwise to develop countermeasures to any United States missile defense system or otherwise undermine the effectiveness of any United States missile defense system; and

(3) will correspond to equitable access by the United States to missile defense technology or technical data of the Russian Federation.

(e) FORM.—The report described in subsection (c) and the certification described in subsection (d) shall be submitted in unclassified form, but may contain a classified annex, if necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1229. INTERNATIONAL AGREEMENTS RELATING TO MISSILE DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) Prior to signing the New START Treaty, on April 7, 2010, the Russian Federation made the unilateral statement that ''the Treaty can operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively or qualitatively.''.

(2) In the understanding under subsection (b)(1)(A) of the Resolution of Advice and Consent to Ratification of the New START Treaty, the Senate declared that ''the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty. . .''.

(3) In the understanding under subsection (b)(1)(B) of such resolution, the Senate further declared that ''any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.''.

(4) In the understanding under subsection (b)(1)(C) of such resolution, the Senate further declared that ''the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.''.

(5) In the declaration under subsection (c)(2)(F) of such resolution, the Senate further declared that ''the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the Treaty.''.

(b) POLICY.—In light of the findings under subsection (a), it is the policy of the United States—

(1) that any further limitations on the missile defense capabilities of the United States are not in the national security interests of the United States;

(2) to improve the strategic defensive capabilities of the United States both quantitatively and qualitatively during the period that the New START treaty is in effect and such improvements are consistent with the Treaty; and

(3) that no future agreement with Russia on cooperative missile defense, non-strategic nuclear weapons, further strategic weapons reductions, or any other matter shall include any restrictions on the missile defense options of the United States in Europe or elsewhere.

(c) LIMITATIONS ON MISSILE DEFENSE.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding after section 130f, as added by section 1091, the following new section:

''§ 130g. International agreements relating to missile defense

''(a) IN GENERAL.—In accordance with the understanding under subsection (b)(1)(B) of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, any agreement with a country or international organization or amendment to the New START Treaty (including an agreement made by the Bilateral Consultative Commission established by the New START Treaty) concerning the limitation of the missile defense capabilities of the United States shall not be binding on the United States, and shall not enter into force with respect to the United States, unless after the date of the enactment of this section, such agreement or amendment is—

''(1) specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

''(2) specifically authorized by an Act of Congress.

''(b) ANNUAL NOTIFICATION.—Not later than January 31 of each year, beginning in 2012, the President shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of—

''(1) whether the Russian Federation has recognized during the previous year the sovereign right of the United States to pursue quantitative and qualitative improvements in missile defense capabilities; and

''(2) whether during any treaty negotiations or other Government-to-Government contacts between the United States and the Russian Federation (including under the auspices of the Bilateral Consultative Commission established by the New START Treaty) during the previous year a representative of the Russian Federation suggested that a treaty or other international agreement include, with respect to the United States—

''(A) restricting missile defense capabilities, military capabilities in space, or conventional prompt global strike capabilities; or

''(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

''(c) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130d the following new item:

''130g. International agreements relating to missile defense.''.

(d) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 1230. NON-STRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.

(a) POLICY ON NON-STRATEGIC NUCLEAR WEAPONS.—It is the policy of the United States—

(1) to pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear forces;

(2) that non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia; and

(3) that any geographical relocation or storage of non-strategic nuclear weapons by Russia does not constitute a reduction or elimination of such weapons.

(b) POLICY ON EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the policy of the United States that—

(1) it maintain its commitment to extended deterrence, specifically the nuclear alliance of the North Atlantic Treaty Organization, as an important component of ensuring and linking the national security interests of the United States and the security of its European allies;

(2) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the NATO nuclear alliance; and

(3) the presence of nuclear weapons of the United States in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—contributes to the cohesion of NATO and provides reassurance to allies and partners who feel exposed to regional threats.

(c) LIMITATION ON REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.—In light of the policy expressed in subsections (a) and (b), no action may be taken to effect or implement the reduction, consolidation, or withdrawal of nuclear forces of the United States that are based in Europe unless—

(1) the reduction, consolidation, or withdrawal of such nuclear forces is requested by the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the forces; or

(2) the President certifies that—

(A) NATO member states have considered the reduction, consolidation, or withdrawal in the High Level Group;

(B) NATO has decided to support such reduction, consolidation, or withdrawal; and

(C) the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before such reduction, consolidation, or withdrawal.

(d) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall submit to the appropriate congressional committees a notification containing—

(1) the certification required by subsection (c)(2);

(2) justification for such reduction, consolidation, or withdrawal; and

(3) an assessment of how NATO member states, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

(e) NOTICE AND WAIT REQUIREMENT.—The President may not commence a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe for which the certification required by subsection (c)(2) is made until the expiration of a 180-day period beginning on the date on which the President submits the report under subsection (d) containing the certification.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2012 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $63,221,000.

(2) For chemical weapons destruction, $9,804,000.

(3) For global nuclear security, $121,143,000.

(4) For cooperative biological engagement, $259,470,000.

(5) For proliferation prevention, $28,080,000.

(6) For threat reduction engagement, $2,500,000.

(7) For activities designated as Other Assessments/Administrative Costs, $24,001,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended.

Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE BIOLOGICAL ENGAGEMENT PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 1302(a)(4) or otherwise made available for fiscal year 2012 for cooperative biological engagement, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees the following:

(1) A detailed analysis of the effect of the cooperative biological engagement program.

(2) Either—

(A) written certification that the efforts of the cooperative biological engagement program—

(i) result in changed practices or are otherwise effective; and

(ii) lead to threat reduction; or

(B) a detailed list of policy and program recommendations considered necessary by the Secretary to modify, expand, or curtail the cooperative biological engagement program in order to achieve the objectives described by subparagraph (A).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

(b) AUTHORIZED PROCUREMENT.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to purchase an offshore petroleum distribution system, and the associated tender for that system, that are under charter by the Military Sealift Command as of January 1, 2011.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to $50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended by striking ''$730,000,000 by 2013'' in paragraph (5) and inserting ''$830,000,000 by 2016''.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. CHANGES TO MANAGEMENT ORGANIZATION TO THE ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE PROGRAM.

(a) MANAGEMENT ORGANIZATION.—Section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended by striking the last sentence.

(b) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, in coordination with the Deputy Assistant Secretary of the Army for the Elimination of Chemical Weapons, shall provide to Committees on Armed Services of the Senate and House of Representatives a briefing on opportunities to leverage lessons learned and experienced personnel of the Army Chemical Materials Agency to support the Assembled Chemical Weapons Alternatives program. The briefing shall include each of the following:

(1) A plan to attract Army Chemical Materials Agency personnel to assist the Assembled Chemical Weapons Alternatives program in completing the mission of the Agency set forth by the Chemical Weapons Convention and the destruction of the United States' stockpile of lethal chemical agents and munitions by the deadline under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and an analysis of that plan.

(2) An analysis of how the Army Chemical Materials Agency and the Assembled Chemical Weapons Alternative program can work in coordination to ensure that the leadership, expertise, experience, and best practices of the Agency are shared extensively with the Assembled Chemical Weapons Alternative program.

(3) An analysis of how the Assembled Chemical Weapons Alternative program could incorporate best practices from the Army Chemical Materials Agency.

(c) DEFINITION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

Subtitle D—Other Matters

SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the Armed Forces Retirement Home.

SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, $135,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the 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 under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1433. MISSION FORCE ENHANCEMENT TRANSFER FUND.

(a) ESTABLISHMENT OF FUND.—There is hereby established a fund to be known as the ''Mission Force Enhancement Transfer Fund''. Amounts in the fund shall be available to the Secretary of Defense to be used for the Armed Forces and other activities and agencies of the Department of Defense.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Mission Force Enhancement Transfer Fund for fiscal year 2012 for the purposes specified in subsection (c) as specified in the funding table in section 4501.

(c) USE OF FUNDS.—The Secretary of Defense may transfer amounts from the Mission Force Enhancement Transfer Fund to another account of the Department of Defense to mitigate unfunded requirements for fiscal year 2012 for any of the following:

(1) Ballistic and cruise missile defense.

(2) Navy shipbuilding.

(3) Strike fighter shortfall.

(4) Naval mine warfare.

(5) Intelligence, surveillance, and reconnaissance.

(6) Capabilities to defeat anti-access/area-denial technologies.

(7) Basic research.

(d) ADDITIONAL AUTHORITY.—The transfer authority under this section is in addition to any other authority to transfer funds provided in this Act.

(e) EFFECT ON AUTHORIZATION AMOUNTS.—The transfer of an amount to an account under subsection (c) shall be deemed to increase the amount authorized to be appropriated for such account by an amount equal to the amount transferred.

(f) PRIOR NOTICE TO CONGRESS OF TRANSFER.—Funds may not be transferred under subsection (c) until the date that is 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed transfer.

(g) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance regarding the identification and selection of projects to be funded under this section using merit-based selection criteria.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS ON AVAILABILITY OF FUND.—Funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) ADDITIONAL AUTHORIZED USE OF FUND.—In addition to the types of authorized assistance described in section 1513(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), amounts in the Afghanistan Security Forces Fund may be used to construct and operate schools for the purpose of providing remedial literacy instruction to recruits for Afghanistan Security Forces and civilian employees of the Afghanistan Ministry of Defense.

SEC. 1532. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) EXTENSION.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426) is amended—

(1) in paragraph (6)—

(A) by striking ''October 31, 2011,'' and inserting ''October 31, 2011, and October 31, 2012''; and

(B) by striking ''fiscal year 2011'' and inserting ''the preceding fiscal year''; and

(2) in paragraph (7), by striking ''September 30,2011'' and inserting ''September 30, 2012''.

(b) FUNDING LIMITATION.—Paragraph (4) of such subsection is amended by inserting before the period at the end of the second sentence the following: ''for fiscal year 2011 and $75,000,000 for fiscal year 2012''.

(c) SCOPE OF PROJECTS.—Paragraph (3) of such subsection is amended by adding at the end the following new sentence: ''To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should focus on improving the commercial viability of other reconstruction or development activities in Afghanistan conducted by the United States.''.

TITLE XVI—ADDITIONAL BUDGET ITEMS

Subtitle A—Procurement

SEC. 1601. BUDGET ITEM RELATING TO MODIFICATION OF TORPEDOES AND RELATED EQUIPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $126,308,000 for modification of torpedoes and related equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1602. BUDGET ITEM RELATING TO ANTI-SUBMARINE WARFARE ELECTRONIC EQUIPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $125,652,000 for anti-submarine warfare electronic equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $9,600,000 for anti-submarine warfare applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1603. BUDGET ITEM RELATING TO SHALLOW WATER MINE COUNTER MEASURES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $1,048,000 for shallow water mine counter measures. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $7,975,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1604. BUDGET ITEM RELATING TO LHA–7 SHIP PROGRAM.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,018,691,000 for the LHA–7 ship program. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $150,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1605. BUDGET ITEM RELATING TO MOBILITY AIRCRAFT SIMULATORS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $198,100,000 for mobility aircraft simulators. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $25,000,000 for the same purpose, including for simulator training facilities for air mobility pilots, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1606. BUDGET ITEM RELATING TO MODIFICATIONS TO AIRCRAFT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $80,745,000 for Modifications to Aircraft. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $10,000,000 for radio communication systems for National Guard helicopters in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1607. BUDGET ITEM RELATING TO SH–60 CREW AND PASSENGER SURVIVABILITY UPGRADES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,291,899,000 for aircraft modifications. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $4,500,000 for SH–60 crew and passenger survivability upgrades in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1608. BUDGET ITEM RELATING TO MODIFICATION OF IN SERVICE A–10 AIRCRAFT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $153,128,000 for modification of in service aircraft, A–10. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $5,000,000 for lightweight airborne recovery systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1609. BUDGET ITEM RELATING TO RADAR SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $18,818,000 for Navy radar support. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $5,000,000 for Aegis ship support for engineering change proposals associated with combat system radar upgrades in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1610. BUDGET ITEM RELATING TO ELECTRONIC EQUIPMENT- AUTOMATION.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $335,664,000 for electronic equipment-automation. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,000,000 for support of the deployment and adoption of new information processing systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1611. BUDGET ITEM RELATING TO BASE DEFENSE SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $41,204,000 for other procurement, Army, for base defense systems. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $6,000,000 for base defense system equipment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1612. BUDGET ITEM RELATING TO SNIPER RIFLE MODIFICATIONS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $1,994,000 for sniper rifle modifications. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,506,000 for modifications of weapons and other combat vehicles in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1613. BUDGET ITEM RELATING TO GENERATORS AND ASSOCIATED EQUIPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $31,897,000 for generators and associated equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $10,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1614. BUDGET ITEM RELATING TO NATIONAL GUARD AND RESERVE EQUIPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $0 for National Guard and Reserve Equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $100,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle B—Research, Development, Test, and Evaluation

SEC. 1616. BUDGET ITEM RELATING TO NEW DESIGN SSN.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $97,235,000 for New Design SSN. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $10,000,000 for continued design improvements for new SSNs in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1617. BUDGET ITEM RELATING TO ADVANCED SUBMARINE SYSTEM DEVELOPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $856,326,000 for advanced submarine system development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $9,000,000 for future undersea capabilities in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1618. BUDGET ITEM RELATING TO SURFACE ANTI-SUBMARINE WARFARE.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $29,797,000 for surface anti-submarine warfare. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $3,500,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1619. BUDGET ITEM RELATING TO SHIP PRELIMINARY DESIGN AND FEASIBILITY STUDIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $22,213,000 for ship preliminary design and feasibility studies. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $19,900,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1620. BUDGET ITEM RELATING TO INDUSTRIAL PREPAREDNESS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $54,000,000 for research, development, test, and evaluation, Navy, for industrial preparedness. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1621. BUDGET ITEM RELATING TO MIXED CONVENTIONAL LOAD CAPABILITY FOR BOMBER AIRCRAFT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $19,900,000 for the Warfighter Rapid Acquisition Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $20,000,000 for the development of mixed conventional load capability for bomber aircraft to prosecute a broad range of preplanned and rapidly emerging target sets in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1622. BUDGET ITEM RELATING TO TACAIR-LAUNCHED UAS CAPABILITY DEVELOPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $9,400,000 for tactical unmanned aerial vehicles. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $10,000,000 for TACAIR-launched UAS capability development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1623. BUDGET ITEM RELATING TO ELECTRO-PHOTONIC COMPONENT CAPABILITY DEVELOPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $123,000,000 for aviation improvements. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $10,000,000 for electro-photonic component capability development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1624. BUDGET ITEM RELATING TO AIRBORNE RECONNAISSANCE SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $106,877,000 for airborne reconnaissance systems. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1625. BUDGET ITEM RELATING TO SMALL BUSINESS INNOVATIVE RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested $0 for Small Business Innovative Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 to accelerate the use of technologies from the small business innovative research program into Army acquisition programs of record in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1626. BUDGET ITEM RELATING TO DEFENSE RESEARCH SCIENCES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $446,123,000 for defense research sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,500,000 to conduct research into the magnetic and electric fields of the coastal ocean environment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1627. BUDGET ITEM RELATING TO DEFENSE RESEARCH SCIENCES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $213,942,000 for Defense Research Sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,000,000 to support research into innovative new techniques for combat wound repair in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1628. BUDGET ITEM RELATING TO COMMUNICATIONS ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $5,312,000 for research, development, test and evaluation, Army, for communications advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,000,000 for the development of communications and information networking technologies to support Army requirements in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1629. BUDGET ITEM RELATING TO NIGHT VISION TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $39,813,000 for research, development, test and evaluation, Army, for night vision technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,000,000 to develop radio frequency signals intelligence processing equipment and associated applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1630. BUDGET ITEM RELATING TO NIGHT VISION TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $57,203,000 for Night Vision Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $8,000,000 for the development of enhanced low-light level visual sensors for persistent surveillance and dismounted soldier applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1631. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $42,414,000 for night vision advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $4,000,000 for the development of deployable force protection sensors in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1632. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $42,414,000 for night vision advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for the development and fielding of a solution for helicopter ''brownout'' situational awareness in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1633. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $42,414,000 for Night Vision Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,800,000 for night vision advanced technology development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1634. BUDGET ITEM RELATING TO ROTARY WING SURFACES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $80,317,000 for Military Engineering Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $6,000,000 for the development of mission planning and support tools for rotary wing surfaces in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1635. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $57,203,000 for weapons and munitions technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $30,000,000 for the development of weapons and munitions technologies by small and non-traditional defense businesses in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1636. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,077,000 for Weapons and Munitions Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,500,000 for development of innovative manufacturing techniques and processes for munitions and weapons systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1637. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,077,000 for Weapons and Munitions Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,500,000 for the development of innovative manufacturing techniques and processes for munitions and weapons systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1638. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $30,258,000 for Materials Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,000,000 to develop innovative nanomaterials and nanomanufacturing processes for warfighter systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1639. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $30,258,000 for Materials Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $1,500,000 for the development and demonstration of novel lightweight composite packaging and structural materials in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1640. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $30,258,000 for materials technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for advanced manufacturing, repair, and sustainment technologies for defense needs in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1641. BUDGET ITEM RELATING TO LIGHTWEIGHT BODY ARMOR.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $64,057,000 for plasma treatment of fiber for force protection. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $5,100,000 for the development of new lightweight body armor in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1642. BUDGET ITEM RELATING TO INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $23,103,000 for industrial preparedness manufacturing technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for sustainment of the industrial base for body armor in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1643. BUDGET ITEM RELATING TO SECURE MICROELECTRONICS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $23,887,000 for Generic Logistics R&D Technology Demonstrations. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $15,000,000 to conduct research into the development, identification, and management of secure microelectronics in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1644. BUDGET ITEM RELATING TO ARMY TACTICAL COMMAND AND CONTROL HARDWARE AND SOFTWARE.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $123,935,000 for Army tactical command and control hardware and software. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,000,000 for the development of interoperable national security information sharing systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1645. BUDGET ITEM RELATING TO BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $38,656,000 for battlespace knowledge development and demonstration. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $4,000,000 to conduct research and educational programs that support cyber workforce development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1646. BUDGET ITEM RELATING TO TECHNOLOGY TRANSFER.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress

under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,553,000 for technology transfer. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $9,000,000 for small business technology transfer efforts into major Department of Defense acquisition programs of record in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1647. BUDGET ITEM RELATING TO UNIVERSITY RESEARCH INITIATIVES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $80,977,000 for research, development, test, and evaluation, Army, for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $7,000,000 for multidisciplinary research into nanotechnology science in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1648. BUDGET ITEM RELATING TO UNIVERSITY RESEARCH INITIATIVES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $140,273,000 for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $7,000,000 for the development of hypersonic testing facilities for defense applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1649. BUDGET ITEM RELATING TO CLINICAL CARE AND RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $80,977,000 for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,000,000 for the development of informatics tools to support clinical care and research in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1650. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,000,000 for the same purpose, including the development of biomaterials for wound prevention and healing, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1651. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $105,929,000 for research, development, test, and evaluation, Army, for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1652. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,500,000 for the same purpose, including for the continued development of high-throughput, microarray diagnostic systems, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1653. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $1,468,000 to support research into innovative new techniques to develop vaccines of interest to the military in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1654. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $10,000,000 for the same purpose, including for functional genomics research to further develop cancer treatment and detection methods, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1655. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the same purpose (including for the continued development of telemedicine technologies) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1656. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,000,000 for the same purpose, including for the study of health effects from manganese and other potential toxins, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1657. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for the development of innovative medical training technologies in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1658. BUDGET ITEM RELATING TO CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $219,873,000 for chemical and biological program defense program applied research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the same purpose, including for university-led applied research, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1659. BUDGET ITEM RELATING TO SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $35,242,000 for special operations advanced technology development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1660. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,500,000 for the same purpose (including for risk assessment and resource allocation) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1661. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $1,200,000 for the same purpose (including for the development of mobile training content and distance learning capabilities) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1662. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $6,500,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1663. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for Combating Terrorism Technology Support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,000,000 for the development of modeling and simulation technologies for testing of blast structures in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1664. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1665. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $4,000,000 for combating terrorism technology support to improve the collaborative experimentation model in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1666. BUDGET ITEM RELATING TO WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $196,954,000 for weapons of mass destruction defeat technologies. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $5,000,000 for the same purpose, including weapons of mass destruction-related strategic studies and university partnerships, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1667. BUDGET ITEM RELATING TO COUNTERMINE SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $20,280,000 for countermine systems. Of

the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,500,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1668. BUDGET ITEM RELATING TO MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $37,583,000 for Mine and Expeditionary Warfare Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $8,000,000 for the development of remote- robotic naval mine countermeasure research and development capability in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1669. BUDGET ITEM RELATING TO SPECIAL APPLICATIONS FOR CONTINGENCIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $5,045,000 for special operations advanced technology development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $4,000,000 for the same purpose, including for special applications for contingencies such as for the development and demonstration of tactical unmanned aerial vehicles, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1670. BUDGET ITEM RELATING TO MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $91,132,000 for Microelectronics Technology Development and Support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,000,000 for the development of innovative semiconductor design and fabrication tools in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1671. BUDGET ITEM RELATING TO WARFIGHTER SUSTAINMENT APPLIED RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $101,205,000 for Warfighter Sustainment Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,500,000 to support research into corrosion control and anti-biofouling coatings in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1672. BUDGET ITEM RELATING TO MARINE CORPS LANDING FORCE TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $44,845,000 for Marine Corps Landing Force Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $3,000,000 for the development of situational awareness and communications networking tools for tactical units in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1673. BUDGET ITEM RELATING TO ADVANCED CONCEPTS AND SIMULATION.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $20,933,000 for Advanced Concepts and Simulation. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $10,000,000 to develop realistic human representations of software agents for simulation systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1674. BUDGET ITEM RELATING TO HUMAN EFFECTIVENESS APPLIED RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $86,663,000 for Human Effectiveness Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $2,200,000 to develop training and simulation capabilities for the Air Force in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1675. BUDGET ITEM RELATING TO AEROSPACE PROPULSION.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $207,508,000 for aerospace propulsion. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $2,000,000 for the development of innovative aircraft deoxygeneration systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1676. BUDGET ITEM RELATING TO END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $59,297,000 for end item industrial preparedness activities. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $7,000,000 to develop a 3-D model-based design and manufacturing capability in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1677. BUDGET ITEM RELATING TO SENSORS AND ELECTRONIC SURVIVABILITY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $43,521,000 for Sensors and Electronic Survivability. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $10,000,000 for the development of command, control, and navigation capabilities for manned and unmanned aircraft in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1678. BUDGET ITEM RELATING TO MILITARY ENGINEERING ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $36,516,000 for Military Engineering Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for the development of innovative capabilities that support core missions of the Army Corps of Engineers in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1679. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $8,000,000 for the same purpose, including for the development and demonstration of a high-efficiency air-breathing turbine propulsion system for unmanned aircraft systems, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1680. BUDGET ITEM RELATING TO ESTABLISHMENT OF PROTOCOLS FOR JOINT STRIKE FIGHTER LEAD-FREE ELECTRONIC COMPONENTS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $1,387,926,000 for joint strike fighter development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $1,000,000 for the development of protocols for the use of lead-free solder products and finishes in the joint strike fighter in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1681. BUDGET ITEM RELATING TO PORTABLE HELICOPTER OXYGEN DELIVERY SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $73,728,000 for infantry support weapons. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $3,000,000 for improvements to portable helicopter oxygen delivery systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1682. BUDGET ITEM RELATING TO ADVANCED ROTORCRAFT FLIGHT RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $62,193,000 for aviation advanced technology . Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $8,000,000 for advanced rotorcraft flight research in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1683. BUDGET ITEM RELATING TO MISSILE AND ROCKET ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $90,602,000 for missile and rocket advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $6,250,000 for the development of missile simulation technology in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1684. BUDGET ITEM RELATING TO MISSILE AND ROCKET ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $90,602,000 for missile and rocket advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,300,000 for base defense counter fire intercept systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1685. BUDGET ITEM RELATING TO COMBAT VEHICLE IMPROVEMENT PROGRAMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $53,700,000 for combat vehicle improvement programs. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $25,000,000 for the same purpose, including for the M1A1 Abrams tank engine technology insertion demonstration program, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1686. BUDGET ITEM RELATING TO WARFIGHTER ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $52,979,000 for Warfighter Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1687. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,500,000 for the same purpose, including for the development and demonstration of autonomous cargo for rotorcraft unmanned aerial vehicles, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1688. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress

under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $62,193,000 for research, development, test and evaluation, Army, for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $7,000,000 for the same purpose (including for common data link waveform improvements) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1689. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,300,000 to conduct research on corrosion reduction for rotor craft aviation platforms in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1690. BUDGET ITEM RELATING TO MUNITIONS STANDARDIZATION, EFFECTIVENESS, AND SAFETY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $57,142,000 for munitions standardization, effectiveness, and safety. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $5,000,000 for enhanced survivability and lethality system development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1691. BUDGET ITEM RELATING TO AEGIS BALLISTIC MISSILE DEFENSE.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $960,267,000 for Aegis ballistic missile defense. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Director of the Missile Defense Agency shall obligate an additional $5,000,000 for expanding the engagement capability of the Aegis ballistic missile defense in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1692. BUDGET ITEM RELATING TO OPERATIONALLY RESPONSIVE SPACE.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $86,500,000 for operationally responsive space. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $20,000,000 for the acquisition of additional operationally responsive space capabilities to meet the urgent needs of commanders, further develop and demonstrate a modular architecture, and support enabling technologies and infrastructure in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1693. BUDGET ITEM RELATING TO SPACE TECHNOLOGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $115,300,000 for space technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $3,000,000 for expanding research for space technology in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1694. BUDGET ITEM RELATING TO ARMY NET ZERO PROGRAMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $4,946,000 for Environmental Quality Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $8,000,000 for Army net zero programs in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1695. BUDGET ITEM RELATING TO OFFSHORE RANGE ENVIRONMENTAL BASELINE ASSESSMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $66,409,000 for the Strategic Environmental Research Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $1,750,000 for offshore range environmental baseline assessment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1696. BUDGET ITEM RELATING TO DEPARTMENT OF DEFENSE CORROSION PROTECTION PROJECTS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $3,221,000 for the Department of Defense Corrosion Protection Projects. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $10,300,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1697. BUDGET ITEM RELATING TO STUDY OF RENEWABLE AND ALTERNATIVE ENERGY APPLICATIONS IN THE PACIFIC REGION.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $446,123,000 for defense research sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,000,000 for the study of renewable and alternative energy applications in the Pacific Region in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1698. BUDGET ITEM RELATING TO ALTERNATIVE ENERGY FOR MOBILE POWER APPLICATIONS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $156,901,000 for Force Protection Applied research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,000,000 for alternative energy for mobile power applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699. BUDGET ITEM RELATING TO ADVANCED BATTERY TECHNOLOGIES.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $64,057,000 for force protection advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,000,000 for advanced battery technologies in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699A. BUDGET ITEM RELATING TO OPERATIONAL ENERGY IMPROVEMENT PILOT PROJECT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $20,444,000 for Operational Energy Capability Improvement. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $4,000,000 for an operational energy pilot project in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699B. BUDGET ITEM RELATING TO MICROGRID PILOT PROGRAM.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $30,000,000 for the installation energy test bed. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $2,000,000 for the microgrid pilot program in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699C. BUDGET ITEM RELATING TO ADVANCED SURFACE MACHINERY SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $18,249,000 for Advanced Surface Machinery Systems. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $10,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699D. BUDGET ITEM RELATING TO BASE CAMP FUEL CELLS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $36,516,000 for Military Engineering Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,000,000 for base camp fuel cells in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699E. BUDGET ITEM RELATING TO DEFENSE ALTERNATIVE ENERGY.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $17,888,000 for the Defense-wide Manufacturing Science and Technology Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $2,000,000 for defense alternative energy in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699F. BUDGET ITEM RELATING TO RADIOLOGICAL CONTAMINATION RESEARCH.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $66,409,000 for the Strategic Environmental Research Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $4,000,000 for radiological contamination research in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle C—Operation and Maintenance

SEC. 1699G. BUDGET ITEM RELATING TO DEPARTMENT OF DEFENSE CORROSION PREVENTION PROGRAM.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $7,324,000 for the Department of Defense Corrosion Prevention Program. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $22,700,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699H. BUDGET ITEM RELATING TO NAVY EMERGENCY MANAGEMENT AND PREPAREDNESS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $38,425,841,000 for Operation & Maintenance, Navy Budget Activity 01, Operating Forces. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional $2,000,000 for emergency management and preparedness of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699I. BUDGET ITEM RELATING TO ARMY SIMULATION TRAINING SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,939,455,000 for Operation & Maintenance, Army Budget Activity 01, Force Readiness Operations Support, Line 070. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $4,000,000 for simulation training systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699J. BUDGET ITEM RELATING TO ARMY INDUSTRIAL FACILITY ENERGY MONITORING.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $2,745,667,000 for Operation and Maintenance Army, Line 110, Facilities Sustainment,

Restoration, and Modernization. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,380,000 for Army Industrial Facility Energy Monitoring in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699K. BUDGET ITEM RELATING TO ARMY NATIONAL GUARD SIMULATION TRAINING SYSTEMS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $706,299,000 for Operation & Maintenance, Army National Guard Budget Activity 12. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $2,000,000 for simulation training systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699L. BUDGET ITEM RELATING TO ARMY ARSENALS.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $7,973,300 for Operation & Maintenance, Army Budget Activity 04, Administration and Service-wide Activities, line 423, Logistic Support Activities. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional $6,000,000 for capital improvements at United States Army arsenals in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 1699M. BUDGET ITEM RELATING TO COLD WEATHER PROTECTIVE EQUIPMENT.

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested $3,986,766,000 for Operation & Maintenance, Defense-wide, Special Operations Command. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $3,000,000 for cold weather protective equipment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2012''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. LIMITATION ON IMPLEMENTATION OF PROJECTS DESIGNATED AS VARIOUS LOCATIONS.

The Secretary of Defense or the Secretary of a military department may not enter into an award of a project authorized for various locations in titles XXI through XXVII, as specified in the funding table in section 4601, until the Secretary concerned submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated in titles XXI through XXVII, a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program.

SEC. 2004. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and XXVII shall take effect on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
	JB Elmendorf-Richardson.	$103,600,000
Alabama	Fort Rucker	$11,600,000
California	Fort Irwin	$23,000,000
	Presidio Monterey	$3,000,000
Colorado	Fort Carson, Colorado	$238,600,000
Georgia	Fort Benning	$66,700,000
	Fort Gordon	$1,450,000
	Fort Stewart, Georgia	$2,600,000
Hawaii	Fort Shafter	$17,500,000
	Schofield Barracks	$105,000,000
Kansas	Forbes Air Field	$5,300,000
	Fort Riley, Kansas	$83,400,000
Kentucky	Fort Campbell, Kentucky.	$247,500,000
	Fort Knox	$55,000,000
Louisiana	Fort Polk, Louisiana	$70,100,000
Maryland	Aberdeen Proving Ground.	$78,500,000
	Fort Meade	$79,000,000
Missouri	Fort Leonard Wood	$49,000,000
North Carolina.	Fort Bragg	$186,000,000
New York	Fort Drum, New York	$13,300,000
Oklahoma	Fort Sill	$184,600,000
	Mcalester	$8,000,000
South Carolina.	Fort Jackson	$63,900,000
Texas	Fort Bliss	$149,500,000
	Fort Hood, Texas	$132,000,000
	JB San Antonio	$10,400,000
	Red River Army Depot	$44,000,000
Utah	Dugway Proving Ground.	$32,000,000
Virginia	Fort Belvoir	$83,000,000
	JB Langley Eustis	$26,000,000
Washington	JB Lewis McChord	$296,300,000
Various Locations	Unspecified	$70,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base, Afghanistan.	$80,000,000
Germany	Germersheim	$37,500,000
	Grafenwoehr	$38,000,000
	Landstuhl	$63,000,000
	Oberdachstetten	$12,200,000
	Stuttgart	$12,200,000
	Vilseck	$20,000,000
Honduras Various.	Honduras various	$25,000,000
Korea, Republic of.	Camp Carroll	$41,000,000
	Camp Henry	$48,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Belgium	Brussels	Land Purchase for GFOQ (10 units)	$10,000,000
Germany	Grafenwoehr	Family Housing New Construction (26 units)	$13,000,000
	Illesheim	Family Housing Replacement Construction (80 units)	$41,000,000
	Vilseck	Family Housing New Construction (22 units)	$12,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,897,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $103,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4438) for Wiesbaden, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT USING PRIOR-YEAR UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of $115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—To carry out the project described in subsection (a), the Secretary of the Army may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4440), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000

SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4658), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	$65,000,000
		Battalion Complex	$69,000,000
		Battalion Complex	$27,000,000
		Infrastructure Expansion	$76,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	$3,900,000

SEC. 2110. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.

The table in section 3002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4503) is amended—

(1) in the project specification for the Army for ''Entry Control Point and Access Roads'' that appears immediately below the project specifications for Bagram Air Force Base, Afghanistan, by striking ''Delaram Ii'' and inserting ''Delaram II''; and

(2) in the project specifications for the Army for the Shank installation, Afghanistan, by striking ''Expand Extended Cooperation Programme 1 and Extended Cooperation Programme 2'' in the Project title column and inserting ''Expand Entry Control Point 1 and Entry Control Point 2''.

SEC. 2111. ADDITIONAL BUDGET ITEMS RELATING TO ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $20,000,000 for Army training facilities in furtherance of national security objectives.

(b) COMMUNITY HOUSING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $10,000,000 for community housing facilities in furtherance of national security objectives.

(c) TROOP HOUSING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $10,000,000 for Troop housing facilities in furtherance of national security objectives.

(d) UTILITIES AND GROUND IMPROVEMENTS.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $10,000,000 for Army utilities and ground improvements in furtherance of national security objectives.

(e) RESEARCH AND DEVELOPMENT FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $20,000,000 for research and development facilities in furtherance of national security objectives.

(f) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$162,785,000
California.	Barstow	$8,590,000
	Bridgeport	$19,238,000
	Camp Pendleton	$335,080,000
	Coronado	$108,435,000
	Point Mugu	$15,377,000
	Twentynine Palms	$67,109,000
Florida	Jacksonville	$36,552,000
	Whiting Field	$20,620,000
Georgia	Kings Bay	$86,063,000
Hawaii	Barking Sands	$9,679,000
	Joint Base Pearl Harbor-Hickam.	$7,492,000
	Kaneohe Bay	$57,704,000
Illinois	Great Lakes	$91,042,000
Maryland.	Indian Head	$67,779,000
	Patuxent River	$45,844,000
North Carolina.	Camp Lejeune	$200,482,000
	Cherry Point Marine Corps Air Station.	$17,760,000
	New River	$78,930,000
South Carolina.	Beaufort	$21,096,000
Virginia	Norfolk	$108,228,000
	Portsmouth	$74,864,000
	Quantico	$183,690,000
Washington.	Bremerton	$13,341,000
	Kitsap	$758,842,000
Various Locations	Unspecified	$59,998,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	$100,204,000
Diego Garcia.	Diego Garcia	$35,444,000
Djibouti	Camp Lemonier	$89,499,000
Guam	Joint Region Marianas	$77,267,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,773,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION.—None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	$2,700,000

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 511) is amended by inserting at the end the following new row:

''Worldwide Unspecified.	Host Nation Infrastructure.	$2,700,000''.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton	Operations Assess Points, Red Beach	$11,970,000
	Marine Corps Air Station, Miramar	Emergency Response Station	$6,530,000
District of Columbia	Navy Yard	Child Development Center	$9,340,000

SEC. 2207. ADDITIONAL BUDGET ITEMS RELATING TO NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2204, as specified in the corresponding funding table in section 4601, the Secretary of the Navy shall obligate an additional $10,000,000 for maintenance and production facilities in furtherance of national security objectives.

(b) RESEARCH AND DEVELOPMENT FACILITIES.—Of the amounts authorized to be appropriated by section 2204, as specified in the corresponding funding table in section 4601, the Secretary of the Navy shall obligate an additional $20,000,000 for research and development facilities in furtherance of national security objectives.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson AFB	$45,000,000
	JB Elmendorf-Richardson.	$97,000,000
Arizona	Davis-Monthan AFB.	$33,000,000
	Luke AFB	$24,000,000
California	Travis AFB	$22,000,000
	Vandenberg AFB.	$14,200,000
Colorado	U.S. Air Force Academy.	$13,400,000
Delaware	Dover AFB	$2,800,000
Kansas	Fort Riley	$7,600,000
Louisiana	Barksdale AFB	$23,500,000
Missouri	Whiteman AFB	$4,800,000
North Carolina	Pope AFB	$6,000,000
North Dakota	Minot AFB	$67,800,000
Nebraska	Offutt AFB	$564,000,000
New Mexico	Cannon AFB	$22,598,000
	Holloman AFB	$29,200,000
	Kirtland AFB	$25,000,000
Nevada	Nellis AFB	$35,850,000
Texas	JB San Antonio	$64,000,000
	Joint Base San Antonio.	$46,000,000
Utah	Hill AFB	$23,300,000
Virginia	JB Langley Eustis.	$50,000,000
Washington	Fairchild AFB	$27,600,000
Various Locations	Unspecified	$60,000,000

Air Force: Inside the United States—Continued

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule AB	$28,000,000
Guam	Joint Region Marianas.	$211,600,000
Germany	Ramstein AB	$34,697,000
Italy	Sigonella	$15,000,000
Korea, Republic Of.	Osan AB	$23,000,000
Qatar	Al Udeid	$37,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,208,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,596,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2301(b) of that Act (122 Stat. 4679), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorization

Location	Installation or Location	Project	Amount
Germany	Spangdahlem Air Base	Child Development Center	$11,400,000

SEC. 2307. LIMITATION ON IMPLEMENTATION OF CONSOLIDATION OF AIR AND SPACE OPERATIONS CENTER OF THE AIR FORCE.

(a) NOTICE AND WAIT REQUIREMENT.—

(1) NOTICE AND WAIT.—The Secretary of the Air Force may not disestablish, close, or realign any element of the Air and Space Operations Center consolidation initiative until—

(A) the Secretary of Air Force submits a notice of the proposed disestablishment, closure, or realignment to the congressional defense committees; and

(B) the expiration of a period of 15 legislative days or 30 calendar days, whichever is longer, beginning on the date of the notification is received by the committees.

(2) CONSULTATION.—The Secretary of the Air Force shall prepare a notice under paragraph (1) in consultation with the commanders of the combatant commands

(3) LEGISLATIVE DAY DEFINED.—In this subsection, term ''legislative day'' means a day on which either House of Congress is in session.

(b) CONTENT OF NOTICE.—The notice under subsection (a) shall contain at a minimum—

(1) an explanation of the projected savings of the proposed disestablishment, closure, or realignment;

(2) a cost-benefit analysis of the proposed disestablishment, closure, or realignment;

(3) the budgetary impact of the proposed disestablishment, closure, or realignment;

(4) the strategic and operational consequences of the proposed disestablishment, closure, or realignment;

(5) an appropriate local economic assessment of the proposed disestablishment, closure, or realignment, which shall include at a minimum—

(A) a list of Federal, State, and local government departments and agencies that are required by statute or regulation to provide assistance and outreach for the community affected by the proposed disestablishment, closure, or realignment; and

(B) a list of the contractors and businesses affected by the proposed disestablishment, closure, or realignment; and

(6) a continuity of operations plan for the proposed disestablishment, closure, or realignment.

SEC. 2308. ADDITIONAL BUDGET ITEMS RELATING TO AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) SUPPORTING FACILITIES.—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $10,000,000 for supporting facilities in furtherance of national security objectives.

(b) OPERATIONAL FACILITIES.—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $20,000,000 for operational facilities in furtherance of national security objectives.

(c) COMMUNITY FACILITIES.—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in section 4601, the Secretary of the Air Force shall obligate an additional $20,000,000 for community facilities in furtherance of national security objectives.

(d) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $10,000,000 for maintenance and production facilities in furtherance of national security objectives.

(e) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Anchorage	$18,400,000
	Eielson AFB	$14,800,000
Alabama	Redstone Arsenal	$58,800,000
Arizona	Davis-Monthan AFB	$23,000,000
California	Camp Pendleton	$12,141,000
	Coronado	$42,000,000
	Defense Distribution Depot-Tracy.	$15,500,000
	San Clemente	$21,800,000
Colorado	Buckley AFB	$140,932,000
District of Columbia.	Bolling AFB	$16,736,000
Florida	Eglin AFB	$51,600,000
	Eglin AUX 9	$9,500,000
	MacDill AFB	$15,200,000
	Whiting Field	$3,800,000
Georgia	Fort Benning	$37,205,000
	Fort Gordon	$11,340,000
	Fort Stewart	$72,300,000
Hawaii	Joint Base Pearl Harbor-Hickam.	$14,400,000
Illinois	Great Lakes	$16,900,000
Kentucky	Fort Campbell	$138,500,000
	Fort Knox	$38,845,000
Louisiana	Barksdale AFB	$6,200,000
Massachusetts.	Hanscom AFB	$34,040,000
	Westover ARB	$23,300,000
Maryland	Bethesda Naval Hospital.	$18,000,000
	Fort Meade	$860,579,000
	Joint Base Andrews	$265,700,000
Missouri	Arnold	$9,253,000
Mississippi	Columbus AFB	$2,600,000
	Gulfport	$34,700,000
North Carolina.	Camp Lejeune	$6,670,000
	Fort Bragg	$206,274,000
	New River	$22,687,000
	Pope AFB	$5,400,000
New Mexico.	Cannon AFB	$132,997,000
New York	Fort Drum	$20,400,000
Ohio	Columbus	$10,000,000
Oklahoma	Altus AFB	$8,200,000
Pennsylvania.	DEF Distribution Depot New Cumberland	$46,000,000
	Philadelphia	$8,000,000
South Carolina.	Joint Base Charleston	$24,868,000
Texas	Joint Base San Antonio	$194,300,000
Virginia	Charlottesville	$10,805,000
	Dahlgren	$1,988,000
	Dam Neck	$23,116,000
	Fort Belvoir	$54,625,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Joint Expeditionary Base Little Creek - Story	$37,000,000
	Pentagon	$8,742,000
	Quantico	$46,727,000
Washington.	JB Lewis McChord	$35,000,000
	Whidbey Island	$25,000,000
West Virginia.	Camp Dawson	$2,200,000
Various Locations	Unspecified	$50,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$24,118,000
Germany	Ansbach	$11,672,000
	Baumholder	$59,419,000
	Grafenwoehr	$6,529,000
	Rhine Ordnance Barracks.	$1,196,650,000
	Spangdalem Air Base.	$129,043,000
	Stuttgart-Patch Barracks.	$2,434,000
Italy	Vicenza	$41,864,000
Japan	Yokota Air Base	$61,842,000
United Kingdom	Menwith Hill Station.	$68,601,000
	Royal Air Force Alconbury.	$35,030,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

Country	Installation or Location	Amount
Arizona	Davis-Monthan AFB.	$4,650,000
California	Presidio of Monterey.	$5,000,000
Colorado	Fort Carson	$4,277,000
Florida	Tyndall AFB	$3,255,000
Georgia	MCLB Albany	$3,504,000
Massachusetts	Hanscom AFB	$3,609,000
New York	Fort Drum	$3,500,000
North Carolina	Fort Bragg	$13,400,000
North Carolina	Camp Lejeune	$6,925,000
Oklahoma	Altus AFB	$5,700,000
Tennessee	Arnold AFB	$3,300,000
Utah	Tooele Army Depot.	$8,200,000
Wyoming	FE Warren AFB	$12,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Guam	NB Guam	$17,377,000
Marshall Islands	Kwajalein Atoll	$6,300,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

SEC. 2404. ADDITIONAL BUDGET ITEMS RELATING TO DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) DEFENSE ACCESS ROADS.—Of the amounts authorized to be appropriated by section 2403, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $40,000,000 for defense access roads in furtherance of national security objectives.

(b) SPECIAL OPERATION FORCES LAND ACQUISITION.—Of the amounts authorized to be appropriated by section 2403, as specified in the corresponding funding table in section 4601, the Secretary of Defense shall obligate an additional $10,000,000 for Special Operation Forces land acquisition in furtherance of national security objectives.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of—

(1) the amount authorized to be appropriated pursuant to section 2502 and available for this purpose as specified in the funding table in section 4601; and

(2) the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment

Program authorized by section 2501, as specified in the funding table in section 4601.

TITLE XXVI—GUARD RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$16,500,000
Arkansas	Fort Chaffee	$3,500,000
Arizona	Papago Military Reservation.	$17,800,000
California	Camp Roberts	$38,160,000
	Camp San Luis Obispo.	$8,000,000
Colorado	Alamosa	$6,400,000
	Aurora	$3,600,000
	Fort Carson	$43,000,000
District of Columbia.	Anacostia	$5,300,000
Florida	Camp Blanding	$5,500,000
Georgia	Atlanta	$11,000,000
	Hinesville	$17,500,000
	Macon	$14,500,000
Hawaii	Kalaeloa	$33,000,000
Illinois	Normal	$10,000,000
Indiana	Camp Atterbury	$81,900,000
	Indianapolis	$25,700,000
Massachusetts	Natick	$9,000,000
Maryland	Dundalk	$16,000,000
	La Plata	$9,000,000
	Westminster	$10,400,000
Maine	Bangor	$15,600,000
	Brunswick	$23,000,000
Minnesota	Camp Ripley	$8,400,000
Mississippi	Camp Shelby	$64,600,000
North Carolina	Greensboro	$3,700,000
Nebraska	Grand Island	$22,000,000
	Mead	$9,100,000
New Jersey	Lakehurst	$49,000,000
New Mexico	Santa Fe	$5,200,000
Nevada	Las Vegas	$23,000,000
Oklahoma	Camp Gruber	$13,361,000
Oregon	The Dalles	$13,800,000
South Carolina	Allendale	$4,300,000
Utah	Camp Williams	$6,500,000
Virginia	Fort Pickett	$11,000,000
Wisconsin	Camp Williams	$7,000,000
West Virginia	Buckhannon	$10,000,000
Wyoming	Cheyenne	$8,900,000
Various Locations	Unspecified	$50,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	$57,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

Country	Location	Amount
California	Fort Hunter Liggett.	$5,200,000
Colorado	Fort Collins	$13,600,000
Illinois	Homewood	$16,000,000
	Rockford	$12,800,000
Indiana	Lawrence	$57,000,000
Kansas	Kansas City	$13,000,000
Massachusetts	Attleboro	$22,000,000
Minnesota	Saint Joseph	$11,800,000
Missouri	Weldon Springs	$19,000,000
North Carolina	Greensboro	$19,000,000
New York	Schenectady	$20,000,000
South Carolina	Orangeburg	$12,000,000
Wisconsin	Fort McCoy	$27,300,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	$13,759,000
Tennessee	Memphis	$7,949,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Beale AFB	$6,100,000
	Moffett Field	$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam.	$26,800,000
Indiana	Fort Wayne IAP	$4,000,000
Massachusetts	Otis ANGB	$7,800,000
Maryland	Martin State Airport.	$4,900,000
Ohio	Springfield Beckley-MAP.	$6,700,000
Various Locations	Unspecified	$30,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March AFB	$16,393,000
South Carolina	Charleston AFB	$9,593,000
Various Locations	Unspecified	$10,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Additional Budget Items

SEC. 2611. ADDITIONAL BUDGET ITEMS RELATING TO ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OPERATIONAL FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $10,000,000 for Army National Guard operational facilities in furtherance of national security objectives.

(b) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $30,000,000 for maintenance and production facilities in furtherance of national security objectives.

(c) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional $10,000,000 for training facilities in furtherance of national security objectives.

(d) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 2612. ADDITIONAL BUDGET ITEMS RELATING TO AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OPERATIONAL FACILITIES AUTHORITY.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $10,000,000 for Air National Guard operational facilities in furtherance of national security objectives.

(b) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $20,000,000 for maintenance and production facilities in furtherance of national security objectives.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

SEC. 2613. ADDITIONAL BUDGET ITEM RELATING TO AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional $10,000,000 for training

facilities in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

Subtitle C—Other Matters

SEC. 2621. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (122 Stat. 527) and extended by section 2607 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4454), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center (SBCT)	$ 8,300,000

SEC. 2622. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorizations set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (122 Stat. 4699), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Machine Gun Range	$ 5,800,000
Nevada	Elko	Readiness Center	$11,375,000

Army Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island	Reserve Center	$18,550,000

Navy and Marine Corps Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Wilmington	Reserve Center	$11,530,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703 and available for base realignment and closure activities as specified in the funding table in section 4601, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

SEC. 2704. AUTHORITY TO EXTEND DEADLINE FOR COMPLETION OF LIMITED NUMBER OF BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

Section 2904 of 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) is amended—

(1) in subsection (a)(5), by striking ''complete'' and inserting ''complete, except in the case of a closure or realignment recommendation extended pursuant to subsection (c),''; and

(2) by adding at the end the following new subsection:

''(c) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.—(1) Subject to paragraphs (2) and (3), in the case of the recommendations of the Commission contained in the report of the Commission transmitted by the President to Congress in accordance with section 2914(e) on September 15, 2005, the Secretary may extend the period for completing not more than seven of the closure or realignment recommendations until the later of the following:

''(A) September 15, 2012.

''(B) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

''(2) To extend a closure or realignment recommendation under this subsection, the Secretary shall submit to the congressional defense committees a report containing—

''(A) a justification of the need for the extension of the closure or realignment recommendation;

''(B) a certification that the extension is necessary to ensure the operational readiness of units or functions being relocated as part of the implementation of the recommendation;

''(C) an explanation of the impact of the extension on communities in the vicinity of the affected installations;

''(D) an explanation of the impacts of not providing the extension on operational readiness;

''(E) an estimation of the costs associated with the extension; and

''(F) a schedule for completing the closure or realignment recommendation in light of the extension.

''(3) The extension of a closure or realignment recommendation under this subsection shall take effect only after—

''(A) the end of the 21-day period beginning on the date on which the report required by paragraph (2) with respect to that recommendation is received by the congressional defense committees; or

''(B) if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

''(4) The Secretary may not delegate the authority provided by this subsection.''.

SEC. 2705. INCREASED EMPHASIS ON EVALUATION OF COSTS AND BENEFITS IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) EVALUATION OF COSTS AND BENEFITS.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended by striking ''fiscal, local economic, budgetary,'' and inserting ''costs and benefits of such closure or realignment and of the local economic,''.

(b) REVISED DEFINITION OF REALIGNMENT.—Subsection (e)(3) of such section is amended by striking '', but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes''.

(c) RELATION TO COMMISSION BASE CLOSURE PROCESS.—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case 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), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

SEC. 2706. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) MODIFICATION OF SELECTION CRITERIA.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking ''notification an evaluation'' and inserting ''notification—

''(A) an evaluation''; and

(2) by adding at the end the following new subparagraph:

''(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

''(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

''(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and''.

(b) EFFECT OF SIGNIFICANT IMPACTS.—Such section is further amended by adding at the end the following new subsection:

''(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

''(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

''(2) concludes consultation with the Federal Highway Administration with regard to such impact; and

''(3) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.''.

(c) TRANSPORTATION INFRASTRUCTURE DEFINED.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) The term 'transportation infrastructure' includes transit, pedestrian, and bicycle infrastructure.''.

(d) RELATION TO COMMISSION BASE CLOSURE PROCESS.—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case 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), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROHIBITION ON USE OF ANY COST-PLUS SYSTEM OF CONTRACTING FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.

(a) PROHIBITION.—Section 2306 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) A contract entered into by the United States in connection with a military construction project or a military family housing project may not use any form of cost-plus contracting. This prohibition is in addition to the prohibition specified in subsection (a) on the use of the cost-plus-a-percentage-of-cost system of contracting and applies notwithstanding a declaration of war or the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) that includes the use of the armed forces.''.

(b) APPLICATION OF AMENDMENT.—Subsection (c) of section 2306 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into by the United States in connection with a military construction project or a military family housing project after the date of the enactment of this Act.

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) SINGLE THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—Subsection (a)(2) of section 2805 of title 10, United States Code, is amended by striking ''$2,000,000.'' in the first sentence and all that follows through the end of the second sentence and inserting ''$3,000,000.''.

(b) SINGLE THRESHOLD FOR USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(1) by striking ''(1) Except as provided in paragraph (2), the'' and inserting ''The''; and

(2) by striking ''not more than'' and all that follows through the end of the subsection and inserting ''not more than $750,000''.

(c) EXTENSION OF SPECIAL LABORATORY REVITALIZATION AUTHORITY.—Subsection (d) of such section is amended—

(1) in paragraph (3), by striking ''February 1, 2010'' and inserting ''February 1, 2014''; and

(2) in paragraph (5), by striking ''September 30, 2012'' and inserting ''September 30, 2016''.

(d) CONFORMING AMENDMENTS.—

(1) CROSS REFERENCES REGARDING WORKING-CAPITAL FUNDS.—Section 2208 of such title is amended—

(A) in subsection (k)(2)(A), by striking ''section 2805(c)(1)'' and inserting ''section 2805(c)''; and

(B) in subsection (o)(2)(A), by striking ''section 2805(c)(1)'' and inserting ''section 2805(c)''.

(2) CROSS REFERENCE REGARDING COST AND SCOPE OF WORK VARIATIONS.—Section 2853(a) of such title is amended by striking ''section 2805(a)(1)'' and inserting ''section 2805(a)''.

(3) CROSS REFERENCE REGARDING NOTICE AND WAIT REQUIREMENTS FOR RESERVE PROJECTS.—Section 18233a(b)(2)(B)(ii) of such title is amended by striking ''section 2805(a)(2)'' and inserting ''section 2805(a)''.

(4) CROSS REFERENCE REGARDING USING OPERATION AND MAINTENANCE FUNDS FOR SMALL RESERVE PROJECTS.—Section 18233b of such title is amended by striking ''not more than'' and all that follows through the end of the section and inserting ''not more than the amount specified in section 2805(c) of this title.''.

SEC. 2803. CONDITION ON RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES FOR GENERAL AND FLAG OFFICERS.

(a) CONDITION.—Section 2828(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) Housing units in foreign countries leased under subsection (c) for assignment as family housing for general officers or flag officers may not exceed the floor area and design criteria for similar housing in the United States.''.

(b) APPLICATION OF AMENDMENT.—Subsection (e)(7) of section 2828 of title 10, United States Code, as added by subsection (a), shall apply with respect to leases of family housing in foreign countries entered into under subsection (c) of such section after the date of the enactment of this Act.

SEC. 2804. PROTECTIONS FOR SUPPLIERS OF LABOR AND MATERIALS UNDER CONTRACTS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) In the case of a military construction project or a military family housing project, the contract amount thresholds specified in subchapter III of chapter 31 of title 40 (commonly referred to as the Miller Act) shall be applied by substituting '$150,000' for '$100,000' for purposes of determining when a performance bond and payment bond are required under section 3131 of such title and when alternatives to payment bonds as payment protections for suppliers of labor and materials are required under section 3132 of such title.''.

SEC. 2805. ONE-YEAR EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY AND COMBINED JOINT TASK FORCE-HORN OF AFRICA AREAS OF RESPONSIBILITY AND INTEREST.

(a) ONE-YEAR EXTENSION OF AUTHORITY; LIMITATION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(B) in paragraph (2), by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(b) TECHNICAL AMENDMENT.—Subsections (a) and (i) of such section are amended by striking ''Combined Task Force-Horn of Africa'' each place it appears and inserting ''Combined Joint Task Force-Horn of Africa''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT PENTAGON RESERVATION.

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking ''The authority'' and inserting ''(A) Except as provided in subparagraph (B), the authority''; and

(2) by adding at the end the following new subparagraph:

''(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.''.

SEC. 2812. REMOVAL OF DISCRETION OF SECRETARIES OF THE MILITARY DEPARTMENTS REGARDING PURPOSES FOR WHICH EASEMENTS FOR RIGHTS-OF-WAY MAY BE GRANTED.

Section 2668(a) of title 10, United States Code, is amended—

(1) in paragraph (11), by inserting ''and'' at the end of the paragraph;

(2) in paragraph (12), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (13).

SEC. 2813. LIMITATIONS ON USE OR DEVELOPMENT OF PROPERTY IN CLEAR ZONE AREAS.

Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

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

(B) in paragraph (2), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.''; and

(2) in subsection (i), by inserting after paragraph (2) the following new paragraph:

''(3) The term 'Clear Zone Area' means an area immediately beyond the end of the runway of an airfield that is needed to ensure the safe and unrestricted passage of aircraft in and over the area.''.

SEC. 2814. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—

(1) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: ''The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.''.

(2) RETROACTIVE APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the implementation of the recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission received by Congress on September 19, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.

Subtitle C—Energy Security

SEC. 2821. CONSOLIDATION OF DEFINITIONS USED IN ENERGY SECURITY CHAPTER.

(a) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

''§ 2924. Definitions

''In this chapter:

''(1) The term 'defined fuel source' means any of the following:

''(A) Petroleum.

''(B) Natural gas.

''(C) Coal.

''(D) Coke.

''(2) The term 'energy-efficient maintenance' includes—

''(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

''(i) will achieve energy savings over the lifecycle of the equipment or system being repaired; and

''(ii) will meet the same end needs as the equipment or system being repaired; and

''(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

''(3)(A) The term 'energy security' means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet operational needs.

''(B) In selecting facility energy projects on a military installation that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly into the installation electrical distribution network. In such cases, this power should be prioritized to provide the power necessary for critical assets on the installation in the event of a disruption in the commercial grid.

''(4) The term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(A) an internal combustion or heat engine using combustible fuel; and

''(B) a rechargeable energy storage system.

''(5) The term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

''(6) The term 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

''(7) The term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(2) CLERICAL AMENDMENTS.—Such chapter is further amended—

(A) in the table of subchapters at the beginning of such chapter, by striking ''2925'' and inserting ''2924''; and

(B) in the table of sections at the beginning of subchapter III of such chapter, by inserting before the item relating to section 2925 the following new section:

''2924. Definitions.''.

(b) CONFORMING AMENDMENTS STRIKING SEPARATE DEFINITIONS.—Such chapter is further amended—

(1) in section 2911—

(A) in subsection (d)—

(i) by striking ''(1)'' before ''For the purpose'';

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(B) in subsection (e), by striking paragraph (2);

(2) in section 2922e, by striking subsections (e) and (f);

(3) in section 2922g, by striking subsection (d); and

(4) in section 2925(b), by striking paragraph (4).

SEC. 2822. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.

(a) POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—The Secretary of Defense shall establish a policy under which a military installation shall give favorable consideration for energy security in the design and development of energy projects on the military installation that will use renewable energy sources.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to Congress within 30 days after entering into any agreement for a facility energy project described in paragraph (1) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit-analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term ''energy security'' has the meaning given that term in paragraph (3) of section 2924 of title 10, United States Code, as added by section 2821(a).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.''.

(c) DEVELOPMENT OF GEOTHERMAL ENERGY ON MILITARY LANDS.—Section 2917 of such title is amended—

(1) by striking ''The Secretary'' and inserting ''(a) DEVELOPMENT AUTHORIZED.—The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) CONSIDERATION OF ENERGY SECURITY.—The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.''.

(d) REPORTING REQUIREMENT.—Section 2925(a)(3) of such title is amended by inserting ''whether the project incorporates energy security into its design,'' after ''through the duration of each such mechanism,''.

SEC. 2823. ESTABLISHMENT OF INTERIM OBJECTIVE FOR DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.

(a) INTERIM OBJECTIVE.—Section 2911(e) of title 10, United States Code, as amended by section 2821(b)(1)(B), is further amended by inserting after paragraph (1) the following new paragraph:

''(2) To help ensure that the goal specified in paragraph (1)(A) regarding the use of renewable energy by the Department of Defense is achieved, the Secretary of Defense shall establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.''.

(b) DEADLINE; CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the interim renewable energy goal established pursuant to the amendment made by subsection (a).

SEC. 2824. USE OF CENTRALIZED PURCHASING AGENTS FOR RENEWABLE ENERGY CERTIFICATES TO REDUCE COST OF FACILITY ENERGY PROJECTS USING RENEWABLE ENERGY SOURCES AND IMPROVE EFFICIENCIES.

(a) PURCHASE AND USE OF RENEWABLE ENERGY CERTIFICATES.—Section 2911(e) of title 10, United States Code, as amended by sections 2821(b)(1)(B) and 2823(a), is further amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense shall establish a policy to maximize savings for the bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

''(B) Under the policy required by subparagraph (A), the Secretary of a military department shall submit requests for the purchase of replacement renewable energy certificates to a centralized purchasing authority maintained by such department or the Defense Logistics Agency with expertise regarding—

''(i) the market for renewable energy certificates;

''(ii) the procurement of renewable energy certificates; and

''(iii) obtaining the best value for the military department by maximizing the purchase of renewable energy certificates from projects placed into service before January 1, 1999.

''(C) The centralized purchasing authority shall solicit industry for the most competitive offer for replacement renewable energy certificates, to include a combination of renewable energy certificates from new projects and projects placed into service before January 1, 1999.

''(D) Subparagraph (B) does not prohibit the Secretary of a military department from entering into an agreement outside of the centralized purchasing authority if the Secretary will obtain the best value by bundling the renewable energy certificates with the facility energy project through a power purchase agreement or other contractual mechanism at the installation.

''(E) Nothing in this paragraph shall be construed to authorize the purchase of renewable energy certificates to meet Federal goals or mandates in the absence of the development of a facility energy project using renewable energy sources.

''(F) This policy does not make the purchase of renewable energy certificates mandatory, but the policy shall apply whenever original renewable energy certificates are proposed to be swapped for replacement renewable energy certificates.''.

(b) REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.''.

SEC. 2825. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

''(2)(A) The Secretary of Defense shall prescribe a definition of the term 'energy-efficient product' for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

''(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

''(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.''.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.''.

SEC. 2826. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

''§2915a. Facilities: Department of Defense energy managers

''(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training program for Department of Defense energy managers designated for military installations—

''(1) to improve the knowledge, skills, and abilities of energy managers; and

''(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

''(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

''(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

''(B) Details of energy contracting options for third-party financing of facility energy projects.

''(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

''(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

''(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

''(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

''(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

''(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

''(c) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums for energy managers to exchange ideas and lessons-learned within each military department, as well as across the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

''2915a. Facilities: Department of Defense energy managers.''.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

SEC. 2827. SUBMISSION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

Section 2925(a) of title 10, United States Code, is amended by striking ''As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:'' and inserting ''Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:''.

SEC. 2828. CONTINUOUS COMMISSIONING OF DEPARTMENT OF DEFENSE FACILITIES TO RESOLVE OPERATING PROBLEMS, IMPROVE COMFORT, OPTIMIZE ENERGY USE, AND IDENTIFY RETROFITS.

(a) CONTINUOUS COMMISSIONING.—The Secretary of Defense may require the continuous commissioning of Department of Defense facilities.

(b) CONTINUOUS COMMISSIONING DEFINED.—In this section, the term ''continuous commissioning'' refers to an ongoing process to resolve operating problems, improve comfort, optimize energy use, and identify retrofits for existing commercial and institutional buildings and central plant facilities.

SEC. 2829. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.

The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SEC. 2830. METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION.

(a) METERING REQUIRED.—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

(b) PROGRESS REPORTS.—In each of the Department of Defense energy management reports

submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.

SEC. 2831. REPORT ON ENERGY-EFFICIENCY STANDARDS AND PROHIBITION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GOLD OR PLATINUM CERTIFICATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than January 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency standards utilized by the Department of Defense for military construction.

(2) CONTENTS OF REPORT.—The report shall include the following:

(A) A cost benefit analysis of adopting American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1 versus 90.1 for sustainable design and development for the construction and renovation of buildings and structures.

(B) Details of the energy-efficiency improvements achieved and long term payback resulting from the adoption of ASHRAE building standard 189.1.

(C) A cost benefit analysis and return on investment for energy-efficiency attributes and sustainable design achieved through Department of Defense funds being expended in the pursuit of Leadership in Energy and Environmental Design (LEED) gold or platinum certification.

(D) A copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that include specific energy-efficient standards and sustainable design attributes for military construction based on the cost benefit analysis and demonstrated payback required by subparagraphs (A), (B), and (C).

(b) PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION.—

(1) PROHIBITION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2012 may be obligated or expended for achieving any LEED gold or platinum certification.

(2) WAIVER AND NOTIFICATION.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary submits a notification to the congressional defense committees at least 30 days before the obligation of funds toward achieving the LEED gold or platinum certification.

(3) CONTENTS OF NOTIFICATION.—A notification shall include the following:

(A) A cost-benefit analysis of the decision to obligate funds toward achieving the LEED gold or platinum certification.

(B) Demonstrated payback for the energy improvements or sustainable design features.

(4) EXCEPTION.—LEED gold and platinum certifications shall be permitted, and not require a waiver and notification under this subsection, if achieving such certification imposes no additional cost to the Department of Defense.

Subtitle D—Provisions Related to Guam Realignment

SEC. 2841. USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the ''Guam realignment'') if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the ''Guam and CNMI Military Relocation Environmental Impact Statement'' by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS OF PROVIDING ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs supporting the Government of Guam and the Guam realignment, whether or not the programs are administered by the Department of Defense or another Federal agency.

(2) COST SHARE ASSISTANCE.—The Secretary may assist the Government of Guam to any cost-sharing obligation imposed on the Government of Guam under any Federal program utilized by the Secretary under paragraph (1).

(c) SOURCE OF FUNDS.—

(1) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to a different account of the Department of Defense or another Federal agency in order to make funds available to the Government of Guam under a Federal program utilized by the Secretary under subsection (b)(1). Amounts so transferred shall be available only for the purpose of assisting the Government of Guam as described in subsection (a).

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to the transfer authority provided by section 1001.

(d) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding 6-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(e) TERMINATION.—The authority to provide assistance under this section expires September 30, 2018. Amounts obligated before that date may be expended after that date.

SEC. 2842. MEDICAL CARE COVERAGE FOR H-2B TEMPORARY WORKFORCE ON MILITARY CONSTRUCTION PROJECTS ON GUAM.

(a) LEAD SYSTEM INTEGRATOR FOR WORKFORCE HEALTH CARE.—Subject to subsection (b), the Secretary of the Navy may not award any additional Navy or Marine Corps construction project or associated task order on Guam associated with the Record of Decision for the Guam and CNMI Military Relocation dated September 2010 if the project includes the use of employees holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b); known as ''H-2B workers'') until the Secretary of the Navy provides for a lead system integrator for health care for the H-2B workers.

(b) DUTIES.—The lead system integrator for health care shall—

(1) provide a comprehensive medical plan for the H-2B workers to staff, manage, and execute requirements with maximum clinical, fiscal, and administrative efficiencies;

(2) provide comprehensive planning and coordination with contractor-provided healthcare services and with Guam's civilian and military healthcare community; and

(3) access local healthcare assets to help meet the health care needs of the H-2B workers.

(c) ELEMENTS OF MEDICAL PLAN.—The comprehensive medical plan referred to in subsection (b)(1) shall—

(1) address significant health issues, injury, or series of injuries in addition to basic first responder medical services for H-2B workers.

(2) provide pre-deployment health screening at the country of origin of H-2B workers, ensuring—

(A) all major or chronic disease conditions of concern are identified;

(B) proper immunizations are administered;

(C) screening for tuberculosis and communicable diseases are conducted; and

(D) all H-2B workers are fit and healthy for work prior to deployment;

(3) provide arrival health screening process is developed to ensure the H-2B workers are is fit to work and that the risk of spreading communicable diseases to the resident population is minimized; and

(4) provide comprehensive on-site medical services, including emergency medical care for the H-2B workers, primary health care to include care for chronic diseases, preventive services and acute care delivery, and accessible prescription services maintaining oversight, authorization access and delivery of prescription medications to the workforce.

(d) NOTIFICATION.—Upon assignment of the lead system integrator for health care under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a notification of the assignment and qualifications of the lead system integrator.

SEC. 2843. CERTIFICATION OF MILITARY READINESS NEED FOR FIRING RANGE ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE.

A firing range on Guam may not be established (including any construction or lease of lands related to such establishment) until the Secretary of Defense certifies to the congressional defense committees that there is a national security need for the firing range related to readiness of the Armed Forces assigned to the United States Pacific Command.

SEC. 2844. REPEAL OF CONDITION ON USE OF SPECIFIC UTILITY CONVEYANCE AUTHORITY REGARDING GUAM INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM.

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4465) is amended by striking subsection (c).

Subtitle E—Land Conveyances

SEC. 2851. LAND EXCHANGE, FORT BLISS TEXAS.

(a) CONVEYANCE AUTHORIZED.—In exchange for the receipt of the real property described in subsection (b), the Secretary of the Army may convey to the Texas General Land Office (in this section referred to as the ''TGLO'') all right, title, and interest of the United States in and to a parcel of undeveloped real property consisting of approximately 694 acres at Fort Bliss, Texas, for the purpose of facilitating commercial development of the parcel.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), TGLO shall convey to the Secretary of the Army all right, title, and interest of TGLO in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,880 acres adjacent to Fort Bliss training areas to facilitate tactical vehicle ingress and egress between the installation and the training areas and mitigate encroachment issues. If the fair market value of the real property to be acquired by the Secretary is less than the fair market value of the real property to be conveyed under subsection (a),

the Secretary may require a cash equalization payment in an amount equal to the difference in value.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require TGLO to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from TGLO in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to TGLO.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2861. CHANGE IN NAME OF THE INDUSTRIAL COLLEGE OF THE ARMED FORCES TO THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) CHANGE IN NAME.—The Industrial College of the Armed Forces is hereby renamed the ''Dwight D. Eisenhower School for National Security and Resource Strategy''.

(b) COMPONENT OF NATIONAL DEFENSE UNIVERSITY.—Section 2165(b)(2) of title 10, United States Code, is amended by striking ''Industrial College of the Armed Forces'' and inserting ''Dwight D. Eisenhower School for National Security and Resource Strategy''.

(c) CONFORMING AMENDMENT.—Section 663(c)(2) of such title is amended by striking ''Industrial College of the Armed Forces'' and inserting ''Dwight D. Eisenhower School for National Security and Resource Strategy''.

(d) REFERENCES.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 2862. LIMITATIONS ON REDUCTION IN NUMBER OF MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY AT A MILITARY INSTALLATION TO EFFECTUATE REALIGNMENT OF INSTALLATION.

(a) NOTICE AND WAIT LIMITATION.—Chapter 50 of title 10, United States Code, is amended by inserting after section 993, as added by section 585, the following new section:

''§ 994. Limitations on permanent relocation of sizable numbers of members of the armed forces

''(a) LIMITATION.—No action may be taken to effect or implement any realignment with respect to any military installation in the United States involving a reduction of more than 1,000 in the number of members of the armed forces assigned to permanent duty at the installation at the time the Secretary of Defense or the Secretary of the military department concerned notifies Congress under subsection (b) of the plan to realign the installation unless and until the provisions of subsection (b) are complied with.

''(b) NOTICE AND WAIT REQUIREMENT.—No action described in subsection (a) with respect to the realignment of any military installation referred to in such subsection may be taken unless and until—

''(1) the Secretary of Defense or the Secretary of the military department concerned—

''(A) notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed realignment and the number of personnel assignments affected; and

''(B) submits an evaluation of the costs and benefits of such realignment and of the local economic, environmental, strategic, and operational consequences of such realignment; and

''(2) a period of 90 days expires following the day on which the notice and evaluation have been submitted to such committees, during which period no irrevocable action may be taken to effect or implement the realignment.

''(c) EXCEPTIONS.—

''(1) BASE CLOSURE PROCESS.—Subsections (a) and (b) do not apply in the case of the realignment of a military installation pursuant to a base closure law.

''(2) NATIONAL SECURITY OR EMERGENCY.—Subsections (a) and (b) do not apply if the President certifies to the Congress that the realignment of a military installation must be implemented for reasons of national security or a military emergency.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

''(2) The term 'realignment' includes any action which both reduces and relocates functions and personnel positions. The term includes the disestablishment or termination of a military command at a military installation, a change in the homeport for a ship, or the permanent relocation of a unit of the armed forces if the permanent duty assignment threshold specified in subsection (a) is met.

''(3) The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''994. Limitations on permanent relocation of sizable numbers of members of the armed forces.''.

SEC. 2863. PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER A MEMBER OF CONGRESS.

(a) PROHIBITION.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

''(2) In this subsection:

''(A) The term 'Member of Congress' includes a Delegate or Resident Commissioner to the Congress.

''(B) The term 'real property' includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.''.

(b) APPLICATION OF AMENDMENT.—The prohibition in subsection (c) of section 2661 of title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 12–D–301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,881,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for energy security and assurance programs necessary for national security as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

''(a) PLAN REQUIREMENT.—The Administrator for Nuclear Security, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

''(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

''(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

''(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

''(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

''(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

''(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

''(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

''(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

''(6) Such other information as the Secretary of Energy or the Administrator for Nuclear Security considers appropriate.

''(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

''(1) With respect to stockpile stewardship and management—

''(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

''(B) for each five-year period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

''(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

''(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

''(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

''(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

''(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

''(F) any concerns of the Secretary of Energy which would affect the ability of the Secretary to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

''(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

''(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

''(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

''(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

''(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

''(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

''(2) With respect to science-based tools—

''(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

''(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

''(C) the criteria developed under section 4202(a) (including any updates to such criteria).

''(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

''(A) an identification and description of—

''(i) any key technical challenges to the stockpile stewardship program; and

''(ii) the strategies to address such challenges without the use of nuclear testing;

''(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(C) an assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

''(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

''(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(4) With respect to the nuclear security infrastructure—

''(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

''(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

''(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

''(iii) the most recent Nuclear Posture Review as of the date of the plan;

''(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

''(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

''(5) With respect to the nuclear test readiness of the United States—

''(A) an estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

''(B) a description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate;

''(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

''(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

''(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

''(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

''(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

''(A) An analysis of the plan, including—

''(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

''(ii) whether the modernization and refurbishment measures described under subparagraph (A) of paragraph (4) and the schedule described under subparagraph (B) of such paragraph are adequate to support such requirements.

''(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

''(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

''(i) supporting the annual certification of the nuclear weapons stockpile; and

''(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

''(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

''(f) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(2) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(3) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(4) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for the National Nuclear Security Administration in support of the budget for that fiscal year.

''(5) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada National Security Site.

''(6) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

''(7) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(8) The term 'weapons-related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear nonproliferation;

''(B) nuclear forensics;

''(C) nuclear intelligence;

''(D) nuclear safety; and

''(E) nuclear incident response.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

''Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.''.

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: ''**STOCKPILE STEWARDSHIP CRITERIA**''.

(3) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

''Sec. 4202. Stockpile stewardship criteria.''.

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623) is repealed.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 3101 or otherwise made available for fiscal year 2012 for the National Nuclear Security Administration, not more than $7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the reports under subsection (b)(2) and subsection (c).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing capacity of the People's Republic of China to develop and implement best practices training for nuclear security.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report on the review under paragraph (1).

(c) CENTER OF EXCELLENCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report on the extent to which the training and relationship-building activities planned for the United States-China Center of Excellence on Nuclear Security could contribute to improving China's historical patterns with respect to the proliferation of weapons of mass destruction and missiles.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3113. USE OF SAVINGS FROM PENSION REIMBURSEMENTS FOR BUDGETARY SHORTFALLS.

(a) DETERMINATION OF AMOUNTS.—

(1) DETERMINATION.—From time to time as economic conditions and pension projections change during fiscal year 2012 and each fiscal year thereafter through 2016, the appropriate head of an agency shall determine the amount of funds described in paragraph (2) that exceed the level necessary to satisfy the minimum funding standard required by the Employee Retirement Income Security Act of 1974.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are amounts appropriated pursuant to a DOE national security authorization for any of fiscal years 2012 through 2016 that are made available (including by transfer) for contributions to defined-benefit pension plans for employees of management and operating contractors of—

(A) the National Nuclear Security Administration; or

(B) the Office of Environmental Management of the Department of Energy.

(b) AVAILABILITY OF AMOUNTS.—Upon a determination of amounts under subsection (a)(1), the appropriate head of an agency shall promptly make available (including by transfer, if necessary) the determined amounts to accounts of the agency to be used for high-priority budgetary shortfalls, as identified by the head of the agency. Any determined amounts so transferred shall be available for the same period of time as the accounts to which transferred.

(c) REQUIRED OBLIGATION OF AMOUNTS.—The appropriate head of an agency shall promptly obligate or expend amounts made available under subsection (b) for the purposes provided in such subsection.

(d) TRANSFER AUTHORITY.—

(1) EFFECT ON AUTHORIZATION OF AMOUNTS.—Any transfer made from one account to another under this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by subsection (b) is in addition to any other transfer authority available to the Department of Energy or the National Nuclear Security Administration.

(e) NOTICE TO CONGRESS.—The appropriate head of an agency shall promptly notify the congressional defense committees of determinations and transfers made under this section. Such notifications shall include plans by the head of the agency to carry out subsection (c) with respect to such determinations and transfers.

(f) SUNSET.—The authorities under this section shall terminate on September 30, 2016.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate head of an agency'' means—

(A) the Administrator for Nuclear Security, with respect to matters concerning the National Nuclear Security Administration; and

(B) the Assistant Secretary of Energy for Environmental Management, with respect to matters concerning the Office of Environmental Management of the Department of Energy.

(2) The term ''DOE national security authorization'' has the meaning given that term in section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741).

Subtitle C—Reports

SEC. 3121. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPEAL OF REPORT REQUIREMENT FOR NUCLEAR CITIES INITIATIVE PROGRAM.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1366) is repealed.

(b) REMOVAL OF REPORT REQUIREMENT FOR NONPROLIFERATION INITIATIVE PROGRAM.—Paragraph (6) of section 4302(a) of the Atomic Energy Defense Act (50 U.S.C. 2562) is amended to read as follows:

''(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.''.

SEC. 3122. PROGRESS ON NUCLEAR NONPROLIFERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the spread of nuclear and radiological weapons, or weapons-usable material, technology, equipment, information, and expertise, poses a short- and long-term threat to the security of the United States; and

(2) the nonproliferation efforts of the United States should prioritize the programs which most directly address such threat.

(b) ANNUAL REPORT.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy shall submit to the appropriate congressional committees a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize the risk of nuclear terrorism and the proliferation of such weapons.

(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include the following:

(A) Progress and challenges in implementing the strategic plans described in paragraph (1), including—

(i) preventing nuclear terrorism by securing and removing highly-enriched uranium and plutonium worldwide;

(ii) converting reactors from highly-enriched uranium to low-enriched uranium in the Russian Federation and other countries;

(iii) providing radiation detection capability at ports and borders;

(iv) securing and removing radiological materials worldwide;

(v) developing and improving technology to—

(I) detect the proliferation and detonation of nuclear weapons;

(II) verify foreign commitments to treaties and agreements with respect to nuclear weapons; and

(III) detect the diversion of nuclear materials, including safeguard technology;

(vi) preventing and countering the proliferation and use of nuclear weapons (including materials, technology, and expertise related to such weapons), including through safeguards, export controls, international regimes, treaties, and agreements;

(vii) disposing of surplus material of both the United States and Russia; and

(viii) preventing the proliferation of nuclear weapons expertise.

(B) An estimate of the budget requirements of the National Nuclear Security Administration, including the costs associated with the implementation of the strategic plans described in paragraph (1) over the 10-year period following the date of the report.

(C) A discussion of the coordination of the programs of the National Nuclear Security Administration with other offices of the Department of Energy and with other agencies and offices of the Federal Government with respect to implementing the strategic plans described in paragraph (1).

(c) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy, in coordination with the Office of Intelligence and Counterintelligence of the Department of Energy, shall submit to the appropriate congressional committees an assessment containing the following:

(1) An assessment of the risk that non-nuclear weapons states may acquire nuclear enrichment or reprocessing technology.

(2) A list, by country and site, reflecting the total amount of known highly-enriched uranium around the world, and an assessment of the vulnerability of such uranium to theft or diversion.

(d) FORM.—

(1) IN GENERAL.—Except as provided by paragraph (2), each report and assessment under this section shall be submitted in unclassified form, but may include a classified annex.

(2) LIST.—Each list under subsection (c)(2) may be in classified form if the Secretary determines it necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3123. REPORTS ON ROLE OF NUCLEAR SITES AND EFFICIENCIES.

(a) DEPARTMENT OF ENERGY REPORT.—

(1) REPORT REQUIRED.—Not later than February 1, 2012, the Secretary of Energy shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the role of the nuclear security complex sites in supporting a safe, secure, and reliable nuclear deterrent, nuclear weapons reductions, and nuclear nonproliferation, and opportunities for efficiencies and cost savings.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) The role of the nuclear security complex sites, including the national security laboratories, in maintaining a reliable, safe, and secure nuclear deterrent, improving verification and detection technology, and supporting nonproliferation.

(B) An assessment of any opportunities for further efficiencies and how these efficiencies could contribute to cost savings and strengthening safety and security.

(C) An assessment of duplicative functions at the nuclear sites, and a description of which duplicative functions remain necessary. The assessment of these functions shall include an analysis of potential for shared use or development of high explosives research and development capacity, supercomputing platforms, and infrastructure maintained for Work for Others programs.

(D) A long-term strategic plan for the nuclear complex.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the report under subsection (a)(1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the report under subsection (a).

(c) FORM.—The reports required by subsection (a) and (b) shall be submitted in unclassified form, but may include a classified index.

(d) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term ''nuclear security complex'' means the physical facilities, technology, and human capital of the following:

(1) The national security laboratories.

(2) The Kansas City Plant, Kansas City, Missouri.

(3) The Nevada Nuclear Security Site, Nevada.

(4) The Savannah River Site, Aiken, South Carolina.

(5) The Y–12 National Security Complex, Oak Ridge, Tennessee.

(6) The Pantex Plant, Amarillo, Texas.

SEC. 3124. NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.

(a) ASSESSMENT REQUIRED.—The Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, shall conduct a net assessment of the high-performance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Administrator considers appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Administrator shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Administrator considers appropriate.

(2) DEPARTMENT OF DEFENSE.—Upon request by the Administrator, the Secretary of Defense shall provide net assessment expertise and general assistance through the Office of Net Assessment of the Department of Defense or other appropriate agency of the Department of Defense.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, $29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2012 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2012.

Funds are hereby authorized to be appropriated for fiscal year 2012, to be available without fiscal year limitation if so provided in the appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $93,068,000, of which—

(A) $64,183,000 shall remain available until expended for Academy operations; and

(B) $28,885,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $17,100,000, of which—

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

(B) $3,600,000 shall remain available until expended for direct payments to such academies; and

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

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $18,500,000, to remain available until expended.

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

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United

States Code, $14,260,000, of which $3,740,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)) is amended—

(1) in subsection (b), by striking ''or'' after the semicolon at the end of paragraph (4), striking the period at the end of paragraph (5) and inserting ''; or'', and adding at the end the following new paragraph:

''(6) for civil contingency operations and Maritime Administration promotional and media events, in accordance with subsection (f).''; and

(2) by adding at the end the following new subsection:

''(f) USE OF NDRF VESSELS FOR CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—With the concurrence of the Secretary of Defense, the Secretary of Transportation may allow the use of vessels in the National Defense Reserve Fleet (NDRF) for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events relating to demonstration projects and research and development supporting the Administration's mission, if the Secretary of Transportation determines such use is in the best interest of the Government after considering the following factors:

''(1) AVAILABILITY.—The availability of NDRF or Ready Reserve Force (RRF) resources and the impact of such use on NDRF and RRF mission support to the defense and homeland security requirements of the Government.

''(2) INTERFERENCE.—Whether the such use of vessels will support the mission of the Maritime Administration and not significantly interfere with NDRF vessel maintenance, repair, safety, readiness, and resource availability.

''(3) SAFETY.—Whether safety precautions will be taken, including indemnification of liability when applicable.

''(4) COST.—Whether any costs incurred by such use will be funded as a reimbursable transaction between Federal agencies, as applicable.

''(5) OTHER MATTERS.—Any other matters the Maritime Administrator considers appropriate.''.

SEC. 3503. RECRUITMENT AUTHORITY.

Section 51301 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following new subsection:

''(b) RECRUITMENT.—The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.''.

SEC. 3504. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by section 3505(a) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3551), is amended to read as follows:

''(f) BRIEFINGS.—The Maritime Administrator shall, upon request, provide briefings to the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in recycling vessels, problems encountered with recycling vessels, issues relating to vessel recycling, and other issues relating to vessel recycling and disposal.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT	14,572	14,572
002	C–12 CARGO AIRPLANE		
003	AERIAL COMMON SENSOR (ACS) (MIP)	539,574	15,674
	Early to Need		[–417,900]
	Program Decrease		[–106,000]
004	MQ–1 UAV	658,798	658,798
005	RQ–11 (RAVEN)	70,762	70,762
006	BCT UNMANNED AERIAL VEH (UAVS) INCR 1		
	ROTARY		
007	HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
008	AH–64 BLOCK II/WRA		
009	AH–64 APACHE BLOCK IIIA REMAN	411,005	411,005
010	Advance Procurement (CY)	192,764	192,764
011	Advance Procurement (CY)	104,263	104,263
012	UH–60 BLACKHAWK M MODEL (MYP)	1,325,666	1,325,666
013	Advance Procurement (CY)	199,781	199,781
014	CH–47 HELICOPTER	1,305,360	1,305,360
015	Advance Procurement (CY)	54,956	54,956
016	HELICOPTER NEW TRAINING		
017	KIOWA WARRIOR UPGRADE (OH–58 D)/WRA		
	MODIFICATION OF AIRCRAFT		
018	C–12 AIRCRAFT MODS		
019	MQ–1 PAYLOAD—UAS	136,183	136,183
020	MQ–1 WEAPONIZATION—UAS		
021	GUARDRAIL MODS (MIP)	27,575	27,575
022	MULTI SENSOR ABN RECON (MIP)	8,362	8,362
023	AH–64 MODS	331,230	331,230
024	CH–47 CARGO HELICOPTER MODS (MYP)	79,712	79,712
025	UTILITY/CARGO AIRPLANE MODS	22,107	22,107
026	AIRCRAFT LONG RANGE MODS		
027	UTILITY HELICOPTER MODS	80,745	90,745
	Modifications to Aircraft		[10,000]
028	KIOWA WARRIOR	162,052	162,052
029	AIRBORNE AVIONICS		
030	NETWORK AND MISSION PLAN	138,832	138,832
031	COMMS, NAV SURVEILLANCE	132,855	132,855
032	GATM ROLLUP	105,519	105,519
033	RQ–7 UAV MODS	126,239	126,239
	SPARES AND REPAIR PARTS		
034	SPARE PARTS (AIR)		
	GROUND SUPPORT AVIONICS		
035	AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993

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(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
036	SURVIVABILITY CM		
037	CMWS	162,811	162,811
	OTHER SUPPORT		
038	AVIONICS SUPPORT EQUIPMENT	4,840	4,840
039	COMMON GROUND EQUIPMENT	176,212	176,212
040	AIRCREW INTEGRATED SYSTEMS	82,883	82,883
041	AIR TRAFFIC CONTROL	114,844	114,844
042	INDUSTRIAL FACILITIES	1,593	1,593
043	LAUNCHER, 2.75 ROCKET	2,878	2,878
044	AIRBORNE COMMUNICATIONS		
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**7,061,381**	**6,547,481**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	662,231	662,231
002	MSE MISSILE/PAC–3	74,953	74,953
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	1,410	1,410
	ANTI-TANK/ASSAULT MISSILE SYS		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	160,767
006	TOW 2 SYSTEM SUMMARY	61,676	61,676
007	Advance Procurement (CY)	19,886	19,886
008	BCT NON LINE OF SIGHT LAUNCH SYSTEM—INCREM		
009	GUIDED MLRS ROCKET (GMLRS)	314,167	314,167
010	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
011	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	31,674	31,674
	MODIFICATIONS		
012	PATRIOT MODS	66,925	66,925
013	STINGER MODS	14,495	0
	Budget Adjustment per Army Request		[–14,495]
014	ITAS/TOW MODS	13,577	13,577
015	MLRS MODS	8,236	8,236
016	HIMARS MODIFICATIONS	11,670	11,670
017	HELLFIRE MODIFICATIONS		
	SPARES AND REPAIR PARTS		
018	SPARES AND REPAIR PARTS	8,700	8,700
	SUPPORT EQUIPMENT & FACILITIES		
019	AIR DEFENSE TARGETS	3,674	3,674
020	ITEMS LESS THAN $5.0M (MISSILES)	1,459	1,459
021	PRODUCTION BASE SUPPORT	5,043	5,043
	TOTAL MISSILE PROCUREMENT, ARMY	**1,478,718**	**1,464,223**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	632,994	632,994
002	FUTURE COMBAT SYSTEMS: (FCS)		
003	FCS SPIN OUTS		
004	Advance Procurement (CY)		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
005	STRYKER (MOD)	52,797	52,797
006	FIST VEHICLE (MOD)	43,962	43,962
007	BRADLEY PROGRAM (MOD)	250,710	403,710
	Program Increase		[153,000]
008	HOWITZER, MED SP FT 155MM M109A6 (MOD)	46,876	46,876
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	10,452
010	ASSAULT BREACHER VEHICLE	99,904	99,904
011	M88 FOV MODS	32,483	32,483
012	JOINT ASSAULT BRIDGE		
013	M1 ABRAMS TANK (MOD)	160,578	160,578
014	ABRAMS UPGRADE PROGRAM	181,329	453,329
	Industrial Base and Guard Modernization		[272,000]
	SUPPORT EQUIPMENT & FACILITIES		
015	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,073	1,073
	WEAPONS & OTHER COMBAT VEHICLES		
016	HOWITZER, LIGHT, TOWED, 105MM, M119		
017	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	16,046	16,046
018	M240 MEDIUM MACHINE GUN (7.62MM)		
019	MACHINE GUN, CAL .50 M2 ROLL	65,102	65,102
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN	28,796	28,796
021	M249 SAW MACHINE GUN (5.56MM)		
022	MK–19 GRENADE MACHINE GUN (40MM)		
023	MORTAR SYSTEMS	12,477	12,477
024	M107, CAL. 50, SNIPER RIFLE		
025	XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
026	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)		
027	M4 CARBINE	35,015	35,015
028	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	6,707
029	COMMON REMOTELY OPERATED WEAPONS STATION (CRO		
030	HANDGUN		
031	HOWITZER LT WT 155MM (T)	13,066	13,066
	MOD OF WEAPONS AND OTHER COMBAT VEH		
032	MK–19 GRENADE MACHINE GUN MODS		
033	M4 CARBINE MODS	25,092	25,092
034	M2 50 CAL MACHINE GUN MODS	14,856	14,856
035	M249 SAW MACHINE GUN MODS	8,480	8,480
036	M240 MEDIUM MACHINE GUN MODS	15,718	15,718
037	SNIPER RIFLES MODIFICATIONS	1,994	4,500
	Program Increase		[2,506]
038	M119 MODIFICATIONS	38,701	38,701
039	M16 RIFLE MODS	3,476	3,476
040	M14 7.62 RIFLE MODS		
041	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,973	2,973
	SUPPORT EQUIPMENT & FACILITIES		

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Line	Item	FY 2012 Request	House Authorized
042	ITEMS LESS THAN $5.0M (WOCV-WTCV)		
043	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
044	INDUSTRIAL PREPAREDNESS	424	424
045	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,453	2,453
	SPARES		
046	SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
	TOTAL PROCUREMENT OF W&TCV, ARMY	**1,933,512**	**2,361,018**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	210,758	210,758
002	CTG, 7.62MM, ALL TYPES	83,730	83,730
003	CTG, 7.62MM, 4 BALL M80 FS, 1 DIM TRCR M276,		
004	CTG, HANDGUN, ALL TYPES	9,064	9,064
005	CTG, .50 CAL, ALL TYPES	131,775	131,775
006	CTG, 20MM, ALL TYPES		
007	CTG, 25MM, ALL TYPES	14,894	14,894
008	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T	3,399	3,399
009	CTG, 30MM, ALL TYPES	118,966	118,966
010	CTG, 40MM, ALL TYPES	84,799	84,799
011	CTG, CAL .300 WIN MAG, MK 248 MOD 0 (7.62X67M		
	MORTAR AMMUNITION		
012	60MM MORTAR, ALL TYPES	31,287	31,287
013	81MM MORTAR, ALL TYPES	12,187	12,187
014	120MM MORTAR, ALL TYPES	108,416	108,416
	TANK AMMUNITION		
015	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	105,704	105,704
016	CTG, TANK, 120MM, ALL TYPES		
	ARTILLERY AMMUNITION		
017	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	103,227	103,227
018	CTG, ARTY, 105MM: ALL TYPES		
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887
020	PROJ 155MM EXTENDED RANGE XM982	69,074	69,074
021	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	48,205	48,205
	ARTILLERY FUZES		
022	ARTILLERY FUZES, ALL TYPES		
	MINES		
023	MINES & CLEARING CHARGES, ALL TYPES	2,518	2,518
024	MINE, CLEARING CHARGE, ALL TYPES		
	NETWORKED MUNITIONS		
025	SPIDER NETWORK MUNITIONS, ALL TYPES	43,123	43,123
026	SCORPION, INTELLIGENT MUNITIONS SYSTEM , ALL		
	ROCKETS		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	19,254
028	ROCKET, HYDRA 70, ALL TYPES	127,265	127,265
	OTHER AMMUNITION		
029	DEMOLITION MUNITIONS, ALL TYPES	53,685	53,685
030	GRENADES, ALL TYPES	42,558	42,558
031	SIGNALS, ALL TYPES	26,173	26,173
032	SIMULATORS, ALL TYPES	14,108	14,108
033	ALL OTHER (AMMO)	50	50
	MISCELLANEOUS		
034	AMMO COMPONENTS, ALL TYPES	18,296	18,296
035	NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
036	CAD/PAD ALL TYPES	5,449	5,449
037	ITEMS LESS THAN $5 MILLION	11,009	11,009
038	AMMUNITION PECULIAR EQUIPMENT	24,200	24,200
039	FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711
040	CLOSEOUT LIABILITIES	103	103
	PRODUCTION BASE SUPPORT		
041	PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
042	LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
043	MAINTENANCE OF INACTIVE FACILITIES	5,533	5,533
044	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	189,789
045	ARMS INITIATIVE	3,273	3,273
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,992,625**	**1,992,625**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS		
002	SEMITRAILERS, FLATBED:	13,496	13,496
003	SEMITRAILERS, TANKERS		
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	432,936
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	21,930	21,930
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	627,294
008	PLS ESP	251,667	251,667
009	ARMORED SECURITY VEHICLES (ASV)		
010	MINE PROTECTION VEHICLE FAMILY	56,671	56,671
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)		
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	1,461
013	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
014	HMMWV RECAPITALIZATION PROGRAM	161,631	161,631
015	TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	39,908
016	MODIFICATION OF IN SVC EQUIP	362,672	362,672
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	142,862	142,862
018	ITEMS LESS THAN $5.0M (TAC VEH)		
019	TOWING DEVICE-FIFTH WHEEL		
020	AMC CRITICAL ITEMS, OPA1	20,156	20,156
	NON-TACTICAL VEHICLES		
021	HEAVY ARMORED SEDAN	1,161	1,161
022	PASSENGER CARRYING VEHICLES	3,222	3,222
023	NONTACTICAL VEHICLES, OTHER	19,869	19,869
	COMM—JOINT COMMUNICATIONS		

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Line	Item	FY 2012 Request	House Authorized
024	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
025	WIN-T—GROUND FORCES TACTICAL NETWORK	974,186	974,186
026	JCSE EQUIPMENT (USREDCOM)	4,826	4,826
	COMM—SATELLITE COMMUNICATIONS		
028	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
029	SHF TERM	8,910	8,910
030	SAT TERM, EMUT (SPACE)		
031	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	29,568
032	SMART-T (SPACE)	49,704	49,704
033	SCAMP (SPACE)	2,415	2,415
034	GLOBAL BRDCST SVC—GBS	73,374	73,374
035	MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
	COMM—COMBAT SUPPORT COMM		
036	MOD-IN-SERVICE PROFILER	969	969
	COMM—C3 SYSTEM		
037	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
	COMM—COMBAT COMMUNICATIONS		
038	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
039	JOINT TACTICAL RADIO SYSTEM	775,832	716,032
	Early to Need—GMR		[–35,800]
	Program Decrease—Maritime/Fixed Station		[–24,000]
040	RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
041	SINCGARS FAMILY	4,992	4,992
042	AMC CRITICAL ITEMS—OPA2		
043	TRACTOR DESK	10,827	10,827
044	COMMS-ELEC EQUIP FIELDING		
045	SPIDER APLA REMOTE CONTROL UNIT	36,224	36,224
046	IMS REMOTE CONTROL UNIT		
047	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
048	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		
049	GUNSHOT DETECTION SYSTEM (GDS)	3,939	3,939
050	RADIO, IMPROVED HF (COTS) FAMILY	38,535	38,535
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	26,232	26,232
	COMM—INTELLIGENCE COMM		
053	CI AUTOMATION ARCHITECTURE	1,547	1,547
054	CIVIL AFFAIRS/INFO OPS	28,266	28,266
	INFORMATION SECURITY		
055	TSEC—ARMY KEY MGT SYS (AKMS)	12,541	12,541
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	39,349	39,349
	COMM—LONG HAUL COMMUNICATIONS		
057	TERRESTRIAL TRANSMISSION	2,232	2,232
058	BASE SUPPORT COMMUNICATIONS	37,780	37,780
059	WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	187,227	187,227
061	DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	310,761	310,761
063	PENTAGON INFORMATION MGT AND TELECOM	4,992	4,992
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
066	JTT/CIBS-M	4,657	4,657
067	PROPHET GROUND	72,041	72,041
068	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)		
069	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		
070	DCGS-A (MIP)	144,548	144,548
071	JOINT TACTICAL GROUND STATION (JTAGS)	1,199	1,199
072	TROJAN (MIP)	32,707	32,707
073	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
074	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	3,493	3,493
075	ITEMS LESS THAN $5.0M (MIP)	802	802
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	33,810	33,810
077	CREW	24,104	24,104
078	BCT UNATTENDED GROUND SENSOR		
079	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES		
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
081	CI MODERNIZATION	1,332	1,332
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	FAAD GBS	7,958	7,958
083	SENTINEL MODS	41,657	41,657
084	SENSE THROUGH THE WALL (STTW)	47,498	47,498
085	NIGHT VISION DEVICES	156,204	156,204
086	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
087	NIGHT VISION, THERMAL WPN SIGHT	186,859	186,859
088	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	10,227
089	RADIATION MONITORING SYSTEMS		
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	15,774	15,774
091	BASE EXPEDITIONARY TARGETING AND SURV SYS		
092	GREEN LASER INTERDICTION SYSTEM	25,356	25,356
093	ARTILLERY ACCURACY EQUIP		
094	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		
095	PROFILER	3,312	3,312
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
097	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	69,514	69,514
099	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	58,042	58,042
100	COMPUTER BALLISTICS: LHMBC XM32		
101	MORTAR FIRE CONTROL SYSTEM	21,022	21,022
102	COUNTERFIRE RADARS	227,629	227,629
103	ARMS CONTROL ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
104	TACTICAL OPERATIONS CENTERS	54,907	54,907
105	FIRE SUPPORT C2 FAMILY	54,223	54,223
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	12,454	12,454
107	FAAD C2	5,030	5,030

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Line	Item	FY 2012 Request	House Authorized
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	62,710	62,710
109	KNIGHT FAMILY	51,488	51,488
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	28,924
112	TC AIMS II		
113	TACTICAL INTERNET MANAGER		
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE		
115	MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	210,312
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	19,113	19,113
118	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)		
	ELECT EQUIP—AUTOMATION		
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	23,664
120	ARMY TRAINING MODERNIZATION	11,192	11,192
121	AUTOMATED DATA PROCESSING EQUIP	220,250	220,250
122	CSS COMMUNICATIONS	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
124	ITEMS LESS THAN $5.0M (A/V)	10,437	10,437
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	7,480	7,480
	ELECT EQUIP—SUPPORT		
126	PRODUCTION BASE SUPPORT (C-E)	571	571
127	BCT NETWORK		20,334
	Budget Adjustment per Army Request		[20,334]
	UNDISTRIBUTED		
127A	CLASSIFIED PROGRAMS	4,273	4,273
127U	UNDISTRIBUTED OPA2		4,000
	Electronic Equipment—Automation		[4,000]
	CHEMICAL DEFENSIVE EQUIPMENT		
128	PROTECTIVE SYSTEMS		
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	8,636
130	BASE DEFENSE SYSTEMS (BDS)	41,204	47,204
	Base Defense Systems		[6,000]
131	CBRN SOLDIER PROTECTION	10,700	10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	362	362
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGING	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	49,154
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	30,297	30,297
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS	14,672	14,672
140	< $5M, COUNTERMINE EQUIPMENT	7,352	7,352
141	AERIAL DETECTION		
	COMBAT SERVICE SUPPORT EQUIPMENT		
142	HEATERS AND ECU'S	10,109	10,109
143	LAUNDRIES, SHOWERS AND LATRINES		
144	SOLDIER ENHANCEMENT	9,591	9,591
145	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)		
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147	GROUND SOLDIER SYSTEM	184,072	156,072
	Schedule Slip- Nett Warrior, Increment One		[–28,000]
148	MOUNTED SOLDIER SYSTEM	43,419	43,419
149	FORCE PROVIDER		
150	FIELD FEEDING EQUIPMENT	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	68,392
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154	ITEMS LESS THAN $5M (ENG SPT)	12,482	12,482
	PETROLEUM EQUIPMENT		
155	QUALITY SURVEILLANCE EQUIPMENT		
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
	WATER EQUIPMENT		
157	WATER PURIFICATION SYSTEMS		
	MEDICAL EQUIPMENT		
158	COMBAT SUPPORT MEDICAL	53,450	53,450
	MAINTENANCE EQUIPMENT		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160	ITEMS LESS THAN $5.0M (MAINT EQ)	3,852	3,852
	CONSTRUCTION EQUIPMENT		
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	8,584
163	SCRAPERS, EARTHMOVING	21,031	21,031
164	MISSION MODULES—ENGINEERING	43,432	43,432
165	COMPACTOR	2,859	2,859
166	LOADERS		
167	HYDRAULIC EXCAVATOR		
168	TRACTOR, FULL TRACKED	59,534	59,534
169	PLANT, ASPHALT MIXING	8,314	8,314
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE—FOS	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	15,833	15,833
172	CONST EQUIP ESP	9,771	9,771
173	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,654	12,654
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	223,845
175	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC		
176	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	10,175	10,175
	GENERATORS		
177	GENERATORS AND ASSOCIATED EQUIP	31,897	41,897
	Program Increase		[10,000]
	MATERIAL HANDLING EQUIPMENT		
178	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		

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(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
179	FAMILY OF FORKLIFTS	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
	TRAINING EQUIPMENT		
181	COMBAT TRAINING CENTERS SUPPORT	133,178	133,178
182	TRAINING DEVICES, NONSYSTEM	168,392	168,392
183	CLOSE COMBAT TACTICAL TRAINER	17,760	17,760
184	AVIATION COMBINED ARMS TACTICAL TRAINER	9,413	9,413
185	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
186	CALIBRATION SETS EQUIPMENT	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	49,437
188	TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
	OTHER SUPPORT EQUIPMENT		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	69,316
191	BASE LEVEL COMMON EQUIPMENT	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195	AMC CRITICAL ITEMS OPA3	34,500	34,500
196	TRACTOR YARD	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE	24,805	93,832
	Budget Adjustment per Army Request		[69,027]
198	BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,011
	Budget Adjustment per Army Request		[–123,297]
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	0
	Budget Adjustment per Army Request		[–57,103]
200	BCT UNMANNED GROUND VEHICLE INC 2	11,924	0
	Budget Adjustment per Army Request		[–11,924]
	OPA2		
201	INITIAL SPARES—C&E	21,647	21,647
	TOTAL OTHER PROCUREMENT, ARMY	**9,682,592**	**9,511,829**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	220,634	220,634
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**220,634**	**220,634**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA–18G	1,079,364	1,079,364
002	Advance Procurement (CY)	28,119	28,119
003	F/A–18E/F (FIGHTER) HORNET	2,366,752	2,366,752
004	Advance Procurement (CY)	64,962	64,962
005	JOINT STRIKE FIGHTER CV	1,503,096	1,503,096
006	Advance Procurement (CY)	217,666	217,666
007	JSF STOVL	1,141,933	1,141,933
008	Advance Procurement (CY)	117,229	117,229
009	V–22 (MEDIUM LIFT)	2,224,817	2,224,817
010	Advance Procurement (CY)	84,008	84,008
011	UH–1Y/AH–1Z	700,306	700,306
012	Advance Procurement (CY)	68,310	68,310
013	MH–60S (MYP)	408,921	408,921
014	Advance Procurement (CY)	74,040	74,040
015	MH–60R	791,025	791,025
016	Advance Procurement (CY)	209,431	209,431
017	P–8A POSEIDON	2,018,851	2,018,851
018	Advance Procurement (CY)	256,594	256,594
019	E–2D ADV HAWKEYE	914,892	914,892
020	Advance Procurement (CY)	157,942	157,942
	AIRLIFT AIRCRAFT		
021	C–40A		
	TRAINER AIRCRAFT		
022	JPATS	266,906	266,906
	OTHER AIRCRAFT		
023	HC–130J		
024	KC–130J	87,288	87,288
025	RQ–7 UAV		
026	MQ–8 UAV	191,986	191,986
027	STUASL0 UAV	12,772	12,772
028	OTHER SUPPORT AIRCRAFT		
	MODIFICATION OF AIRCRAFT		
029	EA–6 SERIES	27,734	27,734
030	AEA SYSTEMS	34,065	34,065
031	AV–8 SERIES	30,762	30,762
032	F–18 SERIES	499,597	499,597
033	H–46 SERIES	27,112	27,112
034	AH–1W SERIES	15,828	15,828
035	H–53 SERIES	62,820	62,820
036	SH–60 SERIES	83,394	87,894
	SH–60 Crew and Passenger Survivability Upgrades		[4,500]
037	H–1 SERIES	11,012	11,012
038	EP–3 SERIES	83,181	83,181
039	P–3 SERIES	171,466	171,466
040	E–2 SERIES	29,215	29,215
041	TRAINER A/C SERIES	22,090	22,090
042	C–2A	16,302	16,302
043	C–130 SERIES	27,139	27,139
044	FLEET EW	2,773	2,773
045	CARGO/TRANSPORT A/C SERIES	16,463	16,463
046	E–6 SERIES	165,253	165,253
047	EXECUTIVE HELICOPTERS SERIES	58,011	58,011
048	SPECIAL PROJECT AIRCRAFT	12,248	12,248
049	T–45 SERIES	57,779	57,779

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
050	AIRCRAFT POWER PLANT CHANGES	21,847	21,847
051	JPATS SERIES	1,524	1,524
052	AVIATION LIFE SUPPORT MODS	1,069	1,069
053	COMMON ECM EQUIPMENT	92,072	92,072
054	COMMON AVIONICS CHANGES	147,093	147,093
055	COMMON DEFENSIVE WEAPON SYSTEM		
056	ID SYSTEMS	37,330	37,330
057	P–8 SERIES	2,930	2,930
058	MAGTF EW FOR AVIATION	489	489
059	RQ–7 SERIES	11,419	11,419
060	V–22 (TILT/ROTOR ACFT) OSPREY	60,264	60,264
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	1,331,961	1,331,961
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	351,685	351,685
063	AIRCRAFT INDUSTRIAL FACILITIES	22,358	22,358
064	WAR CONSUMABLES	27,300	27,300
065	OTHER PRODUCTION CHARGES	10,124	10,124
066	SPECIAL SUPPORT EQUIPMENT	24,395	24,395
067	FIRST DESTINATION TRANSPORTATION	1,719	1,719
068	CANCELLED ACCOUNT ADJUSTMENTS		
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**18,587,033**	**18,591,533**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,309,102	1,309,102
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	3,492	3,492
	STRATEGIC MISSILES		
003	TOMAHAWK	303,306	303,306
	TACTICAL MISSILES		
004	AMRAAM	188,494	188,494
005	SIDEWINDER	47,098	47,098
006	JSOW	137,722	137,722
007	STANDARD MISSILE	420,324	420,324
008	RAM	66,197	66,197
009	HELLFIRE	22,703	22,703
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)		
011	AERIAL TARGETS	46,359	46,359
012	OTHER MISSILE SUPPORT	3,561	3,561
	MODIFICATION OF MISSILES		
013	ESSM	48,486	48,486
014	HARM MODS	73,061	73,061
015	STANDARD MISSILES MODS		
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES	1,979	1,979
017	FLEET SATELLITE COMM FOLLOW-ON	238,215	238,215
018	*Advance Procurement (CY)*		
	ORDNANCE SUPPORT EQUIPMENT		
019	ORDNANCE SUPPORT EQUIPMENT	52,255	52,255
	TORPEDOES AND RELATED EQUIP		
020	ASW TARGETS	31,803	31,803
	MOD OF TORPEDOES AND RELATED EQUIP		
021	MK–54 TORPEDO MODS	78,045	78,045
022	MK–48 TORPEDO ADCAP MODS	42,493	42,493
023	QUICKSTRIKE MINE	5,770	5,770
023A	UNDISTRIBUTED		5,000
	Modification of Torpedoes and Related Equipment		[5,000]
	SUPPORT EQUIPMENT		
024	TORPEDO SUPPORT EQUIPMENT	43,003	43,003
025	ASW RANGE SUPPORT	9,219	9,219
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION	3,553	3,553
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	15,037	15,037
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	37,550	37,550
029	COAST GUARD WEAPONS	17,525	17,525
030	GUN MOUNT MODS	43,957	43,957
031	LCS MODULE WEAPONS		
032	CRUISER MODERNIZATION WEAPONS	50,013	50,013
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
	OTHER		
034	CANCELLED ACCOUNT ADJUSTMENTS		
	SPARES AND REPAIR PARTS		
035	SPARES AND REPAIR PARTS	55,953	55,953
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,408,478**	**3,413,478**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM		
002	CARRIER REPLACEMENT PROGRAM	554,798	554,798
003	VIRGINIA CLASS SUBMARINE	3,232,215	3,232,215
004	VIRGINIA CLASS SUBMARINE	1,524,761	1,524,761
005	CVN REFUELING OVERHAULS		
006	CVN REFUELING OVERHAULS	529,652	529,652
007	SSBN ERO		
008	DDG 1000	453,727	453,727
009	DDG–51	1,980,709	1,980,709
010	*Advance Procurement (CY)*	100,723	100,723
011	LITTORAL COMBAT SHIP	1,802,093	1,802,093
012	*Advance Procurement (CY)*		
	AMPHIBIOUS SHIPS		
013	LPD–17	1,847,444	1,847,444

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
014	Advance Procurement (CY)		
015	LHA REPLACEMENT	2,018,691	1,968,691
	Contract Delay		[–200,000]
	Program Increase		[150,000]
016	Advance Procurement (CY)		
017	JOINT HIGH SPEED VESSEL	185,106	185,106
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
018	OCEANOGRAPHIC SHIPS	89,000	89,000
019	Advance Procurement (CY)	155,200	155,200
020	OUTFITTING	292,871	292,871
021	SERVICE CRAFT	3,863	3,863
022	LCAC SLEP	84,076	84,076
023	COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
	UNDISTRIBUTED		
024	UNDISTRIBUTED		
	Advance Procurement and Economic Order Quantity		[150,000]
	Program Decrease		[–150,000]
	TOTAL SHIPBUILDING & CONVERSION, NAVY	**14,928,921**	**14,878,921**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	64,766	64,766
002	JDAM		
003	AIRBORNE ROCKETS, ALL TYPES	38,264	38,264
004	MACHINE GUN AMMUNITION	17,788	17,788
005	PRACTICE BOMBS	35,289	35,289
006	CARTRIDGES & CART ACTUATED DEVICES	49,416	49,416
007	AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
008	JATOS	2,766	2,766
009	5 INCH/54 GUN AMMUNITION	19,006	19,006
010	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	19,320
011	OTHER SHIP GUN AMMUNITION	21,938	21,938
012	SMALL ARMS & LANDING PARTY AMMO	51,819	51,819
013	PYROTECHNIC AND DEMOLITION	10,199	10,199
014	AMMUNITION LESS THAN $5 MILLION	4,107	4,107
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	58,812	58,812
016	LINEAR CHARGES, ALL TYPES	21,434	21,434
017	40 MM, ALL TYPES	84,864	84,864
018	60MM, ALL TYPES	937	937
019	81MM, ALL TYPES	26,324	26,324
020	120MM, ALL TYPES	9,387	9,387
021	CTG 25MM, ALL TYPES	3,889	3,889
022	GRENADES, ALL TYPES	13,452	13,452
023	ROCKETS, ALL TYPES	15,556	15,556
024	ARTILLERY, ALL TYPES	42,526	42,526
025	DEMOLITION MUNITIONS, ALL TYPES	22,786	22,786
026	FUZE, ALL TYPES	9,266	9,266
027	NON LETHALS	2,927	2,927
028	AMMO MODERNIZATION	8,557	8,557
029	ITEMS LESS THAN $5 MILLION	3,880	3,880
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**719,952**	**719,952**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	13,794	13,794
002	ALLISON 501K GAS TURBINE	8,643	8,643
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	22,982	22,982
	PERISCOPES		
004	SUB PERISCOPES & IMAGING EQUIP	60,860	60,860
	OTHER SHIPBOARD EQUIPMENT		
005	DDG MOD	119,522	119,522
006	FIREFIGHTING EQUIPMENT	17,637	17,637
007	COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
008	POLLUTION CONTROL EQUIPMENT	22,266	22,266
009	SUBMARINE SUPPORT EQUIPMENT	15,892	15,892
010	VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	100,693
011	SUBMARINE BATTERIES	42,296	42,296
012	STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
013	DEEP SUBMERGENCE SYSTEMS	2,600	2,600
014	CG MODERNIZATION	590,349	590,349
015	LCAC		
016	UNDERWATER EOD PROGRAMS	18,499	18,499
017	ITEMS LESS THAN $5 MILLION	113,809	113,809
018	CHEMICAL WARFARE DETECTORS	5,508	5,508
019	SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
	REACTOR PLANT EQUIPMENT		
020	REACTOR POWER UNITS	436,838	436,838
021	REACTOR COMPONENTS	271,600	271,600
	OCEAN ENGINEERING		
022	DIVING AND SALVAGE EQUIPMENT	11,244	11,244
	SMALL BOATS		
023	STANDARD BOATS	39,793	39,793
	TRAINING EQUIPMENT		
024	OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
	PRODUCTION FACILITIES EQUIPMENT		
025	OPERATING FORCES IPE	54,642	54,642
	OTHER SHIP SUPPORT		
026	NUCLEAR ALTERATIONS	144,175	144,175
027	LCS MODULES	79,583	79,583
	LOGISTIC SUPPORT		
028	LSD MIDLIFE	143,483	143,483
	SHIP RADARS		

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Line	Item	FY 2012 Request	House Authorized
029	RADAR SUPPORT	18,818	23,818
	Program Increase		[5,000]
	SHIP SONARS		
030	SPQ–9B RADAR	24,613	24,613
031	AN/SQQ–89 SURF ASW COMBAT SYSTEM	73,829	73,829
032	SSN ACOUSTICS	212,913	212,913
033	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	29,686
034	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
035	ELECTRONIC WARFARE MILDEC	18,141	18,141
	ASW ELECTRONIC EQUIPMENT		
036	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
037	SSTD	2,257	2,257
038	FIXED SURVEILLANCE SYSTEM	60,141	60,141
039	SURTASS	29,247	29,247
040	MARITIME PATROL AND RECONNAISANCE FORCE	13,453	13,453
040A	UNDISTRIBUTED		9,600
	Anti-Submarine Warfare Electronic Equipment		[9,600]
	ELECTRONIC WARFARE EQUIPMENT		
041	AN/SLQ–32	43,096	43,096
	RECONNAISSANCE EQUIPMENT		
042	SHIPBOARD IW EXPLOIT	103,645	103,645
043	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
	SUBMARINE SURVEILLANCE EQUIPMENT		
044	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	100,793
	OTHER SHIP ELECTRONIC EQUIPMENT		
045	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	23,332
046	TRUSTED INFORMATION SYSTEM (TIS)	426	426
047	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
048	ATDLS	942	942
049	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
050	MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
051	SHALLOW WATER MCM	1,048	9,023
	Shallow Water Mine Counter Measures		[7,975]
052	NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
053	AMERICAN FORCES RADIO AND TV SERVICE	4,370	4,370
054	STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
	TRAINING EQUIPMENT		
055	OTHER TRAINING EQUIPMENT	45,989	45,989
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	8,136	8,136
057	SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
058	AUTOMATIC CARRIER LANDING SYSTEM	18,518	18,518
059	NATIONAL AIR SPACE SYSTEM	26,054	26,054
060	FLEET AIR TRAFFIC CONTROL SYSTEMS	7,213	7,213
061	LANDING SYSTEMS	7,138	7,138
062	ID SYSTEMS	33,170	33,170
063	NAVAL MISSION PLANNING SYSTEMS	8,941	8,941
	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
065	MARITIME INTERGRATED BROADCAST SYSTEM	13,529	13,529
066	TACTICAL/MOBILE C4I SYSTEMS	12,776	12,776
067	DCGS-N	11,201	11,201
068	CANES	195,141	195,141
069	RADIAC	6,201	6,201
070	CANES-INTELL	75,084	75,084
071	ELECTRONIC TEST EQUIPMENT	6,010	6,010
072	INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
073	EMI CONTROL INSTRUMENTATION	4,741	4,741
074	ITEMS LESS THAN $5 MILLION	51,716	51,716
	SHIPBOARD COMMUNICATIONS		
075	SHIPBOARD TACTICAL COMMUNICATIONS	26,197	11,197
	Program Decrease		[–15,000]
076	SHIP COMMUNICATIONS AUTOMATION	177,510	177,510
077	MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
078	COMMUNICATIONS ITEMS UNDER $5M	33,644	33,644
	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	10,357	10,357
080	SUBMARINE COMMUNICATION EQUIPMENT	75,447	75,447
	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
082	NAVY MULTIBAND TERMINAL (NMT)	109,022	109,022
	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
084	ELECTRICAL POWER SYSTEMS	1,329	1,329
085	NAVAL SHORE COMMUNICATIONS	2,418	2,418
	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	119,857
	CRYPTOLOGIC EQUIPMENT		
087	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
	OTHER ELECTRONIC SUPPORT		
088	COAST GUARD EQUIPMENT	6,848	6,848
	DRUG INTERDICTION SUPPORT		
089	OTHER DRUG INTERDICTION SUPPORT	2,290	2,290
	SONOBUOYS		
090	SONOBUOYS—ALL TYPES	96,314	96,314
	AIRCRAFT SUPPORT EQUIPMENT		
091	WEAPONS RANGE SUPPORT EQUIPMENT	40,697	40,697
092	EXPEDITIONARY AIRFIELDS	8,561	8,561
093	AIRCRAFT REARMING EQUIPMENT	8,941	8,941
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
095	METEOROLOGICAL EQUIPMENT	22,003	22,003
096	DIGITAL CAMERA RECEIVING STATION	1,595	1,595
097	AVIATION LIFE SUPPORT	66,031	66,031
098	AIRBORNE MINE COUNTERMEASURES	49,668	49,668

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Line	Item	FY 2012 Request	House Authorized
099	LAMPS MK III SHIPBOARD EQUIPMENT	18,471	18,471
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
	SHIP GUN SYSTEM EQUIPMENT		
102	NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT	4,488	4,488
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	NATO SEASPARROW	8,926	8,926
105	RAM GMLS	4,321	4,321
106	SHIP SELF DEFENSE SYSTEM	60,700	60,700
107	AEGIS SUPPORT EQUIPMENT	43,148	43,148
108	TOMAHAWK SUPPORT EQUIPMENT	72,861	72,861
109	VERTICAL LAUNCH SYSTEMS	732	732
110	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
	FBM SUPPORT EQUIPMENT		
111	STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
	ASW SUPPORT EQUIPMENT		
112	SSN COMBAT CONTROL SYSTEMS	81,596	81,596
113	SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114	SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115	ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	98,847
117	ITEMS LESS THAN $5 MILLION	4,073	4,073
	OTHER EXPENDABLE ORDNANCE		
118	ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119	SURFACE TRAINING DEVICE MODS	5,814	5,814
120	SUBMARINE TRAINING DEVICE MODS	36,777	36,777
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	6,271	6,271
122	GENERAL PURPOSE TRUCKS	3,202	3,202
123	CONSTRUCTION & MAINTENANCE EQUIP	9,850	9,850
124	FIRE FIGHTING EQUIPMENT	14,315	14,315
125	TACTICAL VEHICLES	16,502	16,502
126	AMPHIBIOUS EQUIPMENT	3,235	3,235
127	POLLUTION CONTROL EQUIPMENT	7,175	7,175
128	ITEMS UNDER $5 MILLION	20,727	20,727
129	PHYSICAL SECURITY VEHICLES	1,142	1,142
	SUPPLY SUPPORT EQUIPMENT		
130	MATERIALS HANDLING EQUIPMENT	14,972	14,972
131	OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453
132	FIRST DESTINATION TRANSPORTATION	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS (IT)	51,894	51,894
	TRAINING DEVICES		
134	TRAINING SUPPORT EQUIPMENT	16,353	16,353
	COMMAND SUPPORT EQUIPMENT		
135	COMMAND SUPPORT EQUIPMENT	28,693	28,693
136	EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT	7,175	7,175
138	NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141	C4ISR EQUIPMENT	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
	PRODUCTIVITY PROGRAMS		
147	JUDGMENT FUND REIMBURSEMENT		
	OTHER		
148	CANCELLED ACCOUNT ADJUSTMENTS		
	CLASSIFIED PROGRAMS		
148A	CLASSIFIED PROGRAMS	14,402	14,402
	SPARES AND REPAIR PARTS		
149	SPARES AND REPAIR PARTS	208,384	208,384
	TOTAL OTHER PROCUREMENT, NAVY	**6,285,451**	**6,293,026**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	9,894	9,894
002	LAV PIP	147,051	147,051
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	11,961	11,961
004	155MM LIGHTWEIGHT TOWED HOWITZER	5,552	5,552
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	14,695	14,695
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	14,868	14,868
	OTHER SUPPORT		
007	MODIFICATION KITS	53,932	53,932
008	WEAPONS ENHANCEMENT PROGRAM	13,795	13,795
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	12,287	12,287
010	JAVELIN		
011	FOLLOW ON TO SMAW	46,563	46,563
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	19,606	19,606
	OTHER SUPPORT		
013	MODIFICATION KITS	4,140	4,140
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	16,755	16,755
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	24,071	24,071
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM	25,461	25,461
017	MODIFICATION KITS		
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,926	5,926
019	AIR OPERATIONS C2 SYSTEMS	44,152	44,152

SEC. 4101. PROCUREMENT
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Line	Item	FY 2012 Request	House Authorized
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	40,352	40,352
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	FIRE SUPPORT SYSTEM	8,793	8,793
022	INTELLIGENCE SUPPORT EQUIPMENT	64,276	64,276
024	RQ–11 UAV	2,104	2,104
025	DCGS-MC	10,789	10,789
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
028	NIGHT VISION EQUIPMENT	6,847	6,847
	OTHER SUPPORT (NON-TEL)		
029	COMMON COMPUTER RESOURCES	218,869	218,869
030	COMMAND POST SYSTEMS	84,856	84,856
031	RADIO SYSTEMS	89,479	90,479
	CBRNE Response Force Capability Enhancement		[1,000]
032	COMM SWITCHING & CONTROL SYSTEMS	16,598	16,598
033	COMM & ELEC INFRASTRUCTURE SUPPORT	47,505	47,505
	CLASSIFIED PROGRAMS		
033A	CLASSIFIED PROGRAMS	1,606	1,606
	ADMINISTRATIVE VEHICLES		
034	COMMERCIAL PASSENGER VEHICLES	894	894
035	COMMERCIAL CARGO VEHICLES	14,231	14,231
	TACTICAL VEHICLES		
036	5/4T TRUCK HMMWV (MYP)		
037	MOTOR TRANSPORT MODIFICATIONS	8,389	8,389
038	MEDIUM TACTICAL VEHICLE REPLACEMENT	5,833	5,833
039	LOGISTICS VEHICLE SYSTEM REP	972	972
040	FAMILY OF TACTICAL TRAILERS	21,848	21,848
041	TRAILERS		
	OTHER SUPPORT		
042	ITEMS LESS THAN $5 MILLION	4,503	4,503
	ENGINEER AND OTHER EQUIPMENT		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT	2,599	2,599
044	BULK LIQUID EQUIPMENT	16,255	16,255
045	TACTICAL FUEL SYSTEMS	26,853	26,853
046	POWER EQUIPMENT ASSORTED	27,247	27,247
047	AMPHIBIOUS SUPPORT EQUIPMENT	5,533	5,533
048	EOD SYSTEMS	61,753	61,753
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	16,627	16,627
050	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	10,827	10,827
051	MATERIAL HANDLING EQUIP	37,055	37,055
052	FIRST DESTINATION TRANSPORTATION	1,462	1,462
	GENERAL PROPERTY		
053	FIELD MEDICAL EQUIPMENT	24,079	24,079
054	TRAINING DEVICES	10,277	10,277
055	CONTAINER FAMILY	3,123	3,123
056	FAMILY OF CONSTRUCTION EQUIPMENT	18,137	18,137
057	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)		
058	BRIDGE BOATS		
059	RAPID DEPLOYABLE KITCHEN	5,026	5,026
	OTHER SUPPORT		
060	ITEMS LESS THAN $5 MILLION	5,206	5,206
	SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	90	90
	TOTAL PROCUREMENT, MARINE CORPS	**1,391,602**	**1,392,602**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	3,340,615	3,340,615
002	Advance Procurement (CY)	323,477	323,477
003	F–22A	104,118	104,118
	TACTICAL AIRLIFT		
004	C–17A (MYP)		
	OTHER AIRLIFT		
005	C–130J	72,879	72,879
006	Advance Procurement (CY)		
007	HC–130J	332,899	332,899
008	Advance Procurement (CY)		
009	MC–130J	582,466	582,466
010	Advance Procurement (CY)		
011	HC/MC–130 RECAP		
012	Advance Procurement (CY)		
013	C–27J	479,896	479,896
	UPT TRAINERS		
014	LIGHT MOBILITY AIRCRAFT		
015	USAFA POWERED FLIGHT PROGRAM	1,060	1,060
	OPERATIONAL TRAINERS		
016	T–6		
	HELICOPTERS		
017	COMMON VERTICAL LIFT SUPPORT	52,800	52,800
018	Advance Procurement (CY)		
019	V22 OSPREY	339,865	339,865
020	Advance Procurement (CY)	20,000	20,000
	MISSION SUPPORT AIRCRAFT		
021	C–12 A		
022	C–40		
023	CIVIL AIR PATROL A/C	2,190	2,190
024	HH–60M	104,711	34,811
	Early to Need per H.R. 1473		[–69,900]
025	LIGHT ATTACK ARMED RECON ACFT	158,549	158,549
026	RQ–11		
027	STUASL0		
	OTHER AIRCRAFT		
028	ITERIM GATEWAY		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
029	TARGET DRONES	64,268	64,268
030	C–37A	77,842	77,842
031	RQ–4	323,964	323,964
032	Advance Procurement (CY)	71,500	71,500
033	MC 130	108,470	108,470
034	MQ–9	813,092	813,092
	STRATEGIC AIRCRAFT		
035	B–2A	41,315	41,315
036	B–1B	198,007	198,007
037	B–52	93,897	93,897
	TACTICAL AIRCRAFT		
038	A–10	153,128	158,128
	Modification of In Service A–10 Aircraft		[5,000]
039	F–15	222,386	222,386
040	F–16	73,346	56,746
	Early to Need- Mode 5 IFF Block 50/52		[–16,600]
041	F–22A	232,032	232,032
042	F–35 MODIFICATIONS		
	AIRLIFT AIRCRAFT		
043	C–5	11,741	5,741
	Program Decrease		[–6,000]
044	Advance Procurement (CY)		
045	C–5M	851,859	851,859
046	Advance Procurement (CY)	112,200	112,200
047	C–9C	9	9
048	C–17A	202,179	196,179
	Program Decrease		[–6,000]
049	C–21	328	328
050	C–32A	12,157	12,157
051	C–37A	21,986	21,986
052	C–130 AMP	235,635	235,635
	TRAINER AIRCRAFT		
053	GLIDER MODS	123	123
054	T–6	15,086	15,086
055	T–1	238	238
056	T–38	31,032	31,032
	OTHER AIRCRAFT		
057	KC–10A (ATCA)	27,220	27,220
058	C–12	1,777	1,777
059	MC–12W	16,767	16,767
060	C–20 MODS	241	241
061	VC–25A MOD	387	387
062	C–40	206	206
063	C–130	45,876	43,276
	Budget Adjustment per Air Force Request from RDAF–81		[10,400]
	Program Decrease		[–13,000]
064	C–130 INTEL	3,593	3,593
065	C–130J MODS	38,174	38,174
066	C–135	62,210	62,210
067	COMPASS CALL MODS	256,624	256,624
068	RC–135	162,211	162,211
069	E–3	135,031	135,031
070	E–4	57,829	57,829
071	E–8	29,058	29,058
072	H–1	5,280	5,280
073	H–60	34,371	88,971
	Budget Adjustment per Air Force Request from RDAF–81		[54,600]
074	RQ–4 MODS	89,177	89,177
075	AC–130 RECAP	431	431
076	OTHER MODIFICATIONS	115,338	115,338
076A	EHF SATCOM		
076B	JTRS		
077	MQ–1 MODS	158,446	158,446
078	MQ–9 MODS	181,302	181,302
079	MQ–9 UAS PAYLOADS	74,866	74,866
080	CV–22 MODS	14,715	14,715
	AIRCRAFT SPARES + REPAIR PARTS		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS	1,030,364	1,030,364
081A	AIRLIFT/BOMBER INITIAL SPARES/REPAIR PARTS		
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP	92,394	92,394
	POST PRODUCTION SUPPORT		
083	B–1	4,743	4,743
084	B–2A	101	101
085	B–2A	49,319	49,319
086	B–52		
087	C–5	521	521
088	C–5		
089	KC–10A (ATCA)	5,691	5,691
090	C–17A	183,696	183,696
091	C–130	25,646	25,646
092	EC–130J		
093	C–135	2,434	2,434
094	F–15	2,076	2,076
095	F–16	4,537	4,537
096	T–6		
097	OTHER AIRCRAFT	40,025	40,025
	INDUSTRIAL PREPAREDNESS		
098	INDUSTRIAL RESPONSIVENESS	21,050	21,050
	WAR CONSUMABLES		
099	WAR CONSUMABLES	87,220	87,220
	OTHER PRODUCTION CHARGES		
100	OTHER PRODUCTION CHARGES	1,072,858	1,072,858
	DARP		

SEC. 4101. PROCUREMENT
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Line	Item	FY 2012 Request	House Authorized
104	U–2	48,875	48,875
	CLASSIFIED PROGRAMS		
104A	CLASSIFIED PROGRAMS	16,502	16,502
	UNDISTRIBUTED		
105	UNDISTRIBUTED		85,000
	Mobility Aircraft		[60,000]
	Mobility Aircraft Simulators		[25,000]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**14,082,527**	**14,126,027**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	23,919	23,919
	CARTRIDGES		
002	CARTRIDGES	89,771	89,771
	BOMBS		
003	PRACTICE BOMBS	38,756	38,756
004	GENERAL PURPOSE BOMBS	168,557	168,557
005	JOINT DIRECT ATTACK MUNITION	76,649	76,649
	FLARE, IR MJU–7B		
006	CAD/PAD	42,410	42,410
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,119	3,119
008	SPARES AND REPAIR PARTS	998	998
009	MODIFICATIONS	1,132	1,132
010	ITEMS LESS THAN $5,000,000	5,075	5,075
	FUZES		
011	FLARES	46,749	46,749
012	FUZES	34,735	34,735
	SMALL ARMS		
013	SMALL ARMS	7,195	7,195
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**539,065**	**539,065**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	67,745	67,745
	TACTICAL		
002	JASSM	236,193	236,193
003	SIDEWINDER (AIM–9X)	88,769	88,769
004	AMRAAM	309,561	309,561
005	PREDATOR HELLFIRE MISSILE	46,830	46,830
006	SMALL DIAMETER BOMB	7,523	7,523
	INDUSTRIAL FACILITIES		
007	INDUSTR'L PREPAREDNS/POL PREVENTION	726	726
	CLASS IV		
008	ADVANCED CRUISE MISSILE	39	39
009	MM III MODIFICATIONS	125,953	125,953
010	AGM–65D MAVERICK	266	266
011	AGM–88A HARM	25,642	25,642
012	AIR LAUNCH CRUISE MISSILE (ALCM)	14,987	14,987
	MISSILE SPARES + REPAIR PARTS		
013	INITIAL SPARES/REPAIR PARTS	43,241	43,241
	SPACE PROGRAMS		
014	ADVANCED EHF	552,833	552,833
015	Advance Procurement (CY)		
016	WIDEBAND GAPFILLER SATELLITES(SPACE)	468,745	884,745
	Transfer from PDW–20		[416,000]
017	Advance Procurement (CY)		
018	GPS III SPACE SEGMENT	433,526	433,526
019	Advance Procurement (CY)	81,811	81,811
020	SPACEBORNE EQUIP (COMSEC)	21,568	21,568
021	GLOBAL POSITIONING (SPACE)	67,689	67,689
022	DEF METEOROLOGICAL SAT PROG(SPACE)	101,397	101,397
023	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,740,222	1,740,222
024	SBIR HIGH (SPACE)	81,389	81,389
025	Advance Procurement (CY)	243,500	243,500
026	NATL POLAR-ORBITING OP ENV SATELLITE		
	SPECIAL PROGRAMS		
029	DEFENSE SPACE RECONN PROGRAM		
031	SPECIAL UPDATE PROGRAMS	154,727	154,727
	CLASSIFIED PROGRAMS		
031A	CLASSIFIED PROGRAMS	1,159,135	1,159,135
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**6,074,017**	**6,490,017**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	5,621	5,621
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	18,411	18,411
003	CAP VEHICLES	917	917
004	ITEMS LESS THAN $5,000,000 (CARGO	18,694	18,694
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	5,982	0
	Funding No Longer Required		[–5,982]
006	ITEMS LESS THAN $5,000,000 (SPECIA	20,677	20,677
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,881	22,881
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAT $5,000,000	14,978	14,978
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	16,556	16,556
010	ITEMS LESS THAN $5M BASE MAINT/CONST	30,225	30,225
	COMM SECURITY EQUIPMENT(COMSEC)		
011	COMSEC EQUIPMENT	135,169	135,169
012	MODIFICATIONS (COMSEC)	1,263	1,263
013	AIR FORCE PHYSICAL SECURITY		

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Line	Item	FY 2012 Request	House Authorized
	INTELLIGENCE PROGRAMS		
014	INTELLIGENCE TRAINING EQUIPMENT	2,645	2,645
015	INTELLIGENCE COMM EQUIPMENT	21,762	21,762
016	ADVANCE TECH SENSORS	899	899
017	MISSION PLANNING SYSTEMS	18,529	18,529
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	32,473	32,473
019	NATIONAL AIRSPACE SYSTEM	51,426	51,426
020	BATTLE CONTROL SYSTEM—FIXED	32,468	32,468
021	THEATER AIR CONTROL SYS IMPROVEMEN	22,813	22,813
022	WEATHER OBSERVATION FORECAST	14,619	14,619
023	STRATEGIC COMMAND AND CONTROL	39,144	39,144
024	CHEYENNE MOUNTAIN COMPLEX	25,992	25,992
025	TAC SIGNIT SPT	217	217
026	DRUG INTERDICTION SUPPORT		
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	52,263	52,263
028	AF GLOBAL COMMAND & CONTROL SYS	16,951	16,951
029	MOBILITY COMMAND AND CONTROL	26,433	26,433
030	AIR FORCE PHYSICAL SECURITY SYSTEM	90,015	90,015
031	COMBAT TRAINING RANGES	23,955	23,955
032	C3 COUNTERMEASURES	7,518	7,518
033	GCSS-AF FOS	72,641	72,641
034	THEATER BATTLE MGT C2 SYSTEM	22,301	22,301
035	AIR & SPACE OPERATIONS CTR-WPN SYS	15,525	15,525
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS	49,377	49,377
037	BASE INFO INFRASTRUCTURE	41,239	41,239
038	AFNET	228,978	228,978
039	VOICE SYSTEMS	43,603	43,603
040	USCENTCOM- JCSE	30,983	30,983
	DISA PROGRAMS		
041	SPACE BASED IR SENSOR PGM SPACE	49,570	49,570
042	NAVSTAR GPS SPACE	2,008	2,008
043	NUDET DETECTION SYS SPACE	4,863	4,863
044	AF SATELLITE CONTROL NETWORK SPACE	61,386	61,386
045	SPACELIFT RANGE SYSTEM SPACE	125,947	125,947
046	MILSATCOM SPACE	104,720	104,720
047	SPACE MODS SPACE	28,075	28,075
048	COUNTERSPACE SYSTEM	20,718	20,718
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	227,866	227,866
050	COMBAT SURVIVOR EVADER LOCATER	22,184	22,184
051	RADIO EQUIPMENT	11,408	11,408
052	CCTV/AUDIOVISUAL EQUIPMENT	11,559	11,559
053	BASE COMM INFRASTRUCTURE	105,977	105,977
	MODIFICATIONS		
054	COMM ELECT MODS	76,810	76,810
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	20,008	20,008
056	ITEMS LESS THAN $5,000,000 (SAFETY)	25,499	25,499
	DEPOT PLANT+MTRLS HANDLING EQ		
057	MECHANIZED MATERIAL HANDLING EQUIP	37,829	37,829
	BASE SUPPORT EQUIPMENT		
058	BASE PROCURED EQUIPMENT	16,483	16,483
059	CONTINGENCY OPERATIONS	16,754	16,754
060	PRODUCTIVITY CAPITAL INVESTMENT	3,653	3,653
061	MOBILITY EQUIPMENT	30,345	30,345
062	ITEMS LESS THAN $5,000,000 (BASE S)	2,819	2,819
	SPECIAL SUPPORT PROJECTS		
064	DARP RC135	23,341	23,341
065	DCGS-AF	212,146	212,146
067	SPECIAL UPDATE PROGRAM	410,069	410,069
068	DEFENSE SPACE RECONNAISSANCE PROG.	41,066	41,066
	CLASSIFIED PROGRAMS		
068A	CLASSIFIED PROGRAMS	14,618,160	14,618,160
	SPARES AND REPAIR PARTS		
069	SPARES AND REPAIR PARTS	14,630	14,630
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,602,036**	**17,596,054**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, BTA		
001	MAJOR EQUIPMENT, BTA		
	MAJOR EQUIPMENT, DCAA		
002	ITEMS LESS THAN $5 MILLION	1,473	1,473
	MAJOR EQUIPMENT, DCMA		
003	MAJOR EQUIPMENT	2,076	2,076
	MAJOR EQUIPMENT, DHRA		
004	PERSONNEL ADMINISTRATION	11,019	11,019
	MAJOR EQUIPMENT, DISA		
013	INTERDICTION SUPPORT		
014	INFORMATION SYSTEMS SECURITY	19,952	19,952
015	GLOBAL COMMAND AND CONTROL SYSTEM	5,324	5,324
016	GLOBAL COMBAT SUPPORT SYSTEM	2,955	2,955
017	TELEPORT PROGRAM	54,743	54,743
018	ITEMS LESS THAN $5 MILLION	174,805	174,805
019	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,429	3,429
020	DEFENSE INFORMATION SYSTEM NETWORK	500,932	84,932
	Transfer to MPAF–16		[–416,000]
021	PUBLIC KEY INFRASTRUCTURE	1,788	1,788
022	CYBER SECURITY INITIATIVE	24,085	24,085
	MAJOR EQUIPMENT, DLA		
023	MAJOR EQUIPMENT	11,537	11,537
	MAJOR EQUIPMENT, DMACT		

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Line	Item	FY 2012 Request	House Authorized
024	MAJOR EQUIPMENT	14,542	14,542
	MAJOR EQUIPMENT, DODEA		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,444	1,444
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
026	EQUIPMENT	971	971
	MAJOR EQUIPMENT, DSS		
027	OTHER CAPITAL EQUIPMENT	974	974
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
028	VEHICLES	200	200
029	OTHER MAJOR EQUIPMENT	12,806	12,806
	MAJOR EQUIPMENT, DTSA		
030	MAJOR EQUIPMENT	447	447
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
031	THAAD PROCUREMENT		
032	AEGIS BMD PROCUREMENT		
033	THAAD	833,150	883,150
	Program Increase		[50,000]
034	AEGIS BMD	565,393	615,393
	Program Increase		[50,000]
035	BMDS AN/TPY–2 RADARS	380,195	380,195
	MAJOR EQUIPMENT, NSA		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,787	5,787
	MAJOR EQUIPMENT, OSD		
045	MAJOR EQUIPMENT, OSD	47,123	47,123
045A	JCTD		
046	MAJOR EQUIPMENT, INTELLIGENCE	20,176	20,176
	MAJOR EQUIPMENT, TJS		
047	MAJOR EQUIPMENT, TJS	29,729	29,729
	MAJOR EQUIPMENT, WHS		
048	MAJOR EQUIPMENT, WHS	31,974	31,974
	CLASSIFIED PROGRAMS		
048A	CLASSIFIED PROGRAMS	554,408	554,408
	AVIATION PROGRAMS		
049	ROTARY WING UPGRADES AND SUSTAINMENT	41,411	41,411
050	MH–47 SERVICE LIFE EXTENSION PROGRAM		
051	MH–60 MODERNIZATION PROGRAM	171,456	171,456
052	NON-STANDARD AVIATION	272,623	222,623
	Unjustified Growth		[–50,000]
053	TANKER RECAPITALIZATION		
054	U–28	5,100	5,100
055	MH–47 CHINOOK	142,783	142,783
056	RQ–11 UNMANNED AERIAL VEHICLE	486	486
057	CV–22 MODIFICATION	118,002	118,002
058	MQ–1 UNMANNED AERIAL VEHICLE	3,025	3,025
059	MQ–9 UNMANNED AERIAL VEHICLE	3,024	3,024
060	RQ–7 UNMANNED AERIAL VEHICLE	450	450
061	STUASL0	12,276	12,276
062	AC/MC–130J	74,891	74,891
063	C–130 MODIFICATIONS	19,665	19,665
064	AIRCRAFT SUPPORT	6,207	6,207
	SHIPBUILDING		
065	UNDERWATER SYSTEMS	6,999	6,999
066	SEAL DELIVERY VEHICLE		
	AMMUNITION PROGRAMS		
067	ORDNANCE REPLENISHMENT	116,009	116,009
068	ORDNANCE ACQUISITION	28,281	28,281
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	87,489	150,289
	Program Growth		[62,800]
070	INTELLIGENCE SYSTEMS	74,702	74,702
071	SMALL ARMS AND WEAPONS	9,196	9,196
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	15,621	15,621
074	MARITIME EQUIPMENT MODIFICATIONS		
076	COMBATANT CRAFT SYSTEMS	6,899	66,899
	Program Growth		[60,000]
077	SPARES AND REPAIR PARTS	594	594
078	TACTICAL VEHICLES	33,915	33,915
079	MISSION TRAINING AND PREPARATION SYSTEMS		
080	MISSION TRAINING AND PREPARATION SYSTEMS	46,242	46,242
081	COMBAT MISSION REQUIREMENTS	50,000	50,000
082	MILCON COLLATERAL EQUIPMENT	18,723	18,723
084	CLASSIFIED PROGRAMS		
085	AUTOMATION SYSTEMS	51,232	51,232
086	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,782	7,782
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE	22,960	22,960
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	362	362
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	15,758	15,758
090	TACTICAL RADIO SYSTEMS	76,459	101,459
	Program Increase		[25,000]
091	MARITIME EQUIPMENT		
092	DRUG INTERDICTION		
093	MISCELLANEOUS EQUIPMENT	1,895	1,895
094	OPERATIONAL ENHANCEMENTS	246,893	246,893
095	MILITARY INFORMATION SUPPORT OPERATIONS	4,142	4,142
	CLASSIFIED PROGRAMS		
095A	CLASSIFIED PROGRAMS	4,012	4,012
	CBDP		
096	INSTALLATION FORCE PROTECTION	15,900	15,900
097	INDIVIDUAL PROTECTION	71,376	71,376
098	DECONTAMINATION	6,466	6,466
099	JOINT BIO DEFENSE PROGRAM (MEDICAL)	11,143	11,143
100	COLLECTIVE PROTECTION	9,414	9,414
101	CONTAMINATION AVOIDANCE	139,948	139,948
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,365,248**	**5,147,048**

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	Unjustified Requirement		[–100,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
007	UNDISTRIBUTED		100,000
	Program Increase		[100,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		**100,000**
	TOTAL PROCUREMENT	**111,453,792**	**111,385,533**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
002	C–12 CARGO AIRPLANE	10,500	10,500
	ROTARY		
008	AH–64 BLOCK II/WRA	35,500	0
	Post 2012 Contract Award		[–35,500]
012	UH–60 BLACKHAWK M MODEL (MYP)	72,000	72,000
017	KIOWA WARRIOR UPGRADE (OH–58 D)/WRA	145,500	145,500
	MODIFICATION OF AIRCRAFT		
019	MQ–1 PAYLOAD—UAS	10,800	10,800
022	MULTI SENSOR ABN RECON (MIP)	54,500	54,500
033	RQ–7 UAV MODS	94,600	94,600
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**423,400**	**387,900**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	107,556	107,556
	ANTI-TANK/ASSAULT MISSILE SYS		
009	GUIDED MLRS ROCKET (GMLRS)	19,000	19,000
	TOTAL MISSILE PROCUREMENT, ARMY	**126,556**	**126,556**
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN	5,427	5,427
029	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	14,890	14,890
033	M4 CARBINE MODS	16,800	16,800
	TOTAL PROCUREMENT OF W&TCV, ARMY	**37,117**	**37,117**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
004	CTG, HANDGUN, ALL TYPES	1,200	1,200
009	CTG, 30MM, ALL TYPES	4,800	4,800
010	CTG, 40MM, ALL TYPES	38,000	38,000
	MORTAR AMMUNITION		
013	81MM MORTAR, ALL TYPES	8,000	8,000
014	120MM MORTAR, ALL TYPES	49,140	49,140
	ARTILLERY AMMUNITION		
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES	10,000	10,000
	ARTILLERY FUZES		
022	ARTILLERY FUZES, ALL TYPES	5,000	5,000
	ROCKETS		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	5,000	5,000
028	ROCKET, HYDRA 70, ALL TYPES	53,841	53,841
	OTHER AMMUNITION		
029	DEMOLITION MUNITIONS, ALL TYPES	16,000	16,000
031	SIGNALS, ALL TYPES	7,000	7,000
032	SIMULATORS, ALL TYPES	8,000	8,000
	MISCELLANEOUS		
036	CAD/PAD ALL TYPES	2,000	2,000
037	ITEMS LESS THAN $5 MILLION	400	400
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**208,381**	**208,381**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	11,094	11,094
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	47,214	47,214
	NON-TACTICAL VEHICLES		
023	NONTACTICAL VEHICLES, OTHER	3,600	3,600
	COMM—JOINT COMMUNICATIONS		
025	WIN-T—GROUND FORCES TACTICAL NETWORK	547	547
	COMM—COMBAT COMMUNICATIONS		
039	JOINT TACTICAL RADIO SYSTEM	450	450
042	AMC CRITICAL ITEMS—OPA2	8,141	8,141
049	GUNSHOT DETECTION SYSTEM (GDS)	44,100	44,100
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,443	6,443
	INFORMATION SECURITY		
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	54,730	54,730
	COMM—LONG HAUL COMMUNICATIONS		
058	BASE SUPPORT COMMUNICATIONS	5,000	5,000
	COMM—BASE COMMUNICATIONS		
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	169,500	169,500

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
070	DCGS-A (MIP)	83,000	83,000
072	TROJAN (MIP)	61,100	61,100
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	54,100	54,100
079	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	53,000	53,000
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	48,600	48,600
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
084	SENSE THROUGH THE WALL (STTW)	10,000	10,000
095	PROFILER	2,000	2,000
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	30,400	30,400
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	148,335	148,335
102	COUNTERFIRE RADARS	110,548	110,548
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
105	FIRE SUPPORT C2 FAMILY	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	28,000	28,000
109	KNIGHT FAMILY	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	32,800	32,800
115	MANEUVER CONTROL SYSTEM (MCS)	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	18,000	18,000
	ELECT EQUIP—AUTOMATION		
121	AUTOMATED DATA PROCESSING EQUIP	10,000	10,000
	UNDISTRIBUTED		
127A	CLASSIFIED PROGRAMS	795	795
	CHEMICAL DEFENSIVE EQUIPMENT		
128	PROTECTIVE SYSTEMS	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	30,000	30,000
131	CBRN SOLDIER PROTECTION	1,200	1,200
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGING	15,000	15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON	26,900	26,900
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,205	3,205
	COMBAT SERVICE SUPPORT EQUIPMENT		
149	FORCE PROVIDER	68,000	68,000
	MEDICAL EQUIPMENT		
158	COMBAT SUPPORT MEDICAL	15,011	15,011
	MAINTENANCE EQUIPMENT		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	25,129	25,129
	MATERIAL HANDLING EQUIPMENT		
180	ALL TERRAIN LIFTING ARMY SYSTEM	1,800	1,800
	OTHER SUPPORT EQUIPMENT		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	43,000	43,000
190	PHYSICAL SECURITY SYSTEMS (OPA3)	4,900	4,900
	TOTAL OTHER PROCUREMENT, ARMY	**1,398,195**	**1,398,195**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	1,368,800	1,368,800
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	961,200	961,200
	FORCE TRAINING		
003	TRAIN THE FORCE	247,500	247,500
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**2,577,500**	**2,577,500**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
011	UH–1Y/AH–1Z	30,000	30,000
019	E–2D ADV HAWKEYE	163,500	163,500
	OTHER AIRCRAFT		
028	OTHER SUPPORT AIRCRAFT	21,882	21,882
	MODIFICATION OF AIRCRAFT		
030	AEA SYSTEMS	53,100	53,100
031	AV–8 SERIES	53,485	53,485
032	F–18 SERIES	46,992	46,992
034	AH–1W SERIES	39,418	39,418
035	H–53 SERIES	70,747	70,747
037	H–1 SERIES	6,420	6,420
038	EP–3 SERIES	20,800	20,800
043	C–130 SERIES	59,625	59,625
045	CARGO/TRANSPORT A/C SERIES	25,880	25,880
048	SPECIAL PROJECT AIRCRAFT	11,184	11,184
053	COMMON ECM EQUIPMENT	27,200	27,200
054	COMMON AVIONICS CHANGES	13,467	13,467
055	COMMON DEFENSIVE WEAPON SYSTEM	3,300	3,300
060	V–22 (TILT/ROTOR ACFT) OSPREY	30,000	30,000
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	39,060	39,060
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	10,800	10,800
065	OTHER PRODUCTION CHARGES	4,100	4,100
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**730,960**	**730,960**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	14,000	14,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	20,000	20,000
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	7,070	7,070
	TOTAL WEAPONS PROCUREMENT, NAVY	**41,070**	**41,070**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
003	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
004	MACHINE GUN AMMUNITION	22,400	22,400
007	AIR EXPENDABLE COUNTERMEASURES	20,000	20,000
011	OTHER SHIP GUN AMMUNITION	182	182
012	SMALL ARMS & LANDING PARTY AMMO	4,545	4,545
013	PYROTECHNIC AND DEMOLITION	1,656	1,656
014	AMMUNITION LESS THAN $5 MILLION	6,000	6,000
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	19,575	19,575
016	LINEAR CHARGES, ALL TYPES	6,691	6,691
017	40 MM, ALL TYPES	12,184	12,184
018	60MM, ALL TYPES	10,988	10,988
019	81MM, ALL TYPES	24,515	24,515
020	120MM, ALL TYPES	11,227	11,227
021	CTG 25MM, ALL TYPES	802	802
022	GRENADES, ALL TYPES	5,911	5,911
023	ROCKETS, ALL TYPES	18,871	18,871
024	ARTILLERY, ALL TYPES	57,003	57,003
025	DEMOLITION MUNITIONS, ALL TYPES	7,831	7,831
026	FUZE, ALL TYPES	5,177	5,177
027	NON LETHALS	712	712
029	ITEMS LESS THAN $5 MILLION	630	630
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**317,100**	**317,100**
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
023	STANDARD BOATS	13,729	13,729
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	7,232	7,232
	OTHER SHORE ELECTRONIC EQUIPMENT		
066	TACTICAL/MOBILE C4I SYSTEMS	4,000	4,000
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	47,000	47,000
095	METEOROLOGICAL EQUIPMENT	10,800	10,800
097	AVIATION LIFE SUPPORT	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT	18,226	18,226
	ASW SUPPORT EQUIPMENT		
112	SSN COMBAT CONTROL SYSTEMS	7,500	7,500
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,700	15,700
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	2,628	2,628
123	CONSTRUCTION & MAINTENANCE EQUIP	13,290	13,290
124	FIRE FIGHTING EQUIPMENT	3,672	3,672
128	ITEMS UNDER $5 MILLION	1,002	1,002
	SUPPLY SUPPORT EQUIPMENT		
130	MATERIALS HANDLING EQUIPMENT	3,644	3,644
	TRAINING DEVICES		
134	TRAINING SUPPORT EQUIPMENT	5,789	5,789
	COMMAND SUPPORT EQUIPMENT		
135	COMMAND SUPPORT EQUIPMENT	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT	6,977	6,977
141	C4ISR EQUIPMENT	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT	78,241	78,241
	SPARES AND REPAIR PARTS		
149	SPARES AND REPAIR PARTS	473	473
	TOTAL OTHER PROCUREMENT, NAVY	**281,975**	**281,975**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	23,962	23,962
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	16,000	16,000
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	10,488	10,488
	GUIDED MISSILES		
010	JAVELIN	2,527	2,527
	OTHER SUPPORT		
013	MODIFICATION KITS	59,730	59,730
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	19,040	19,040
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,331	2,331
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,090	3,090
019	AIR OPERATIONS C2 SYSTEMS	5,236	5,236
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	26,506	26,506
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	FIRE SUPPORT SYSTEM	35	35
022	INTELLIGENCE SUPPORT EQUIPMENT	47,132	47,132
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
028	NIGHT VISION EQUIPMENT	9,850	9,850
	OTHER SUPPORT (NON-TEL)		
029	COMMON COMPUTER RESOURCES	18,629	18,629
030	COMMAND POST SYSTEMS	31,491	31,491
031	RADIO SYSTEMS	87,027	87,027
032	COMM SWITCHING & CONTROL SYSTEMS	54,177	54,177
033	COMM & ELEC INFRASTRUCTURE SUPPORT	2,200	2,200
	TACTICAL VEHICLES		
037	MOTOR TRANSPORT MODIFICATIONS	95,800	95,800
038	MEDIUM TACTICAL VEHICLE REPLACEMENT	392,391	342,391
	Early to Need		[–50,000]
039	LOGISTICS VEHICLE SYSTEM REP	38,382	38,382
040	FAMILY OF TACTICAL TRAILERS	24,826	24,826

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	ENGINEER AND OTHER EQUIPMENT		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT	18,775	18,775
044	BULK LIQUID EQUIPMENT	7,361	7,361
046	POWER EQUIPMENT ASSORTED	51,895	51,895
048	EOD SYSTEMS	57,237	57,237
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	42,900	42,900
051	MATERIAL HANDLING EQUIP	42,553	42,553
	GENERAL PROPERTY		
053	FIELD MEDICAL EQUIPMENT	8,307	8,307
054	TRAINING DEVICES	5,200	5,200
055	CONTAINER FAMILY	12	12
056	FAMILY OF CONSTRUCTION EQUIPMENT	28,533	28,533
	TOTAL PROCUREMENT, MARINE CORPS	**1,260,996**	**1,210,996**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
019	V22 OSPREY	70,000	0
	Funded in H.R. 1473		[–70,000]
	MISSION SUPPORT AIRCRAFT		
024	HH–60M	39,300	39,300
027	STUASL0	2,472	2,472
	AIRLIFT AIRCRAFT		
043	C–5	59,299	59,299
	OTHER AIRCRAFT		
059	MC–12W	17,300	17,300
063	C–130	164,041	164,041
064	C–130 INTEL	4,600	4,600
065	C–130J MODS	27,983	27,983
067	COMPASS CALL MODS	12,000	12,000
075	AC–130 RECAP	34,000	34,000
076	OTHER MODIFICATIONS	15,000	15,000
077	MQ–1 MODS	2,800	2,800
	AIRCRAFT SPARES + REPAIR PARTS		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS	2,800	2,800
	POST PRODUCTION SUPPORT		
090	C–17A	10,970	10,970
	OTHER PRODUCTION CHARGES		
100	OTHER PRODUCTION CHARGES	23,000	23,000
	DARP		
104	U–2	42,300	42,300
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**527,865**	**457,865**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	329	329
	CARTRIDGES		
002	CARTRIDGES	8,014	8,014
	BOMBS		
004	GENERAL PURPOSE BOMBS	17,385	17,385
005	JOINT DIRECT ATTACK MUNITION	34,100	34,100
	FLARE, IR MJU–7B		
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	1,200	1,200
	FUZES		
011	FLARES	11,217	11,217
012	FUZES	8,765	8,765
	SMALL ARMS		
013	SMALL ARMS	11,500	11,500
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**92,510**	**92,510**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE	16,120	16,120
006	SMALL DIAMETER BOMB	12,300	12,300
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**28,420**	**28,420**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,658	2,658
	CARGO + UTILITY VEHICLES		
004	ITEMS LESS THAN $5,000,000 (CARGO	32,824	32,824
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN $5,000,000 (SPECIA	110	110
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	1,662	1,662
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAT $5,000,000	772	772
	BASE MAINTENANCE SUPPORT		
010	ITEMS LESS THAN $5M BASE MAINT/CONST	13,983	13,983
	COMM SECURITY EQUIPMENT(COMSEC)		
013	AIR FORCE PHYSICAL SECURITY	500	500
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST	1,800	1,800
025	TAC SIGNIT SPT	7,020	7,020
	SPCL COMM-ELECTRONICS PROJECTS		
030	AIR FORCE PHYSICAL SECURITY SYSTEM	25,920	25,920
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	9,445	9,445
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	12,900	12,900
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS	18,100	18,100
061	MOBILITY EQUIPMENT	9,800	9,800
062	ITEMS LESS THAN $5,000,000 (BASE S)	8,400	8,400

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	SPECIAL SUPPORT PROJECTS		
065	DCGS-AF	3,000	3,000
068	DEFENSE SPACE RECONNAISSANCE PROG.	64,400	64,400
	CLASSIFIED PROGRAMS		
068A	CLASSIFIED PROGRAMS	2,991,347	2,991,347
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,204,641**	**3,204,641**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
017	TELEPORT PROGRAM	3,307	3,307
	MAJOR EQUIPMENT, NSA		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	3,000	3,000
	MAJOR EQUIPMENT, OSD		
046	MAJOR EQUIPMENT, INTELLIGENCE	8,300	8,300
	CLASSIFIED PROGRAMS		
048A	CLASSIFIED PROGRAMS	101,548	101,548
	AVIATION PROGRAMS		
050	MH–47 SERVICE LIFE EXTENSION PROGRAM	40,500	40,500
051	MH–60 MODERNIZATION PROGRAM	7,800	0
	MH–60 Combat Loss Replacement Funding		[–7,800]
052	NON-STANDARD AVIATION	8,500	8,500
057	CV–22 MODIFICATION	15,000	0
	CV–22 Combat Loss Replacement Funding		[–15,000]
063	C–130 MODIFICATIONS	4,800	4,800
	AMMUNITION PROGRAMS		
067	ORDNANCE REPLENISHMENT	71,659	71,659
068	ORDNANCE ACQUISITION	25,400	25,400
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,325	2,325
070	INTELLIGENCE SYSTEMS	43,558	43,558
071	SMALL ARMS AND WEAPONS	6,488	6,488
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,601	2,601
078	TACTICAL VEHICLES	15,818	15,818
085	AUTOMATION SYSTEMS	13,387	13,387
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE	5,800	5,800
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	34,900	34,900
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	3,531	3,531
090	TACTICAL RADIO SYSTEMS	2,894	2,894
093	MISCELLANEOUS EQUIPMENT	7,220	7,220
094	OPERATIONAL ENHANCEMENTS	41,632	41,632
	TOTAL PROCUREMENT, DEFENSE-WIDE	**469,968**	**447,168**
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
	Unjustified Requirement		[–50,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**50,000**
	MINE RESISTANT AMBUSH PROT VEH FUND		
001	MINE RESISTANT AMBUSH PROT VEH FUND	3,195,170	3,195,170
	TOTAL MINE RESISTANT AMBUSH PROT VEH FUND	**3,195,170**	**3,195,170**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		225,000
	Program Increase		[225,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		**225,000**
	TOTAL PROCUREMENT	**15,021,824**	**15,018,524**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,064	21,064
002	0601102A	DEFENSE RESEARCH SCIENCES	213,942	215,942
		Program Increase		[2,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,977	89,977
		Clinical Care and Research		[2,000]
		Program Increase		[7,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	105,692
		Realignment of Funds for Proper Oversight and Execution		[–15,245]
		SUBTOTAL BASIC RESEARCH	**436,920**	**432,675**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	30,258	40,758
		Program Increase		[10,500]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	43,521	53,521
		Program Increase		[10,000]
007	0602122A	TRACTOR HIP	14,230	14,230
008	0602211A	AVIATION TECHNOLOGY	44,610	44,610

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,790	15,790
010	0602303A	MISSILE TECHNOLOGY	50,685	50,685
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	20,034	20,034
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	20,933	30,933
		Program Increase		[10,000]
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,306	64,306
014	0602618A	BALLISTICS TECHNOLOGY	59,214	59,214
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,877	4,877
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	8,244	8,244
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	69,813
		Program Increase		[30,000]
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	62,962	62,962
019	0602709A	NIGHT VISION TECHNOLOGY	57,203	69,203
		Program Increase		[12,000]
020	0602712A	COUNTERMINE SYSTEMS	20,280	24,780
		Program Increase		[4,500]
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,801	21,801
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,837	20,837
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	26,116	26,116
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	8,591	8,591
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	80,317	86,317
		Rotary Wing Surfaces		[6,000]
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,946	18,946
027	0602786A	WARFIGHTER TECHNOLOGY	29,835	29,835
028	0602787A	MEDICAL TECHNOLOGY	105,929	118,897
		Program Increase		[12,968]
		SUBTOTAL APPLIED RESEARCH	**869,332**	**965,300**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	52,979	57,979
		Program Increase		[5,000]
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,171	94,171
		Program Increase		[23,000]
		Treatment of Wounded Warriors		[3,000]
031	0603003A	AVIATION ADVANCED TECHNOLOGY	62,193	89,993
		Advanced Rotorcraft Flight Research		[8,000]
		Program Increase		[19,800]
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	77,077	82,077
		Program Increase		[5,000]
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	106,145
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	5,312	8,312
		Communications Advanced Technology		[3,000]
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	10,298	10,298
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	57,963
037	0603009A	TRACTOR HIKE	8,155	8,155
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,936	17,936
039	0603020A	TRACTOR ROSE	12,597	12,597
040	0603105A	MILITARY HIV RESEARCH	6,796	6,796
041	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	12,191	12,191
042	0603130A	TRACTOR NAIL	4,278	4,278
043	0603131A	TRACTOR EGGS	2,261	2,261
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	23,677	23,677
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,602	101,152
		Program Increase		[10,550]
046	0603322A	TRACTOR CAGE	10,315	10,315
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	183,150
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	31,541	31,541
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	7,686	7,686
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	42,414	56,214
		Night Vision Advanced Technology		[4,800]
		Program Increase		[9,000]
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,959	15,959
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	36,516	43,516
		Base Camp Fuel		[2,000]
		Military Engineering Advanced Technology		[5,000]
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	30,600	30,600
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**976,812**	**1,074,962**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603024A	UNIQUE ITEM IDENTIFICATION (UID)		
055	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	21,126	21,126
055A	0603XXXA	INDIRECT FIRE PROTECTION	14,883	14,883
056	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,612	9,612
057	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING		
058	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	35,383	35,383
059	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	9,501	4,501
		Engineering, Modeling and Environmental Studies for SOD and SOM systems – funding unjustified		[–5,000]
060	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	39,693	39,693
061	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	101,408	101,408
062	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	9,747	9,747
063	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	5,766	5,766
064	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT		
065	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,946	12,946

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
		Army Net Zero Programs		[8,000]
066	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL	297,955	297,955
067	0603790A	NATO RESEARCH AND DEVELOPMENT	4,765	4,765
068	0603801A	AVIATION—ADV DEV	7,107	7,107
069	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	19,509	19,509
070	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,258	5,258
071	0603807A	MEDICAL SYSTEMS—ADV DEV	34,997	34,997
072	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	19,598	19,598
073	0603850A	INTEGRATED BROADCAST SERVICE	1,496	1,496
074	0604115A	TECHNOLOGY MATURATION INITIATIVES	10,181	10,181
075	0604131A	TRACTOR JUTE	15,609	0
		Unjustified Requirement		[–15,609]
076	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME	41,652	41,652
077	0305205A	ENDURANCE UAVS	42,892	42,892
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**753,084**	**740,475**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
078	0604201A	AIRCRAFT AVIONICS	144,687	144,687
079	0604220A	ARMED, DEPLOYABLE HELOS	166,132	130,632
		Early to Need		[–35,500]
080	0604270A	ELECTRONIC WARFARE DEVELOPMENT	101,265	101,265
081	0604280A	JOINT TACTICAL RADIO		
082	0604321A	ALL SOURCE ANALYSIS SYSTEM	17,412	17,412
083	0604328A	TRACTOR CAGE	26,577	26,577
084	0604601A	INFANTRY SUPPORT WEAPONS	73,728	76,728
		Portable Helicopter Oxygen Delivery Systems		[3,000]
085	0604604A	MEDIUM TACTICAL VEHICLES	3,961	3,961
086	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD		
087	0604611A	JAVELIN	17,340	17,340
088	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	5,478	5,478
089	0604633A	AIR TRAFFIC CONTROL	22,922	22,922
090	0604642A	LIGHT TACTICAL WHEELED VEHICLES		
091	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM		
092	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE		
093	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	383,872	383,872
094	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS		
095	0604663A	FCS UNMANNED GROUND VEHICLES	143,840	143,840
096	0604664A	FCS UNATTENDED GROUND SENSORS	499	499
097	0604665A	FCS SUSTAINMENT & TRAINING R&D		
098	0604710A	NIGHT VISION SYSTEMS—SDD	59,265	59,265
099	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,075	2,075
100	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,021	30,021
101	0604716A	TERRAIN INFORMATION—SDD	1,596	1,596
102	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	83,010	83,010
103	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,305	28,305
104	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,375	14,375
105	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,803	15,803
106	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)		
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	22,226	22,226
108	0604802A	WEAPONS AND MUNITIONS—SDD	13,828	3,828
		Program Reduction- Precision Guidance Kit		[–10,000]
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	251,104	226,104
		Joint Light Tactical Vehicle Schedule Slip		[–25,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	137,811	137,811
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	27,160	27,160
112	0604808A	LANDMINE WARFARE/BARRIER—SDD	87,426	87,426
113	0604814A	ARTILLERY MUNITIONS	42,627	42,627
114	0604817A	COMBAT IDENTIFICATION		
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	123,935	125,935
		Army Tactical Command and Control Hardware and Software		[2,000]
116	0604820A	RADAR DEVELOPMENT	2,890	2,890
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	794	794
118	0604823A	FIREFINDER	10,358	10,358
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	48,309	40,709
		Early to Need- Nett Warrior		[–7,600]
120	0604854A	ARTILLERY SYSTEMS	120,146	120,146
121	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	406,605	257,105
		Program Decrease		[–149,500]
122	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398
123	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	37,098
124	0605018A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS)	68,693	68,693
125	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,095	127,095
126	0605455A	SLAMRAAM	19,931	19,931
127	0605456A	PAC–3/MSE MISSILE	88,993	88,993
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	270,607	270,607
129	0605625A	MANNED GROUND VEHICLE	884,387	884,387
130	0605626A	AERIAL COMMON SENSOR	31,465	31,465
131	0303032A	TROJAN—RH12	3,920	3,920
132	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,819	13,819
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,190,788**	**3,968,188**
		RDT&E MANAGEMENT SUPPORT		
133	0604256A	THREAT SIMULATOR DEVELOPMENT	16,992	16,992

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
134	0604258A	TARGET SYSTEMS DEVELOPMENT	11,247	11,247
135	0604759A	MAJOR T&E INVESTMENT	49,437	49,437
136	0605103A	RAND ARROYO CENTER	20,384	20,384
137	0605301A	ARMY KWAJALEIN ATOLL	145,606	145,606
138	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	28,800	28,800
139	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH		5,000
		Small Business Innovative Research		[5,000]
140	0605601A	ARMY TEST RANGES AND FACILITIES	262,456	362,456
		Program Increase		[100,000]
141	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227
142	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	43,483	43,483
143	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	18	18
144	0605606A	AIRCRAFT CERTIFICATION	5,630	5,630
145	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,182	7,182
146	0605706A	MATERIEL SYSTEMS ANALYSIS	19,669	19,669
147	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,445	5,445
148	0605712A	SUPPORT OF OPERATIONAL TESTING	68,786	68,786
149	0605716A	ARMY EVALUATION CENTER	63,302	63,302
150	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	3,420	3,420
151	0605801A	PROGRAMWIDE ACTIVITIES	83,054	83,054
152	0605803A	TECHNICAL INFORMATION ACTIVITIES	63,872	58,872
		Program Reduction		[–5,000]
153	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	57,142	62,142
		Program Increase		[5,000]
154	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961
155	0605898A	MANAGEMENT HQ—R&D	17,558	17,558
156	0909980A	JUDGMENT FUND REIMBURSEMENT		
157	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,048,671**	**1,153,671**
		OPERATIONAL SYSTEMS DEVELOPMENT		
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	66,641	66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	0
		Unjustified Requirement		[–24,142]
160	0102419A	AEROSTAT JOINT PROJECT OFFICE	344,655	344,655
161	0203347A	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP		
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	29,546	29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	78,307
		Program Increase		[25,000]
164	0203740A	MANEUVER CONTROL SYSTEM	65,002	65,002
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	163,205
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823
167	0203758A	DIGITIZATION	8,029	8,029
168	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)		
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	59,060
		Program Increase for Stinger per Army Request		[14,500]
170	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS		
171	0203808A	TRACTOR CARD	42,554	42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM	27,630	27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,044	3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,854	2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	61,220	61,220
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	100,505	100,505
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	12,104	12,104
179	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	23,937	23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	40,650	40,650
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	44,198
183	0305219A	MQ–1 SKY WARRIOR A UAV	137,038	137,038
184	0305232A	RQ–11 UAV	1,938	1,938
185	0305233A	RQ–7 UAV	31,940	31,940
186	0307207A	AERIAL COMMON SENSOR (ACS)		
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,018	15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,297	66,297
		End Item Industrial Preparedness Activities		[7,000]
188A	9999999999	CLASSIFIED PROGRAMS	4,536	4,536
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,408,373**	**1,430,731**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**9,683,980**	**9,766,002**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,157	123,157
		Program Increase		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,092	18,092
003	0601153N	DEFENSE RESEARCH SCIENCES	446,123	450,623
		Program Increase		[2,500]
		Study of Renewable and Alternative Energy Applications in the Pacific Region		[2,000]
		SUBTOTAL BASIC RESEARCH	**577,372**	**591,872**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	104,804	104,804
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	156,901	158,901
		Alternative Energy for Mobile Power Applications		[2,000]

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Line	Program Element	Item	FY 2012 Request	House Authorized
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	44,845	47,845
		Marine Corps Landing Force Technology		[3,000]
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY		
008	0602235N	COMMON PICTURE APPLIED RESEARCH	65,448	65,448
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	101,205	103,705
		Warfighter Sustainment Applied Research		[2,500]
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	108,329	108,329
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	50,076	50,076
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,937	5,937
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	108,666	108,666
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	37,583	45,583
		Mine and Expeditionary Warfare Applied Research		[8,000]
		SUBTOTAL APPLIED RESEARCH	**783,794**	**799,294**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	114,270	114,270
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	64,057	71,157
		Advanced Battery Technologies		[2,000]
		Lightweight Body Armor		[5,100]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	49,068	49,068
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	71,232	71,232
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	102,535	102,535
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	124,324	124,324
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,286	11,286
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,119	18,119
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	37,121	37,121
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	50,157	50,157
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	6,048	6,048
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**648,217**	**655,317**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	94,972	94,972
027	0603216N	AVIATION SURVIVABILITY	10,893	10,893
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,702	3,702
029	0603251N	AIRCRAFT SYSTEMS	10,497	10,497
030	0603254N	ASW SYSTEMS DEVELOPMENT	7,915	7,915
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,978	5,978
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,418	1,418
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	142,657	142,657
034	0603506N	SURFACE SHIP TORPEDO DEFENSE	118,764	118,764
035	0603512N	CARRIER SYSTEMS DEVELOPMENT	54,072	54,072
036	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT		
037	0603525N	PILOT FISH	96,012	96,012
038	0603527N	RETRACT LARCH	73,421	73,421
039	0603536N	RETRACT JUNIPER	130,267	130,267
040	0603542N	RADIOLOGICAL CONTROL	1,338	1,338
041	0603553N	SURFACE ASW	29,797	33,297
		Surface Anti-Submarine Warfare		[3,500]
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	856,326	865,326
		Program Increase		[9,000]
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,253	9,253
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,308	14,308
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	22,213	42,113
		Ship Preliminary Design and Feasibility Studies		[19,900]
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	463,683	463,683
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	18,249	28,249
		Program Increase		[10,000]
048	0603576N	CHALK EAGLE	584,159	584,159
049	0603581N	LITTORAL COMBAT SHIP (LCS)	286,784	286,784
050	0603582N	COMBAT SYSTEM INTEGRATION	34,157	34,157
051	0603609N	CONVENTIONAL MUNITIONS	4,753	4,753
052	0603611M	MARINE CORPS ASSAULT VEHICLES	12,000	12,000
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	79,858	54,858
		Joint Light Tactical Vehicle Schedule Slip		[–25,000]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	33,654	33,654
055	0603658N	COOPERATIVE ENGAGEMENT	54,783	54,783
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	9,996	9,996
057	0603721N	ENVIRONMENTAL PROTECTION	21,714	21,714
058	0603724N	NAVY ENERGY PROGRAM	70,538	70,538
059	0603725N	FACILITIES IMPROVEMENT	3,754	3,754
060	0603734N	CHALK CORAL	79,415	79,415
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,137	4,137
062	0603746N	RETRACT MAPLE	276,383	276,383
063	0603748N	LINK PLUMERIA	52,721	52,721
064	0603751N	RETRACT ELM	160,964	160,964
065	0603755N	SHIP SELF DEFENSE		
066	0603764N	LINK EVERGREEN	144,985	144,985
067	0603787N	SPECIAL PROCESSES	43,704	43,704
068	0603790N	NATO RESEARCH AND DEVELOPMENT	9,140	9,140
069	0603795N	LAND ATTACK TECHNOLOGY	421	421
070	0603851M	NONLETHAL WEAPONS	40,992	40,992
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	121,455	121,455
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)		

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073	0603889N	COUNTERDRUG RDT&E PROJECTS		
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS		
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	64,107	64,107
076	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	62,044	62,044
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	22,665	4,465
		Cancelation of FMU–164/B Bomb Fuze Program		[–18,200]
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	33,621	33,621
080	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	1,078	1,078
081	0303562N	SUBMARINE TACTICAL WARFARE SYSTEMS—MIP		
082	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	625	625
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,481,053**	**4,480,253**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
083	0604212N	OTHER HELO DEVELOPMENT	35,651	35,651
084	0604214N	AV–8B AIRCRAFT—ENG DEV	30,676	30,676
085	0604215N	STANDARDS DEVELOPMENT	51,191	51,191
086	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	17,673	17,673
087	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	5,922	5,922
088	0604221N	P–3 MODERNIZATION PROGRAM	3,417	3,417
089	0604230N	WARFARE SUPPORT SYSTEM	9,944	9,944
090	0604231N	TACTICAL COMMAND SYSTEM	81,257	81,257
091	0604234N	ADVANCED HAWKEYE	110,994	110,994
092	0604245N	H–1 UPGRADES	72,569	72,569
093	0604261N	ACOUSTIC SEARCH SENSORS	56,509	56,509
094	0604262N	V–22A	84,477	84,477
095	0604264N	AIR CREW SYSTEMS DEVELOPMENT	3,249	3,249
096	0604269N	EA–18	17,100	17,100
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT	89,418	89,418
098	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	180,070	180,070
099	0604274N	NEXT GENERATION JAMMER (NGJ)	189,919	189,919
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	688,146	688,146
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	223,283	223,283
102	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	884	884
103	0604329N	SMALL DIAMETER BOMB (SDB)	47,635	47,635
104	0604366N	STANDARD MISSILE IMPROVEMENTS	46,705	46,705
105	0604373N	AIRBORNE MCM	41,142	41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	24,898	24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM	121,150	121,150
108	0604501N	ADVANCED ABOVE WATER SENSORS	60,790	60,790
108A	0604XXXN	AIR AND MISSILE DEFENSE RADAR	166,568	166,568
109	0604503N	SSN–688 AND TRIDENT MODERNIZATION	100,591	100,591
110	0604504N	AIR CONTROL	5,521	5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS	45,445	45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION	3,400	3,400
113	0604558N	NEW DESIGN SSN	97,235	107,235
		Program Increase		[10,000]
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,466	48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	161,099	161,099
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,848	3,848
117	0604601N	MINE DEVELOPMENT	3,933	3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	32,592	32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	9,960	9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	12,992	12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS	7,506	7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	71,222	71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	6,631	6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	184,095	184,095
125	0604761N	INTELLIGENCE ENGINEERING	2,217	2,217
126	0604771N	MEDICAL DEVELOPMENT	12,984	12,984
127	0604777N	NAVIGATION/ID SYSTEM	50,178	50,178
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	670,723	670,723
129	0604800N	JOINT STRIKE FIGHTER (JSF)	677,486	677,486
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	27,461	27,461
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	58,764	58,764
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	55,050	55,050
133	0605212N	CH–53K RDTE	629,461	629,461
134	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)		
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,395	118,395
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	622,713	622,713
137	0204201N	CG(X)		
138	0204202N	DDG–1000	261,604	261,604
139	0304231N	TACTICAL COMMAND SYSTEM—MIP	979	979
140	0304503N	SSN–688 AND TRIDENT MODERNIZATION—MIP		
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	31,740	31,740
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,475,528**	**6,485,528**
		RDT&E MANAGEMENT SUPPORT		
142	0604256N	THREAT SIMULATOR DEVELOPMENT	28,318	28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT	44,700	44,700
144	0604759N	MAJOR T&E INVESTMENT	37,957	37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,970	2,970
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	23,454	23,454

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147	0605154N	CENTER FOR NAVAL ANALYSES	47,127	47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	10	10
149	0605804N	TECHNICAL INFORMATION SERVICES	571	571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	68,301	68,301
151	0605856N	STRATEGIC TECHNICAL SUPPORT	3,277	3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	73,917	73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	136,531	136,531
154	0605864N	TEST AND EVALUATION SUPPORT	335,367	335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,634	16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,228	4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,642	7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	25,655	25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,764	2,764
160	0804758N	SERVICE SUPPORT TO JFCOM, JNTC		
161	0909980N	JUDGMENT FUND REIMBURSEMENT		
162	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**859,423**	**859,423**
		OPERATIONAL SYSTEMS DEVELOPMENT		
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	198,298	198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	400	400
166	0604766M	MARINE CORPS DATA SYSTEMS	1,650	1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	88,873	88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,553	33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,360	6,360
170	0101402N	NAVY STRATEGIC COMMUNICATIONS	23,208	23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	30,021	30,021
172	0204136N	F/A–18 SQUADRONS	151,030	151,030
173	0204152N	E–2 SQUADRONS	6,696	6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	1,739	1,739
175	0204228N	SURFACE SUPPORT	3,377	3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	8,819	8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM	21,259	21,259
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	5,214	5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	42,244	42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,447	1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	18,142	18,142
182	0205601N	HARM IMPROVEMENT	11,147	11,147
183	0205604N	TACTICAL DATA LINKS	69,224	69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	22,010	22,010
185	0205632N	MK–48 ADCAP	39,288	39,288
186	0205633N	AVIATION IMPROVEMENTS	123,012	110,412
		Cancelation of Multi-Purpose Bomb Racks Program		[–22,600]
		Electrophotonic Component Capability Development		[10,000]
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	1,957	1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	82,705	82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	320,864	320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	209,396	209,396
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	45,172	45,172
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	14,101	14,101
193	0207161N	TACTICAL AIM MISSILES	8,765	8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,913	2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	4,108	4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE)	263,712	263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	12,906	12,906
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	25,229	25,229
203	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	1,250	1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	6,602	6,602
206	0305149N	COBRA JUDY	40,605	40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	904	904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,099	4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,353	19,353
		TACAIR-Launched UAS Capability Development		[10,000]
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS		3,000
		Advance Reconnaissance Systems		[3,000]
211	0305207N	MANNED RECONNAISSANCE SYSTEMS		
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	23,785	23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,487	25,487
214	0305220N	RQ–4 UAV	548,482	548,482
215	0305231N	MQ–8 UAV	108,248	108,248
216	0305232M	RQ–11 UAV	979	979
217	0305233N	RQ–7 UAV	872	872
218	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)		
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	22,698	22,698
220	0305237N	MEDIUM RANGE MARITIME UAS	15,000	15,000
221	0305239M	RQ–21A	26,301	26,301
222	0307217N	EP–3E REPLACEMENT (EPX)		
223	0308601N	MODELING AND SIMULATION SUPPORT	8,292	8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF)	21,609	21,609
225	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM		
226	0708011N	INDUSTRIAL PREPAREDNESS	54,031	59,031
		Industrial Preparedness		[5,000]
227	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000

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227A	9999999999	CLASSIFIED PROGRAMS	1,308,608	1,308,608
227U	0607UNDN	UNDISTRIBUTED		
		Aviation Component Development		[10,000]
		Program Decrease		[–20,000]
		UAS Development		[10,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**4,131,044**	**4,136,444**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**17,956,431**	**18,008,131**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	364,328	364,328
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	140,273	147,273
		Program Increase		[7,000]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
		SUBTOTAL BASIC RESEARCH	**518,859**	**525,859**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	136,230	136,230
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	88,863
		Program Increase		[2,200]
007	0602203F	AEROSPACE PROPULSION	207,508	209,508
		Program Increase		[2,000]
008	0602204F	AEROSPACE SENSORS	134,787	134,787
009	0602601F	SPACE TECHNOLOGY	115,285	118,285
		Program Increase		[3,000]
010	0602602F	CONVENTIONAL MUNITIONS	60,692	60,692
011	0602605F	DIRECTED ENERGY TECHNOLOGY	111,156	111,156
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
013	0602890F	HIGH ENERGY LASER RESEARCH	54,059	54,059
		SUBTOTAL APPLIED RESEARCH	**1,181,874**	**1,189,074**
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	49,738
		Program Increase—Metals Affordability Iniatitive		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
016	0603203F	ADVANCED AEROSPACE SENSORS	53,075	53,075
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY		
018A	0603XXXF	FUELS	6,770	6,770
018B	0603XXXF	POWER TECHNOLOGY	5,747	5,747
018C	0603XXXF	PROPULSION	80,833	80,833
018D	0603XXXF	ROCKET PROPULSION	27,603	27,603
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	54,042
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,683	28,683
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	38,656	42,656
		Program Increase		[4,000]
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**585,404**	**599,404**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
030	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT		
031	0603430F	ADVANCED EHF MILSATCOM (SPACE)	421,687	279,487
		Transfer to RDAF–49		[–142,200]
032	0603432F	POLAR MILSATCOM (SPACE)	122,991	122,991
033	0603438F	SPACE CONTROL TECHNOLOGY	45,755	45,755
034	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
035	0603790F	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
036	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
037	0603830F	SPACE PROTECTION PROGRAM (SPP)	9,819	9,819
038	0603850F	INTEGRATED BROADCAST SERVICE	20,046	20,046
039	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	67,202	87,202
		Program increase		[20,000]
040	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,804	12,804
041	0603859F	POLLUTION PREVENTION	2,075	2,075
042	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
043	0604015F	NEXT GENERATION BOMBER	197,023	197,023
044	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	60,250
045	0604317F	TECHNOLOGY TRANSFER	2,553	11,553
		Program Increase		[9,000]
046	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	38,248	38,248
047	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
048	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT		142,200
		Transfer from RDAF-031		[142,200]

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050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
051	0604796F	ALTERNATIVE FUELS		
052	0604830F	AUTOMATED AIR-TO-AIR REFUELING		
053	0604857F	OPERATIONALLY RESPONSIVE SPACE	86,543	106,543
		Program Increase		[20,000]
054	0604858F	TECH TRANSITION PROGRAM	2,773	2,773
055	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	444,900	444,900
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,684,385**	**1,733,385**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
056	0603840F	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
057	0604222F	NUCLEAR WEAPONS SUPPORT	18,538	18,538
058	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
059	0604270F	ELECTRONIC WARFARE DEVELOPMENT	26,880	26,880
060	0604280F	JOINT TACTICAL RADIO		
061	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	52,355	52,355
062	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
063	0604329F	SMALL DIAMETER BOMB (SDB)	132,891	132,891
064	0604421F	COUNTERSPACE SYSTEMS	31,913	31,913
065	0604425F	SPACE SITUATION AWARENESS SYSTEMS	273,689	273,689
066	0604429F	AIRBORNE ELECTRONIC ATTACK	47,100	47,100
067	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	641,629
		Program Increase		[20,000]
068	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)		
069	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	10,055
070	0604604F	SUBMUNITIONS	2,427	2,427
071	0604617F	AGILE COMBAT SUPPORT	11,878	11,878
072	0604618F	JOINT DIRECT ATTACK MUNITION		
073	0604706F	LIFE SUPPORT SYSTEMS	11,280	11,280
074	0604735F	COMBAT TRAINING RANGES	28,106	28,106
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
076	0604750F	INTELLIGENCE EQUIPMENT	995	995
077	0604800F	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,388,926
		Establish Protocols for Joint Strike Fighter Lead-Free Electronic Components		[1,000]
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	158,477	158,477
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	20,028
080	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	849,884
		Program Reduction		[–27,200]
081	0605229F	CSAR HH–60 RECAPITALIZATION	94,113	11,000
		Budget Adjustment per Air Force Request to APAF–63		[–10,400]
		Budget Adjustment per Air Force Request to APAF–73		[–54,600]
		Program Reduction		[–18,113]
082	0605277F	CSAR-X RDT&E		
083	0605278F	HC/MC–130 RECAP RDT&E	27,071	27,071
084	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE		
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
086	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	23,721
087	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)		
088	0207701F	FULL COMBAT MISSION TRAINING	39,826	39,826
089	0401138F	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
090	0401318F	CV–22	20,723	20,723
091	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	12,535
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,079,717**	**3,990,404**
		RDT&E MANAGEMENT SUPPORT		
092	0604256F	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
093	0604759F	MAJOR T&E INVESTMENT	62,206	62,206
094	0605101F	RAND PROJECT AIR FORCE	27,579	27,579
095	0605502F	SMALL BUSINESS INNOVATION RESEARCH		
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
097	0605807F	TEST AND EVALUATION SUPPORT	654,475	763,475
		Program Increase		[109,000]
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	33,596
		Program Reduction		[–124,500]
099	0605864F	SPACE TEST PROGRAM (STP)	47,926	47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	44,547	44,547
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,953	27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	0804731F	GENERAL SKILL TRAINING	1,510	1,510
105	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
106	1001004F	INTERNATIONAL ACTIVITIES	3,798	3,798
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,114,196**	**1,098,696**
		OPERATIONAL SYSTEMS DEVELOPMENT		
107	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	390,889	390,889
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,866	91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	0101113F	B–52 SQUADRONS	133,261	133,261
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	0101126F	B–1B SQUADRONS	33,011	33,011
115	0101127F	B–2 SQUADRONS	340,819	340,819

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116	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	23,072	23,072
117	0101314F	NIGHT FIST—USSTRATCOM	5,421	0
		Program Termination		[–5,421]
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	4,485
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	12,672	12,672
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	19,934	39,934
		Mixed Conventional Load Capacity for Bomber Aircraft		[20,000]
123	0205219F	MQ–9 UAV	146,824	146,824
124	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT		
125	0207131F	A–10 SQUADRONS	11,051	11,051
126	0207133F	F–16 SQUADRONS	143,869	143,869
127	0207134F	F–15E SQUADRONS	207,531	207,531
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	0207138F	F–22A SQUADRONS	718,432	718,432
130	0207142F	F–35 SQUADRONS	47,841	47,841
131	0207161F	TACTICAL AIM MISSILES	8,023	8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436
134	0207224F	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	0207227F	COMBAT RESCUE—PARARESCUE	927	927
136	0207247F	AF TENCAP	20,727	20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	0207253F	COMPASS CALL	18,509	18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	182,967
140	0207277F	ISR INNOVATIONS		
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	135,961
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	90,083	90,083
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD	15,978	15,978
151	0207445F	FIGHTER TACTICAL DATA LINK		
152	0207448F	C2ISR TACTICAL DATA LINK	1,536	1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	121,610	121,610
155	0207590F	SEEK EAGLE	18,599	18,599
156	0207601F	USAF MODELING AND SIMULATION	23,091	23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES	5,264	5,264
159	0208006F	MISSION PLANNING SYSTEMS	69,918	69,918
160	0208021F	INFORMATION WARFARE SUPPORT	2,322	2,322
161	0208059F	CYBER COMMAND ACTIVITIES	702	702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE	11,866	11,866
169	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	5,845
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	43,811	43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	101,788
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
174	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)		
175	0303601F	MILSATCOM TERMINALS	238,729	238,729
177	0304260F	AIRBORNE SIGINT ENTERPRISE		
177A	0304XXXF	RE–135	34,744	34,744
177B	0304XXXF	COMMON DEVELOPMENT	87,004	87,004
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	0305103F	CYBER SECURITY INITIATIVE	2,026	2,026
182	0305105F	DOD CYBER CRIME CENTER	282	282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	0305111F	WEATHER SERVICE	31,084	31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	63,367	63,367
186	0305116F	AERIAL TARGETS	50,620	50,620
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	133,601	133,601
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	17,893	17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	196,254
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,961	2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,271	1,271
199	0305202F	DRAGON U–2		
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	52,425
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	106,877
202	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	90,724
204	0305219F	MQ–1 PREDATOR A UAV	14,112	14,112
205	0305220F	RQ–4 UAV	423,462	423,462
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,348	7,348
207	0305265F	GPS III SPACE SEGMENT	463,081	463,081
208	0305614F	JSPOC MISSION SYSTEM	118,950	118,950
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736

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210	0305913F	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
211	0305924F	NATIONAL SECURITY SPACE OFFICE		
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	23,931	23,931
214	0308699F	SHARED EARLY WARNING (SEW)	1,663	1,663
215	0401115F	C–130 AIRLIFT SQUADRON	24,509	24,509
216	0401119F	C–5 AIRLIFT SQUADRONS (IF)	24,941	24,941
217	0401130F	C–17 AIRCRAFT (IF)	128,169	128,169
218	0401132F	C–130J PROGRAM	39,537	39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	1,308	1,308
221	0401218F	KC–135S	6,161	6,161
222	0401219F	KC–10S	30,868	30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT	82,591	82,591
224	0401315F	C-STOL AIRCRAFT		
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,118	7,118
226	0702207F	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
227	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS		
228	0708012F	LOGISTICS SUPPORT ACTIVITIES	944	944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT	10,990	10,990
231	0801711F	RECRUITING ACTIVITIES		
232	0804743F	OTHER FLIGHT TRAINING	322	322
233	0804757F	JOINT NATIONAL TRAINING CENTER	11	11
234	0804772F	TRAINING DEVELOPMENTS		
235	0808716F	OTHER PERSONNEL ACTIVITIES	113	113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	0901220F	PERSONNEL ADMINISTRATION	8,041	8,041
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	12,118	12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	101,317
242	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	299	299
242A	9999999999	CLASSIFIED PROGRAMS	12,063,140	12,088,140
		Defense Reconnaissance Support Activites		[25,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**18,573,266**	**18,612,845**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**27,737,701**	**27,749,667**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	47,737	47,737
002	0601101E	DEFENSE RESEARCH SCIENCES	290,773	290,773
003	0601110D8Z	BASIC RESEARCH INITIATIVES	14,731	14,731
004	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH		
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	37,870	37,870
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
		Program Reduction		[–15,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	52,617	52,617
		SUBTOTAL BASIC RESEARCH	**545,319**	**530,319**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	21,592	21,592
009	0602115E	BIOMEDICAL TECHNOLOGY	110,000	110,000
010	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		25,245
		Program Increase		[10,000]
		Realignment of Funds for Proper Oversight and Execution		[15,245]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	37,916	37,916
012	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	4,381	4,381
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	400,499	350,499
		Program Reduction		[–50,000]
014	0602304E	COGNITIVE COMPUTING SYSTEMS	49,365	49,365
015	0602305E	MACHINE INTELLIGENCE	61,351	61,351
016	0602383E	BIOLOGICAL WARFARE DEFENSE	30,421	30,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	219,873	224,873
		Program Increase		[5,000]
018	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	9,235	5,235
		Program Reduction		[–4,000]
019	0602668D8Z	CYBER SECURITY RESEARCH	9,735	9,735
020	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	14,923	10,923
		Program Reduction		[–4,000]
021	0602702E	TACTICAL TECHNOLOGY	206,422	206,422
022	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	237,837
023	0602716E	ELECTRONICS TECHNOLOGY	215,178	215,178
024	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	196,954	201,954
		Program Increase		[5,000]
025	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	26,591
026	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT		
		SUBTOTAL APPLIED RESEARCH	**1,852,273**	**1,829,518**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
027	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	24,771	24,771
028	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	45,028	45,028

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029	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,019	100,219
		Program Increase		[23,200]
030	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	283,073	283,073
031	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	75,003	75,003
032	0603200D8Z	JOINT ADVANCED CONCEPTS	7,903	7,903
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,372	20,372
034	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	4,381
035	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	998	998
036	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	61,458	61,458
037	0603286E	ADVANCED AEROSPACE SYSTEMS	98,878	98,878
038	0603287E	SPACE PROGRAMS AND TECHNOLOGY	97,541	97,541
039	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	229,235	229,235
040	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	7,287	7,287
041	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	167,707
		Unjustified Growth		[–20,000]
042	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	23,890	23,890
043	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	9,235	5,235
		Program Reduction		[–4,000]
044	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,762	10,762
045	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	10,709	10,709
046	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	18,179	14,179
		Program Reduction		[–4,000]
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	17,888	19,888
		Defense Alternative Energy		[2,000]
048	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	26,972	26,972
049	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,756	9,756
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,887	38,887
		Secure Microelectronics		[15,000]
051	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	41,976
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,409	77,159
		Offshore Range Environmental Baseline Assessment		[1,750]
		Program Increase		[5,000]
		Radiological Contamination Research		[4,000]
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	83,132
		Microelectronics Technlogy Development and Support		[3,000]
		Program Reduction		[–11,000]
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	10,547	10,547
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	160,286
056	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)		
057	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM		
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	246,537
		Program Reduction		[–50,000]
059	0603765E	CLASSIFIED DARPA PROGRAMS	107,226	107,226
060	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	235,245
061	0603767E	SENSOR TECHNOLOGY	271,802	271,802
062	0603768E	GUIDANCE TECHNOLOGY		
063	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,579	13,579
064	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,424	30,424
065	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	89,925	89,925
066	0603828D8Z	JOINT EXPERIMENTATION	58,130	58,130
067	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
		Program Reduction		[–6,000]
068	0603901C	DIRECTED ENERGY RESEARCH	96,329	146,329
		Program Increase		[50,000]
069	0603902C	NEXT GENERATION AEGIS MISSILE	123,456	123,456
070	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	99,593	99,593
071	0603942D8Z	TECHNOLOGY TRANSFER		
072	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	20,444	34,444
		Operational Energy Improvement Pilot Project		[4,000]
		Program Increase		[10,000]
073	0303310D8Z	CWMD SYSTEMS	7,788	7,788
074	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	35,242	40,242
		Program Increase		[5,000]
075	1160422BB	AVIATION ENGINEERING ANALYSIS	837	837
076	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,924	4,924
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	**3,270,792**	**3,298,742**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
077	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,798	36,798
078	0603527D8Z	RETRACT LARCH	21,040	21,040
079	0603600D8Z	WALKOFF	112,142	112,142
080	0603709D8Z	JOINT ROBOTICS PROGRAM	11,129	11,129
081	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	18,408	18,408
082	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	33,606
		Realignment to RDDW-082A		[–30,000]
082A	0603XXXD8Z	INSTALLATION ENERGY TEST BED		47,000
		Installation Energy Test Bed Program Increase		[15,000]
		Microgrid Pilot Program		[2,000]
		Realignment from RDDW-082		[30,000]
083	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	290,452	290,452
084	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,161,001	1,261,001
		Program increase		[100,000]
085	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
086	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	261,143	261,143
087	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	222,374	222,374
088	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,071,039	1,071,039
089	0603890C	BMD ENABLING PROGRAMS	373,563	373,563
090	0603891C	SPECIAL PROGRAMS—MDA	296,554	296,554
091	0603892C	AEGIS BMD	960,267	965,267
		AEGIS Ballistic Missile Defense		[5,000]
092	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	96,353	96,353
093	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	7,951	7,951
094	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI	364,103	364,103
095	0603897C	BALLISTIC MISSILE DEFENSE HERCULES		
096	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225
097	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	69,325	69,325
098	0603906C	REGARDING TRENCH	15,797	15,797
099	0603907C	SEA BASED X-BAND RADAR (SBX)	177,058	177,058
100	0603911C	BMD EUROPEAN CAPABILITY		
101	0603913C	ISRAELI COOPERATIVE PROGRAMS	106,100	216,100
		Program Increase		[110,000]
102	0603920D8Z	HUMANITARIAN DEMINING	14,996	14,996
103	0603923D8Z	COALITION WARFARE	12,743	12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,221	13,521
		Department of Defense Corrosion Protection Projects		[10,300]
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	25,120	25,120
106	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS		
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	10,309	10,309
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	13,024	13,024
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	9,290	9,290
110	0604880C	LAND-BASED SM–3 (LBSM3)	306,595	306,595
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	424,454	464,454
		Program Increase		[40,000]
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	160,818	0
		Program Reduction		[–160,818]
113	0604884C	AIRBORNE INFRARED (ABIR)	46,877	66,877
		Program Increase		[20,000]
114	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST		
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,358	3,358
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,808,233**	**6,949,715**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
116	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)		
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,220	7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	179,824
		Program Reduction		[–25,000]
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	400,608
120	0604709D8Z	JOINT ROBOTICS PROGRAM	2,782	2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	49,198
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,888	5,888
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,228	12,228
125	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)		
126	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES		
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	389	389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,929	1,929
129	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	4,993	4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	134,285
131	0605075D8Z	DCMO POLICY AND INTEGRATION	41,808	41,808
132	0605140D8Z	TRUSTED FOUNDRY		
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	14,950	14,950
134	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM		
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,837	19,837
136	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE		
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	**918,334**	**893,334**
		RDT&E MANAGEMENT SUPPORT		
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,658	6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,731	4,731
139	0604940D8Z	CENTRAL TEST AND EVAULATION INVESTMENT DEVELOPMENT (CTEIP)	140,231	140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,757	2,757
141	0604943D8Z	THERMAL VICAR	7,827	7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,479	10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,213	34,213
144	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	1,486	18
		Program Decrease		[–1,468]
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	64,524	64,524
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	79,859	79,859
147	0605128D8Z	CLASSIFIED PROGRAM USD(P)		
148	0605130D8Z	FOREIGN COMPARATIVE TESTING	19,080	19,080
149	0605142D8Z	SYSTEMS ENGINEERING	41,884	41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,261	4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,437	9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,549	6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,806	92,806
154	0605502BP	SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
155	0605502BR	SMALL BUSINESS INNOVATION RESEARCH		
156	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA		
157	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH		
158	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH		
159	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH		
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,924	1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	16,135	16,135
162	0605799D8Z	EMERGING CAPABILITIES		
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	56,269	51,269
		Program Increase		[–5,000]
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	49,810	49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,805	15,805
166	0605897E	DARPA AGENCY RELOCATION	1,000	1,000
167	0605898E	MANAGEMENT HQ—R&D	66,689	66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,528	4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	6,925	6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC)	1,777	1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT	18	18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	12,209	12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,288	4,288
176	0305103E	CYBER SECURITY INITIATIVE	10,000	10,000
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	15,002	15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	861	861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	59,958	59,958
181	0901585C	PENTAGON RESERVATION		
182	0901598C	MANAGEMENT HQ—MDA	28,908	28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES	167	167
184	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
184A	9999999999	CLASSIFIED PROGRAMS	82,627	82,627
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**961,682**	**955,214**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,706	8,706
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA	2,165	2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	15,956	15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	29,880	29,880
190	0208043J	CLASSIFIED PROGRAMS	2,402	2,402
191	0208045K	C4I INTEROPERABILITY	72,403	72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	7,093	7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	481	481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	8,366	8,366
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,324	11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,514	12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,548	6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,751	33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,753	11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	348,593	348,593
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,500	5,500
209	0303148K	DISA MISSION SUPPORT OPERATIONS		
210	0303149J	C4I FOR THE WARRIOR		
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	54,739	54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	29,154	29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,830	1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	1,241	1,241
215	0303610K	TELEPORT PROGRAM	6,418	6,418
217	0304210BB	SPECIAL APPILCATIONS FOR CONTINGENCIES	5,045	9,045
		Special Applications for Contingencies		[4,000]
220	0305103D8Z	CYBER SECURITY INITIATIVE	411	411
222	0305103K	CYBER SECURITY INITIATIVE	4,341	4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	13,008	13,008
227	0305186D8Z	POLICY R&D PROGRAMS	6,603	6,603
229	0305199D8Z	NET CENTRICITY	14,926	14,926
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	4,303
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,154	3,154
237	0305219BB	MQ–1 PREDATOR A UAV	2,499	2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,660	2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,444	1,444
248	0708011S	INDUSTRIAL PREPAREDNESS	23,103	28,103
		Industrial Preparedness Manufacturing Technology		[5,000]
249	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,466	2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS)	2,730	2,730
251	1001018D8Z	NATO AGS		
252	1105219BB	MQ–9 UAV	2,499	2,499
253	1105232BB	RQ–11 UAV	3,000	3,000
254	1105233BB	RQ–7 UAV	450	450
255	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG		
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	89,382	89,382
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	27,916	27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,915	60,915
260	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	10,775	10,775
261	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
262	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT		
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,617	4,617
264	1160428BB	UNMANNED VEHICLES (UV)		
265	1160429BB	AC/MC–130J	18,571	18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,392	1,392
267	1160476BB	SOF TACTICAL RADIO SYSTEMS		
268	1160477BB	SOF WEAPONS SYSTEMS	2,610	2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	2,971	2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,000	3,000
271	1160480BB	SOF TACTICAL VEHICLES	3,522	3,522
272	1160481BB	SOF MUNITIONS	1,500	1,500
273	1160482BB	SOF ROTARY WING AVIATION	51,123	51,123
274	1160483BB	SOF UNDERWATER SYSTEMS	92,424	92,424
275	1160484BB	SOF SURFACE CRAFT	14,475	14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	2,990	2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	8,923	8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,473	9,473
278A	9999999999	CLASSIFIED PROGRAMS	4,227,920	4,227,920
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,399,045**	**5,408,045**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**19,755,678**	**19,864,887**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	60,444	60,444
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,126	12,126
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	118,722	118,722
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**191,292**	**191,292**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**191,292**	**191,292**
		TOTAL RDT&E	**75,325,082**	**75,579,979**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		RDT&E MANAGEMENT SUPPORT		
140	0605601A	ARMY TEST RANGES AND FACILITIES	8,513	8,513
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**8,513**	**8,513**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**8,513**	**8,513**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	1,500	1,500
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,500**	**1,500**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT	5,600	5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	3,500	3,500
126	0604771N	MEDICAL DEVELOPMENT	1,950	1,950
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**11,050**	**11,050**
		OPERATIONAL SYSTEMS DEVELOPMENT		
172	0204136N	F/A–18 SQUADRONS	2,000	2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	1,500	1,500
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	4,050	4,050
227A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
227U	0607UNDN	UNDISTRIBUTED		
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**41,334**	**41,334**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**53,884**	**53,884**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,000	73,000
242A	9999999999	CLASSIFIED PROGRAMS	69,000	69,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**142,000**	**142,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**142,000**	**142,000**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		RDT&E MANAGEMENT SUPPORT		
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	9,200	9,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**9,200**	**9,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,500	10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	32,850	32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,000	2,000
254	1105233BB	RQ–7 UAV	2,450	2,450
278A	9999999999	CLASSIFIED PROGRAMS	135,361	135,361
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**183,161**	**183,161**
		UNDISTRIBUTED		
279	0901560D	CONTINUING RESOLUTION PROGRAMS		
		SUBTOTAL UNDISTRIBUTED		
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**192,361**	**192,361**
		TOTAL RDT&E	**396,758**	**396,758**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,399,804	1,399,804
020	MODULAR SUPPORT BRIGADES	104,629	104,629
030	ECHELONS ABOVE BRIGADE	815,920	815,920
040	THEATER LEVEL ASSETS	825,587	825,587
050	LAND FORCES OPERATIONS SUPPORT	1,245,231	1,245,231
060	AVIATION ASSETS	1,199,340	1,199,340
070	FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,943,455
	Simulation Training Systems		[4,000]
080	LAND FORCES SYSTEMS READINESS	451,228	451,228
090	LAND FORCES DEPOT MAINTENANCE	1,179,675	1,179,675
100	BASE OPERATIONS SUPPORT	7,637,052	7,867,052
	Army Base Operating Services		[230,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,757,047
	Army Industrial Facility Energy monitoring		[2,380]
	Army Sustainment, Restoration and Modernization to 100%		[259,000]
120	MANAGEMENT AND OPERATIONAL HQ	397,952	397,952
130	COMBATANT COMMANDERS CORE OPERATIONS	171,179	171,179
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	459,585
	SUBTOTAL OPERATING FORCES	**21,322,304**	**21,817,684**
	MOBILIZATION		
180	STRATEGIC MOBILITY	390,394	390,394
190	ARMY PREPOSITIONING STOCKS	169,535	169,535
200	INDUSTRIAL PREPAREDNESS	6,675	6,675
	SUBTOTAL MOBILIZATION	**566,604**	**566,604**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	113,262	113,262
220	RECRUIT TRAINING	71,012	71,012
230	ONE STATION UNIT TRAINING	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	417,071
250	SPECIALIZED SKILL TRAINING	1,045,948	1,045,948
260	FLIGHT TRAINING	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280	TRAINING SUPPORT	607,896	607,896
290	RECRUITING AND ADVERTISING	523,501	523,501
300	EXAMINING	139,159	139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330	JUNIOR ROTC	170,889	170,889
	SUBTOTAL TRAINING AND RECRUITING	**4,873,028**	**4,873,028**
	ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	995,161	995,161
350	SERVICEWIDE TRANSPORTATION	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370	LOGISTIC SUPPORT ACTIVITIES	484,075	490,075
	Army Arsenals		[6,000]
380	AMMUNITION MANAGEMENT	457,741	457,741
390	ADMINISTRATION	775,313	775,313
400	SERVICEWIDE COMMUNICATIONS	1,534,706	1,490,706
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[–44,000]
410	MANPOWER MANAGEMENT	316,924	316,924
420	OTHER PERSONNEL SUPPORT	214,356	214,356
430	OTHER SERVICE SUPPORT	1,093,877	1,083,877
	Unjustified program growth—Joint DOD Support		[–5,000]
	Unjustified program growth—PA Strategic Communications		[–5,000]
440	ARMY CLAIMS ACTIVITIES	216,621	216,621
450	REAL ESTATE MANAGEMENT	180,717	180,717
455	FINANCIAL IMPROVEMENT AND AUDIT READINESS		44,000
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[44,000]
460	SUPPORT OF NATO OPERATIONS	449,901	449,901
470	MISC. SUPPORT OF OTHER NATIONS	23,886	23,886
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**7,973,280**	**7,969,280**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	UNDISTRIBUTED		
480	*UNDISTRIBUTED*		*–395,600*
	Army unobligated balances estimate		*[–384,600]*
	Center for Military Family and Community Outreach		*[1,000]*
	Printing & Reproduction (10% cut)		*[–10,600]*
	Studies, Analysis & Evaluations (10% cut)		*[–1,400]*
	SUBTOTAL UNDISTRIBUTED		***–395,600***
	TOTAL OPERATION & MAINTENANCE, ARMY	***34,735,216***	***34,830,996***
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	*MISSION AND OTHER FLIGHT OPERATIONS*	*4,762,887*	*4,762,887*
020	*FLEET AIR TRAINING*	*1,771,644*	*1,771,644*
030	*AVIATION TECHNICAL DATA & ENGINEERING SERVICES*	*46,321*	*46,321*
040	*AIR OPERATIONS AND SAFETY SUPPORT*	*104,751*	*104,751*
050	*AIR SYSTEMS SUPPORT*	*431,576*	*431,576*
060	*AIRCRAFT DEPOT MAINTENANCE*	*1,030,303*	*1,101,503*
	Aviation Depot Maintenance (Active)		*[71,200]*
070	*AIRCRAFT DEPOT OPERATIONS SUPPORT*	*37,403*	*37,403*
080	*AVIATION LOGISTICS*	*238,007*	*265,007*
	Aviation Logistics		*[27,000]*
090	*MISSION AND OTHER SHIP OPERATIONS*	*3,820,186*	*3,820,186*
100	*SHIP OPERATIONS SUPPORT & TRAINING*	*734,866*	*734,866*
110	*SHIP DEPOT MAINTENANCE*	*4,972,609*	*5,338,609*
	Ship Depot Maintenance (Active)		*[366,000]*
120	*SHIP DEPOT OPERATIONS SUPPORT*	*1,304,271*	*1,304,271*
130	*COMBAT COMMUNICATIONS*	*583,659*	*583,659*
140	*ELECTRONIC WARFARE*	*97,011*	*97,011*
150	*SPACE SYSTEMS AND SURVEILLANCE*	*162,303*	*162,303*
160	*WARFARE TACTICS*	*423,187*	*423,187*
170	*OPERATIONAL METEOROLOGY AND OCEANOGRAPHY*	*320,141*	*320,141*
180	*COMBAT SUPPORT FORCES*	*1,076,478*	*1,076,478*
190	*EQUIPMENT MAINTENANCE*	*187,037*	*187,037*
200	*DEPOT OPERATIONS SUPPORT*	*4,352*	*4,352*
210	*COMBATANT COMMANDERS CORE OPERATIONS*	*103,830*	*103,830*
220	*COMBATANT COMMANDERS DIRECT MISSION SUPPORT*	*180,800*	*180,800*
230	*CRUISE MISSILE*	*125,333*	*125,333*
240	*FLEET BALLISTIC MISSILE*	*1,209,410*	*1,209,410*
250	*IN-SERVICE WEAPONS SYSTEMS SUPPORT*	*99,063*	*99,063*
260	*WEAPONS MAINTENANCE*	*450,454*	*450,454*
270	*OTHER WEAPON SYSTEMS SUPPORT*	*358,002*	*358,002*
280	*ENTERPRISE INFORMATION*	*971,189*	*971,189*
290	*SUSTAINMENT, RESTORATION AND MODERNIZATION*	*1,946,779*	*2,298,779*
	Navy Metering		*[3,000]*
	Navy Sustainment Restoration and Modernization to 100%		*[349,000]*
300	*BASE OPERATING SUPPORT*	*4,610,525*	*4,610,525*
305	*UNDISTRIBUTED*		*2,000*
	Navy Emergency Management and Preparedness		*[2,000]*
	SUBTOTAL OPERATING FORCES	***32,164,377***	***32,982,577***
	MOBILIZATION		
310	*SHIP PREPOSITIONING AND SURGE*	*493,326*	*493,326*
320	*AIRCRAFT ACTIVATIONS/INACTIVATIONS*	*6,228*	*6,228*
330	*SHIP ACTIVATIONS/INACTIVATIONS*	*205,898*	*205,898*
340	*EXPEDITIONARY HEALTH SERVICES SYSTEMS*	*68,634*	*68,634*
350	*INDUSTRIAL READINESS*	*2,684*	*2,684*
360	*COAST GUARD SUPPORT*	*25,192*	*25,192*
	SUBTOTAL MOBILIZATION	***801,962***	***801,962***
	TRAINING AND RECRUITING		
370	*OFFICER ACQUISITION*	*147,540*	*147,540*
380	*RECRUIT TRAINING*	*10,655*	*10,655*
390	*RESERVE OFFICERS TRAINING CORPS*	*151,147*	*151,147*
400	*SPECIALIZED SKILL TRAINING*	*594,799*	*594,799*
410	*FLIGHT TRAINING*	*9,034*	*9,034*
420	*PROFESSIONAL DEVELOPMENT EDUCATION*	*173,452*	*173,452*
430	*TRAINING SUPPORT*	*168,025*	*168,025*
440	*RECRUITING AND ADVERTISING*	*254,860*	*255,843*
	Navy Recruiting and Advertising		*[983]*
450	*OFF-DUTY AND VOLUNTARY EDUCATION*	*140,279*	*140,279*
460	*CIVILIAN EDUCATION AND TRAINING*	*107,561*	*107,561*
470	*JUNIOR ROTC*	*52,689*	*52,689*
	SUBTOTAL TRAINING AND RECRUITING	***1,810,041***	***1,811,024***

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	754,483	692,483
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[–62,000]
490	EXTERNAL RELATIONS	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	216,483
520	OTHER PERSONNEL SUPPORT	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS	534,873	534,873
545	FINANCIAL IMPROVEMENT AND AUDIT READINESS		62,000
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[62,000]
550	SERVICEWIDE TRANSPORTATION	190,662	190,662
570	PLANNING, ENGINEERING AND DESIGN	303,636	303,636
580	ACQUISITION AND PROGRAM MANAGEMENT	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,374	68,374
620	NAVAL INVESTIGATIVE SERVICE	572,928	572,928
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,516	5,516
705	CLASSIFIED PROGRAMS	552,715	552,715
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,588,308**	**4,588,308**
	UNDISTRIBUTED		
710	UNDISTRIBUTED		–445,700
	Navy unobligated balances estimate		[–435,900]
	Printing & Reproduction (10% cut)		[–7,100]
	Studies, Analysis & Evaluations (10% cut)		[–2,700]
	SUBTOTAL UNDISTRIBUTED		**–445,700**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,364,688**	**39,738,171**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	715,196	723,696
	CBRNE Response Force Capability Enhancement		[8,500]
020	FIELD LOGISTICS	677,608	677,608
030	DEPOT MAINTENANCE	190,713	190,713
040	MARITIME PREPOSITIONING	101,464	101,464
060	SUSTAINMENT, RESTORATION, & MODERNIZATION	823,390	891,390
	Marine Corps Sustainment Restoration and Modernization to 100%		[68,000]
070	BASE OPERATING SUPPORT	2,208,949	2,208,949
	SUBTOTAL OPERATING FORCES	**4,717,320**	**4,793,820**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	18,280	18,280
090	OFFICER ACQUISITION	820	820
100	SPECIALIZED SKILL TRAINING	85,816	85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142	33,142
130	TRAINING SUPPORT	324,643	324,643
140	RECRUITING AND ADVERTISING	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION	43,708	43,708
160	JUNIOR ROTC	19,671	19,671
	SUBTOTAL TRAINING AND RECRUITING	**710,512**	**710,512**
	ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	36,021	36,021
190	ADMINISTRATION	405,431	414,431
	USMC Expeditionary Energy Office—Experimental Forward Operating Base		[9,000]
200	ACQUISITION & PROGRAM MANAGEMENT	91,153	91,153
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**532,605**	**541,605**
	UNDISTRIBUTED		
210	UNDISTRIBUTED		–70,000
	Marine Corps unobligated balances estimate		[–66,000]
	Mental Health Support for Military Personnel and Families		[3,000]
	Printing & Reproduction (10% cut)		[–6,500]
	Studies, Analysis & Evaluations (10% cut)		[–500]
	SUBTOTAL UNDISTRIBUTED		**–70,000**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,960,437**	**5,975,937**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,224,400	4,224,400

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
020	COMBAT ENHANCEMENT FORCES	3,417,731	3,417,731
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,482,814	1,482,814
050	DEPOT MAINTENANCE	2,204,131	2,204,131
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652,318	1,924,238
	Air Force Sustainment, Restoration and Modernization to 100%		[271,920]
070	BASE SUPPORT	2,507,179	2,507,179
080	GLOBAL C3I AND EARLY WARNING	1,492,459	1,492,459
090	OTHER COMBAT OPS SPT PROGRAMS	1,046,226	1,046,226
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	696,188	696,188
110	LAUNCH FACILITIES	321,484	321,484
120	SPACE CONTROL SYSTEMS	633,738	633,738
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	735,488
140	COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
	SUBTOTAL OPERATING FORCES	**20,584,637**	**20,856,557**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	2,988,221	2,988,221
160	MOBILIZATION PREPAREDNESS	150,724	150,724
170	DEPOT MAINTENANCE	373,568	373,568
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	442,221
	Air Force Sustainment, Restoration and Modernization to 100%		[54,118]
190	BASE SUPPORT	674,230	674,230
	SUBTOTAL MOBILIZATION	**4,574,846**	**4,628,964**
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	114,448	114,448
210	RECRUIT TRAINING	22,192	22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	501,430
	Air Force Sustainment, Restoration and Modernization to 100%		[71,340]
240	BASE SUPPORT	789,654	789,654
250	SPECIALIZED SKILL TRAINING	481,357	481,357
260	FLIGHT TRAINING	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280	TRAINING SUPPORT	108,248	108,248
290	DEPOT MAINTENANCE	6,386	6,386
300	RECRUITING AND ADVERTISING	136,102	136,102
310	EXAMINING	3,079	3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING	202,767	202,767
340	JUNIOR ROTC	75,259	75,259
	SUBTOTAL TRAINING AND RECRUITING	**3,784,222**	**3,855,562**
	ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	1,112,878	1,112,878
360	TECHNICAL SUPPORT ACTIVITIES	785,150	785,150
370	DEPOT MAINTENANCE	14,356	14,356
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	416,588	498,952
	Air Force Sustainment, Restoration and Modernization to 100%		[82,364]
390	BASE SUPPORT	1,219,043	1,219,043
400	ADMINISTRATION	662,180	662,180
410	SERVICEWIDE COMMUNICATIONS	650,689	650,689
420	OTHER SERVICEWIDE ACTIVITIES	1,078,769	954,769
	Air Force funds for Space Shuttle (for museum)		[–14,000]
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[–110,000]
425	FINANCIAL IMPROVEMENT AND AUDIT READINESS		110,000
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[110,000]
430	CIVIL AIR PATROL	23,338	23,338
460	INTERNATIONAL SUPPORT	72,589	72,589
465	CLASSIFIED PROGRAMS	1,215,848	1,215,848
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**7,251,428**	**7,319,792**
	UNDISTRIBUTED		
470	UNDISTRIBUTED		–410,500
	Air Force unobligated balances estimate		[–400,800]
	Printing & Reproduction (10% cut)		[–7,200]
	Studies, Analysis & Evaluations (10% cut)		[–2,500]
	SUBTOTAL UNDISTRIBUTED		**–410,500**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**36,195,133**	**36,250,375**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	563,787	563,787

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
020	SPECIAL OPERATIONS COMMAND	3,986,766	3,989,766
	Cold Weather Protective Equipment		[3,000]
	SUBTOTAL OPERATING FORCES	**4,550,553**	**4,553,553**
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
040	NATIONAL DEFENSE UNIVERSITY	93,348	93,348
	SUBTOTAL TRAINING AND RECRUITING	**217,423**	**217,423**
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	159,692	149,323
	Innovative Readiness Training (Section 591)		[–10,369]
080	DEFENSE CONTRACT AUDIT AGENCY	508,822	508,822
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,147,366	1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,419	677,419
	Voluntary Separation Repayment		[1,000]
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
140	DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
150	DEFENSE LOGISTICS AGENCY	450,863	456,863
	Procurement Technical Assistance Centers		[6,000]
160	DEFENSE MEDIA ACTIVITY	256,133	256,133
170	DEFENSE POW/MIA OFFICE	22,372	22,372
180	DEFENSE SECURITY COOPERATION AGENCY—GLOBAL TRAIN AND EQUIP	500,000	400,000
	Reduction to Global Train and Equip		[–100,000]
185	DEFENSE SECURITY COOPERATION AGENCY—OTHER	182,831	182,831
190	DEFENSE SECURITY SERVICE	505,366	505,366
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	33,848	33,848
210	DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,768,677
230	MISSILE DEFENSE AGENCY	202,758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT	81,754	81,754
260	OFFICE OF THE SECRETARY OF DEFENSE	2,201,964	2,300,964
	Department of Defense Corrosion Protection Projects		[22,700]
	DOD Installation Energy Manager Training Program		[3,000]
	Education and Employment Advocacy Program for Wounded Members of the Armed Forces		[15,000]
	Establish Office of Language and Policy		[6,000]
	Insider Threat Detection Program		[5,000]
	Office of Net Assessment		[1,300]
	Sexual Assault Response Coordinators and Victim Advocates		[45,000]
	Wounded Warriors Career Program		[1,000]
270	WASHINGTON HEADQUARTERS SERVICE	563,184	563,184
275	CLASSIFIED PROGRAMS	14,068,492	14,068,492
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**26,172,433**	**26,168,064**
	UNDISTRIBUTED		
280	UNDISTRIBUTED		–413,000
	Defense-wide unobligated balances estimate		[–456,800]
	DOD Impact Aid (Section 581)		[40,000]
	Printing & Reproduction (10% cut)		[–4,300]
	Red Cross Reimbursement for Humanitarian Support to Service Members		[25,000]
	Studies, Analysis & Evaluations (10% cut)		[–16,900]
	SUBTOTAL UNDISTRIBUTED		**–413,000**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**30,940,409**	**30,526,040**
	OPERATION & MAINTENANCE, ARMY RESERVE		
	OPERATING FORCES		
010	MANEUVER UNITS	1,091	1,091
020	MODULAR SUPPORT BRIGADES	18,129	18,129
030	ECHELONS ABOVE BRIGADE	492,705	492,705
040	THEATER LEVEL ASSETS	137,304	137,304
050	LAND FORCES OPERATIONS SUPPORT	597,786	597,786
060	AVIATION ASSETS	67,366	71,666
	Restore Flying Hours to Army Reserve		[4,300]
070	FORCE READINESS OPERATIONS SUPPORT	474,966	474,966
080	LAND FORCES SYSTEMS READINESS	69,841	69,841
090	LAND FORCES DEPOT MAINTENANCE	247,010	247,010
100	BASE OPERATIONS SUPPORT	590,078	590,078
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	255,618	282,618
	Army Reserve Sustainment, Restoration and Modernization to 100%		[27,000]
	SUBTOTAL OPERATING FORCES	**2,951,894**	**2,983,194**
	ADMIN & SRVWD ACTIVITIES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
130	SERVICEWIDE TRANSPORTATION	14,447	14,447
140	ADMINISTRATION	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS	3,844	3,844
160	MANPOWER MANAGEMENT	9,033	9,033
170	RECRUITING AND ADVERTISING	53,565	53,565
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**157,282**	**157,282**
	TOTAL OPERATION & MAINTENANCE, ARMY RESERVE	**3,109,176**	**3,140,476**
	OPERATION & MAINTENANCE, NAVY RESERVE		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	622,868	622,868
020	INTERMEDIATE MAINTENANCE	16,041	16,041
030	AIR OPERATIONS AND SAFETY SUPPORT	1,511	1,511
040	AIRCRAFT DEPOT MAINTENANCE	123,547	125,047
	Aviation Depot Maintenance		[1,500]
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	379	379
060	MISSION AND OTHER SHIP OPERATIONS	49,701	49,701
070	SHIP OPERATIONS SUPPORT & TRAINING	593	593
080	SHIP DEPOT MAINTENANCE	53,916	54,916
	Ship Depot Maintenance (Reserve)		[1,000]
090	COMBAT COMMUNICATIONS	15,445	15,445
100	COMBAT SUPPORT FORCES	153,942	153,942
110	WEAPONS MAINTENANCE	7,292	7,292
120	ENTERPRISE INFORMATION	75,131	75,131
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	72,083	72,083
140	BASE OPERATING SUPPORT	109,024	109,024
	SUBTOTAL OPERATING FORCES	**1,301,473**	**1,303,973**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,857	1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,438	14,438
170	SERVICEWIDE COMMUNICATIONS	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,661**	**21,661**
	TOTAL OPERATION & MAINTENANCE, NAVY RESERVE	**1,323,134**	**1,325,634**
	OPERATION & MAINTENANCE, MARINE CORPS RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,604	94,604
020	DEPOT MAINTENANCE	16,382	16,382
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	31,520	31,520
050	BASE OPERATING SUPPORT	105,809	105,809
	SUBTOTAL OPERATING FORCES	**248,315**	**248,315**
	ADMIN & SRVWD ACTIVITIES		
070	SERVICEWIDE TRANSPORTATION	852	852
080	ADMINISTRATION	13,257	13,257
090	RECRUITING AND ADVERTISING	9,019	9,019
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**23,128**	**23,128**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS RESERVE	**271,443**	**271,443**
	OPERATION & MAINTENANCE, AIR FORCE RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,171,853	2,208,753
	Restore Flying Hours to FY11 levels		[36,900]
020	MISSION SUPPORT OPERATIONS	116,513	116,513
030	DEPOT MAINTENANCE	471,707	471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	77,161	91,161
	Air Force Reserve Sustainment, Restoration and Modernization to 100%		[14,000]
050	BASE SUPPORT	308,974	308,974
	SUBTOTAL OPERATING FORCES	**3,146,208**	**3,197,108**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	84,423	84,423
070	RECRUITING AND ADVERTISING	17,076	17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,688	19,688
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,170	6,170
100	AUDIOVISUAL	794	794
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**128,151**	**128,151**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE RESERVE	**3,274,359**	**3,325,259**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY NATIONAL GUARD		
	OPERATING FORCES		
010	MANEUVER UNITS	634,181	634,181
020	MODULAR SUPPORT BRIGADES	189,899	189,899
030	ECHELONS ABOVE BRIGADE	751,899	751,899
040	THEATER LEVEL ASSETS	112,971	112,971
050	LAND FORCES OPERATIONS SUPPORT	33,972	33,972
060	AVIATION ASSETS	854,048	861,768
	Restore O&M Funding for Guard C–23		[7,720]
070	FORCE READINESS OPERATIONS SUPPORT	706,299	713,299
	Increase funding for Guard simulator training		[5,000]
	Simulation Training Systems		[2,000]
080	LAND FORCES SYSTEMS READINESS	50,453	50,453
090	LAND FORCES DEPOT MAINTENANCE	646,608	646,608
100	BASE OPERATIONS SUPPORT	1,028,126	1,028,126
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	618,513	684,513
	Army National Guard Sustainment, Restoration and Modernization to 100%		[66,000]
120	MANAGEMENT AND OPERATIONAL HQ	792,575	792,575
	SUBTOTAL OPERATING FORCES	**6,419,544**	**6,500,264**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	11,703	11,703
150	ADMINISTRATION	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS	42,073	42,073
170	MANPOWER MANAGEMENT	6,789	6,789
180	RECRUITING AND ADVERTISING	382,668	382,668
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**621,888**	**621,888**
	TOTAL OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	**7,041,432**	**7,122,152**
	OPERATION & MAINTENANCE, AIR NATIONAL GUARD		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,651,900	3,703,000
	Restore Flying Hours to FY11 Levels		[51,100]
020	MISSION SUPPORT OPERATIONS	751,519	751,519
030	DEPOT MAINTENANCE	753,525	753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	330,348
	Air National Guard Sustainment, Restoration and Modernization to 100%		[46,000]
050	BASE SUPPORT	621,942	621,942
	SUBTOTAL OPERATING FORCES	**6,063,234**	**6,160,334**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	39,387	39,387
070	RECRUITING AND ADVERTISING	33,659	33,659
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**73,046**	**73,046**
	TOTAL OPERATION & MAINTENANCE, AIR NATIONAL GUARD	**6,136,280**	**6,233,380**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,861	13,861
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	107,662	107,662
030	COOPERATIVE THREAT REDUCTION	508,219	508,219
040	ACQ WORKFORCE DEV FD	305,501	305,501
050	ENVIRONMENTAL RESTORATION, ARMY	346,031	346,031
060	ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE	525,453	503,453
	Unjustified program growth		[–22,000]
080	ENVIRONMENTAL RESTORATION, DEFENSE	10,716	10,716
090	ENVIRONMENTAL RESTORATION, FORMERLY USED SITES	276,495	276,495
100	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	0
	Program Reduction		[–5,000]
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**2,407,606**	**2,380,606**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**2,407,606**	**2,380,606**
	TOTAL OPERATION & MAINTENANCE	**170,759,313**	**171,120,469**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
040	THEATER LEVEL ASSETS	3,424,314	3,424,314
050	LAND FORCES OPERATIONS SUPPORT	1,534,886	1,534,886
060	AVIATION ASSETS	87,166	87,166
070	FORCE READINESS OPERATIONS SUPPORT	2,675,821	2,675,821
080	LAND FORCES SYSTEMS READINESS	579,000	579,000
090	LAND FORCES DEPOT MAINTENANCE	1,000,000	1,000,000
100	BASE OPERATIONS SUPPORT	951,371	951,371
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	22,998,441	22,998,441
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	425,000	425,000
160	RESET	3,955,429	3,955,429
	SUBTOTAL OPERATING FORCES	**37,881,428**	**37,881,428**
	ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	2,476,766	2,476,766
350	SERVICEWIDE TRANSPORTATION	3,507,186	3,507,186
360	CENTRAL SUPPLY ACTIVITIES	50,740	50,740
380	AMMUNITION MANAGEMENT	84,427	84,427
400	SERVICEWIDE COMMUNICATIONS	66,275	66,275
420	OTHER PERSONNEL SUPPORT	143,391	143,391
430	OTHER SERVICE SUPPORT	92,067	92,067
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**6,420,852**	**6,420,852**
	TOTAL OPERATION & MAINTENANCE, ARMY	**44,302,280**	**44,302,280**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,058,114	1,058,114
020	FLEET AIR TRAINING	7,700	7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	9,200	9,200
040	AIR OPERATIONS AND SAFETY SUPPORT	12,934	12,934
050	AIR SYSTEMS SUPPORT	39,566	39,566
060	AIRCRAFT DEPOT MAINTENANCE	174,052	174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,586	1,586
080	AVIATION LOGISTICS	50,852	50,852
090	MISSION AND OTHER SHIP OPERATIONS	1,132,948	1,132,948
100	SHIP OPERATIONS SUPPORT & TRAINING	26,822	26,822
110	SHIP DEPOT MAINTENANCE	998,172	998,172
130	COMBAT COMMUNICATIONS	26,533	26,533
160	WARFARE TACTICS	22,657	22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	28,141	28,141
180	COMBAT SUPPORT FORCES	1,932,640	1,932,640
190	EQUIPMENT MAINTENANCE	19,891	19,891
210	COMBATANT COMMANDERS CORE OPERATIONS	5,465	5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	2,093	2,093
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	125,460	125,460
260	WEAPONS MAINTENANCE	201,083	201,083
270	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
280	ENTERPRISE INFORMATION	5,095	5,095
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	26,793	26,793
300	BASE OPERATING SUPPORT	352,210	352,210
	SUBTOTAL OPERATING FORCES	**6,261,464**	**6,261,464**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	29,010	29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	34,300	34,300
360	COAST GUARD SUPPORT	258,278	258,278
	SUBTOTAL MOBILIZATION	**321,588**	**321,588**
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	69,961	69,961
430	TRAINING SUPPORT	5,400	5,400
	SUBTOTAL TRAINING AND RECRUITING	**75,361**	**75,361**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	2,348	2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	6,142
520	OTHER PERSONNEL SUPPORT	5,849	5,849
530	SERVICEWIDE COMMUNICATIONS	28,511	28,511

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
550	SERVICEWIDE TRANSPORTATION	263,593	263,593
580	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
620	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
650	FOREIGN COUNTERINTELLIGENCE	14,598	14,598
705	CLASSIFIED PROGRAMS	2,060	2,060
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**348,154**	**348,154**
	TOTAL OPERATION & MAINTENANCE, NAVY	**7,006,567**	**7,006,567**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	2,069,485	2,069,485
020	FIELD LOGISTICS	575,843	575,843
030	DEPOT MAINTENANCE	251,100	251,100
070	BASE OPERATING SUPPORT	82,514	82,514
	SUBTOTAL OPERATING FORCES	**2,978,942**	**2,978,942**
	TRAINING AND RECRUITING		
130	TRAINING SUPPORT	209,784	209,784
	SUBTOTAL TRAINING AND RECRUITING	**209,784**	**209,784**
	ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	376,495	376,495
190	ADMINISTRATION	5,989	5,989
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**382,484**	**382,484**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**3,571,210**	**3,571,210**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,115,901	2,115,901
020	COMBAT ENHANCEMENT FORCES	2,033,929	2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	46,844	46,844
050	DEPOT MAINTENANCE	312,361	312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	334,950	334,950
070	BASE SUPPORT	641,404	641,404
080	GLOBAL C3I AND EARLY WARNING	69,330	69,330
090	OTHER COMBAT OPS SPT PROGRAMS	297,015	297,015
120	SPACE CONTROL SYSTEMS	16,833	16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	46,390	46,390
	SUBTOTAL OPERATING FORCES	**5,914,957**	**5,914,957**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,533,338	3,533,338
160	MOBILIZATION PREPAREDNESS	85,416	85,416
170	DEPOT MAINTENANCE	161,678	161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	9,485	9,485
190	BASE SUPPORT	30,033	30,033
	SUBTOTAL MOBILIZATION	**3,819,950**	**3,819,950**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	908	908
240	BASE SUPPORT	2,280	2,280
250	SPECIALIZED SKILL TRAINING	29,592	29,592
260	FLIGHT TRAINING	154	154
270	PROFESSIONAL DEVELOPMENT EDUCATION	691	691
280	TRAINING SUPPORT	753	753
	SUBTOTAL TRAINING AND RECRUITING	**34,378**	**34,378**
	ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	155,121	155,121
390	BASE SUPPORT	20,677	20,677
400	ADMINISTRATION	3,320	3,320
410	SERVICEWIDE COMMUNICATIONS	111,561	111,561
420	OTHER SERVICEWIDE ACTIVITIES	605,223	605,223
465	CLASSIFIED PROGRAMS	54,000	54,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**949,902**	**949,902**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**10,719,187**	**10,719,187**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	2,000	2,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
020	SPECIAL OPERATIONS COMMAND	3,269,939	3,269,939
	SUBTOTAL OPERATING FORCES	**3,271,939**	**3,271,939**
	ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	23,478	23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY	87,925	87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY	164,520	164,520
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	15,457	15,457
185	DEFENSE SECURITY COOPERATION AGENCY—OTHER	2,200,000	2,200,000
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	194,100	194,100
260	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
275	CLASSIFIED PROGRAMS	3,065,800	3,065,800
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,997,472**	**5,997,472**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**9,269,411**	**9,269,411**
	OPERATION & MAINTENANCE, ARMY RESERVE		
	OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	84,200	84,200
050	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
070	FORCE READINESS OPERATIONS SUPPORT	20,700	20,700
100	BASE OPERATIONS SUPPORT	84,500	84,500
	SUBTOTAL OPERATING FORCES	**217,500**	**217,500**
	TOTAL OPERATION & MAINTENANCE, ARMY RESERVE	**217,500**	**217,500**
	OPERATION & MAINTENANCE, NAVY RESERVE		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
060	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
100	COMBAT SUPPORT FORCES	13,827	13,827
140	BASE OPERATING SUPPORT	52	52
	SUBTOTAL OPERATING FORCES	**74,148**	**74,148**
	TOTAL OPERATION & MAINTENANCE, NAVY RESERVE	**74,148**	**74,148**
	OPERATION & MAINTENANCE, MARINE CORPS RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	31,284	31,284
050	BASE OPERATING SUPPORT	4,800	4,800
	SUBTOTAL OPERATING FORCES	**36,084**	**36,084**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS RESERVE	**36,084**	**36,084**
	OPERATION & MAINTENANCE, AIR FORCE RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,800	4,800
030	DEPOT MAINTENANCE	131,000	131,000
050	BASE SUPPORT	6,250	6,250
	SUBTOTAL OPERATING FORCES	**142,050**	**142,050**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE RESERVE	**142,050**	**142,050**
	OPERATION & MAINTENANCE, ARMY NATIONAL GUARD		
	OPERATING FORCES		
010	MANEUVER UNITS	89,930	89,930
060	AVIATION ASSETS	130,848	130,848
070	FORCE READINESS OPERATIONS SUPPORT	110,011	110,011
100	BASE OPERATIONS SUPPORT	34,788	34,788
120	MANAGEMENT AND OPERATIONAL HQ	21,967	21,967
	SUBTOTAL OPERATING FORCES	**387,544**	**387,544**
	TOTAL OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	**387,544**	**387,544**
	OPERATION & MAINTENANCE, AIR NATIONAL GUARD		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	34,050	34,050
	SUBTOTAL OPERATING FORCES	**34,050**	**34,050**
	TOTAL OPERATION & MAINTENANCE, AIR NATIONAL GUARD	**34,050**	**34,050**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	INFRASTRUCTURE	1,304,350	1,304,350
020	EQUIPMENT AND TRANSPORTATION	1,667,905	1,667,905
030	TRAINING AND OPERATIONS	751,073	751,073
040	SUSTAINMENT	3,331,774	3,331,774
	SUBTOTAL MINISTRY OF DEFENSE	**7,055,102**	**7,055,102**
	MINISTRY OF INTERIOR		
060	INFRASTRUCTURE	1,128,584	1,128,584
070	EQUIPMENT AND TRANSPORTATION	1,530,420	1,530,420
080	TRAINING AND OPERATIONS	1,102,430	1,102,430
090	SUSTAINMENT	1,938,715	1,938,715
	SUBTOTAL MINISTRY OF INTERIOR	**5,700,149**	**5,700,149**
	ASSOCIATED ACTIVITIES		
110	SUSTAINMENT	21,187	21,187
120	TRAINING AND OPERATIONS	7,344	7,344
130	INFRASTRUCTURE	15,000	15,000
150	EQUIPMENT AND TRANSPORTATION	1,218	1,218
	SUBTOTAL ASSOCIATED ACTIVITIES	**44,749**	**44,749**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**12,800,000**	**12,800,000**
	PAKISTAN COUNTERINSURGENCY FUND		
	UNDISTRIBUTED		
010	UNDISTRIBUTED		1,100,000
	Realignment of funds from Department of State		[1,100,000]
	SUBTOTAL UNDISTRIBUTED		**1,100,000**
	TOTAL PAKISTAN COUNTERINSURGENCY FUND		**1,100,000**
	AFGHANISTAN INFRASTRUCTURE FUND		
	POWER		
010	POWER	300,000	300,000
020	TRANSPORTATION	100,000	100,000
030	WATER	50,000	50,000
040	OTHER RELATED ACTIVITIES	25,000	25,000
	SUBTOTAL POWER	**475,000**	**475,000**
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	**475,000**	**475,000**
	TOTAL OPERATION & MAINTENANCE	**89,035,031**	**90,135,031**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	*FY 2012 Request*	*House Authorized*
MILITARY PERSONNEL	*142,828,848*	*142,164,158*
Increase in Authorized Strengths for Marine Corps Officers on Active Duty in Field Grades (Section 501)		*6,000*
Retain Carrier Air Wing Staff (Section 1095)		*2,310*
Travel and Transportation Allowances for Non-Medical Attendants		*20,000*
Unobligated Balances (Section 421)		*[–693,000]*

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	*FY 2012 Request*	*House Authorized*
MILITARY PERSONNEL	*11,228,566*	*11,228,566*

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2012 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	101,194	101,194
TOTAL WORKING CAPITAL FUND, ARMY	**101,194**	**101,194**
WORKING CAPITAL FUND, AIR FORCE		
WAR RESERVE MATERIAL	65,372	65,372
TOTAL WORKING CAPITAL FUND, AIR FORCE	**65,372**	**65,372**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	31,614	31,614
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**31,614**	**31,614**
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,376,830	1,378,830
Enhanced Commissary Stores Pilot Program		[2,000]
TOTAL WORKING CAPITAL FUND, DECA	**1,376,830**	**1,378,830**
NATIONAL DEFENSE SEALIFT FUND		
MPF MLP	425,865	425,865
POST DELIVERY AND OUTFITTING	24,161	24,161
NATIONAL DEF SEALIFT VESSEL	1,138	1,138
LG MED SPD RO/RO MAINTENANCE	92,567	92,567
DOD MOBILIZATION ALTERATIONS	184,109	184,109
TAH MAINTENANCE	40,831	40,831
RESEARCH AND DEVELOPMENT	48,443	48,443
READY RESERVE FORCE	309,270	309,270
TOTAL NATIONAL DEFENSE SEALIFT FUND	**1,126,384**	**1,126,384**
DEFENSE HEALTH PROGRAM		
OPERATION & MAINTENANCE		
IN-HOUSE CARE	8,148,856	8,148,856
PRIVATE SECTOR CARE	16,377,272	16,377,272
CONSOLIDATED HEALTH SUPPORT	2,193,821	2,193,821
INFORMATION MANAGEMENT	1,422,697	1,403,467
Electronic Health Record Way Ahead		[–15,480]
Virtual Electronic Health Record		[–3,750]
MANAGEMENT ACTIVITIES	312,102	312,102
EDUCATION AND TRAINING	705,347	705,347
BASE OPERATIONS/COMMUNICATIONS	1,742,451	1,742,451
UNDISTRIBUTED		–178,500
Collaborative Military-Civilian Trauma Training Programs		[3,000]
Competitive Programs for Alcohol and Substance Use Disorders		[5,000]
Cooperative Health Care Agreements		[500]
Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury		[2,000]
GAO Estimate of Unobligated Balances		[–225,000]
Mental Health Initiatives		[10,000]
Military Adaptive Sports Programs Section 582		[5,000]
Prohibit TRICARE Prime Fee Increase for 1 year		[45,000]
Prohibit TRICARE Prime Fee Increase for 1 year		[–25,000]
Prohibit TRICARE Prime Fee Increase for 1 year		[–20,000]
TBI and PTSD Initiatives		[20,000]
Traumatic Brain Injury		[1,000]
RDT&E		
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,935	2,935
APPLIED BIOMEDICAL TECHNOLOGY	33,805	33,805
MEDICAL TECHNOLOGY	3,694	3,694
MEDICAL ADVANCED TECHNOLOGY	767	767
MEDICAL TECHNOLOGY DEVELOPMENT	181,042	181,042
MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT	167,481	167,481
INFORMATION TECHNOLOGY DEVELOPMENT	176,345	164,235

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2012 Request	House Authorized
Electronic Health Record Way Ahead		[–11,360]
Virtual Electronic Health Record		[–750]
MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	34,559	34,559
MEDICAL PROGRAM-WIDE ACTIVITIES	48,313	48,313
MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES	14,765	14,765
UNDISTRIBUTED		2,000
Prostate Cancer Imaging Research Initiative		[2,000]
PROCUREMENT		
DEFENSE HEALTH PROGRAM	632,518	604,348
Electronic Health Record Way Ahead		[–28,170]
TOTAL DEFENSE HEALTH PROGRAM	**32,198,770**	**31,962,760**
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	1,147,691	1,147,691
CHEM DEMILITARIZATION—RDT&E	406,731	406,731
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**1,554,422**	**1,554,422**
DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,156,282	1,156,282
TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**1,156,282**	**1,156,282**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	286,919	287,919
DOD IG Inspection of Military Cemeteries, Section 562		[1,000]
RDT&E	1,600	1,600
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	**289,519**	**290,519**
MISSION FORCE ENHANCEMENT TRANSFER FUND		
		348,256
Creation of the Mission Force Enhancement Transfer Fund		[1,000,000]
Program Decreases		[–651,744]
TOTAL MISSION FORCE ENHANCEMENT TRANSFER FUND		**348,256**
TOTAL OTHER AUTHORIZATIONS	**37,900,387**	**38,015,633**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	*FY 2012 Request*	*House Authorized*
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	*54,000*	*54,000*
TOTAL WORKING CAPITAL FUND, ARMY	***54,000***	***54,000***
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION FALLEN HEROES	*10,000*	*10,000*
CONTAINER DECONSOLIDATION	*2,000*	*2,000*
TOTAL WORKING CAPITAL FUND, AIR FORCE	***12,000***	***12,000***
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	*369,013*	*369,013*
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	***369,013***	***369,013***
DEFENSE HEALTH PROGRAM		
OPERATION & MAINTENANCE		
IN-HOUSE CARE	*641,996*	*641,996*
PRIVATE SECTOR CARE	*464,869*	*464,869*
CONSOLIDATED HEALTH SUPPORT	*95,994*	*95,994*
INFORMATION MANAGEMENT	*5,548*	*5,548*
MANAGEMENT ACTIVITIES	*751*	*751*
EDUCATION AND TRAINING	*16,859*	*16,859*
BASE OPERATIONS/COMMUNICATIONS	*2,271*	*2,271*
TOTAL DEFENSE HEALTH PROGRAM	***1,228,288***	***1,228,288***
DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	*486,458*	*486,458*
TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	***486,458***	***486,458***
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	*11,055*	*11,055*
TOTAL OFFICE OF THE INSPECTOR GENERAL	***11,055***	***11,055***
TOTAL OTHER AUTHORIZATIONS	***2,160,814***	***2,160,814***

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Afghanistan			
Army	Bagram Air Base	Barracks, Ph 5	29,000	29,000
Army	Bagram Air Base	Construct Drainage System, Ph 3	31,000	31,000
Army	Bagram Air Base	Entry Control Point	20,000	20,000
	Alabama			
Army	Fort Rucker	Combat Readiness Center	11,600	11,600
	Alaska			
Army	Fort Wainwright	Aviation Complex, Ph 3a	114,000	114,000
Army	Joint Base Elmendorf-Richardson	Brigade Complex, Ph 2	74,000	74,000
Army	Joint Base Elmendorf-Richardson	Organizational Parking	3,600	3,600
Army	Joint Base Elmendorf-Richardson	Physical Fitness Facility	26,000	26,000
	California			
Army	Fort Irwin	Infantry Squad Battle Course	7,500	7,500
Army	Fort Irwin	Qualification Training Range	15,500	15,500
Army	Presidio Monterey	General Instruction Building	3,000	3,000
	Colorado			
Army	Fort Carson	Aircraft Loading Area	34,000	34,000
Army	Fort Carson	Aircraft Maintenance Hangar	63,000	63,000
Army	Fort Carson	Barracks	46,000	46,000
Army	Fort Carson	Barracks	67,000	67,000
Army	Fort Carson	Brigade Headquarters	14,400	14,400
Army	Fort Carson	Control Tower	14,200	14,200
	Georgia			
Army	Fort Benning	Land Acquisition	25,000	25,000
Army	Fort Benning	Land Acquisition	5,100	5,100
Army	Fort Benning	Rail Loading Facility	13,600	13,600
Army	Fort Benning	Trainee Barracks Complex, Ph 3	23,000	23,000
Army	Fort Gordon	Hand Grenade Familiarization Range	1,450	1,450
Army	Fort Stewart	Dog Kennel	2,600	2,600
	Germany			
Army	Germersheim	Central Distribution Facility	21,000	21,000
Army	Germersheim	Infrastructure	16,500	16,500
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Grafenwoehr	Chapel	15,500	15,500
Army	Grafenwoehr	Convoy Live Fire Range	5,000	5,000
Army	Landstuhl	Satellite Communications Center	39,000	39,000
Army	Landstuhl	Satellite Communications Center	24,000	24,000
Army	Oberdachstetten	Automated Record Fire Range	12,200	12,200
Army	Stuttgart	Access Control Point	12,200	12,200
Army	Vilseck	Barracks	20,000	20,000
	Hawaii			
Army	Fort Shafter	Child Development Center	17,500	17,500
Army	Schofield Barracks	Centralized Wash Facility	32,000	32,000
Army	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1	73,000	73,000
	Honduras			
Army	Honduras Various	Barracks	25,000	25,000
	Kansas			
Army	Forbes Air Field	Deployment Support Facility	5,300	5,300
Army	Fort Riley	Chapel	10,400	10,400
Army	Fort Riley	Physical Fitness Facility	13,000	13,000
Army	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar	60,000	60,000
	Kentucky			
Army	Fort Campbell	Barracks	23,000	23,000
Army	Fort Campbell	Barracks Complex	65,000	65,000
Army	Fort Campbell	Physical Fitness Facility	18,500	18,500
Army	Fort Campbell	Scout/Recce Gunnery Range	18,000	18,000
Army	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar	67,000	67,000
Army	Fort Campbell	Vehicle Maintenance Facility	16,000	16,000
Army	Fort Campbell	Vehicle Maintenance Facility	40,000	40,000
Army	Fort Knox	Automated Infantry Platoon Battle Course	7,000	7,000
Army	Fort Knox	Battalion Complex	48,000	48,000
	Korea			
Army	Camp Carroll	Barracks	41,000	41,000
Army	Camp Henry	Barracks Complex	48,000	48,000
	Louisiana			
Army	Fort Polk	Brigade Complex	23,000	23,000
Army	Fort Polk	Fire Station	9,200	9,200
Army	Fort Polk	Land Acquisition	27,000	27,000
Army	Fort Polk	Military Working Dog Facility	2,600	2,600
Army	Fort Polk	Multipurpose Machine Gun Range	8,300	8,300
	Maryland			
Army	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3	15,500	15,500
Army	Aberdeen Proving Ground	Command and Control Facility	63,000	63,000
Army	Fort Meade	Applied Instruction Facility	43,000	43,000
Army	Fort Meade	Brigade Complex	36,000	36,000
	Missouri			
Army	Fort Leonard Wood	Vehicle Maintenance Facility	49,000	49,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	New York			
Army	Fort Drum	Ammunition Supply Point	5,700	5,700
Army	Fort Drum	Chapel	7,600	7,600
	North Carolina			
Army	Fort Bragg	Access Roads, Ph 2	18,000	18,000
Army	Fort Bragg	Battle Command Training Center	23,000	23,000
Army	Fort Bragg	Brigade Complex Facilities	49,000	49,000
Army	Fort Bragg	Nco Academy	42,000	42,000
Army	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar	54,000	54,000
	Oklahoma			
Army	Fort Sill	Battle Command Training Center	23,000	23,000
Army	Fort Sill	Chapel	13,200	13,200
Army	Fort Sill	Physical Fitness Facility	25,000	25,000
Army	Fort Sill	Rail Deployment Facility	3,400	3,400
Army	Fort Sill	Reception Station, Ph 1	36,000	36,000
Army	Fort Sill	Thaad Instruction Facility	33,000	33,000
Army	Fort Sill	Vehicle Maintenance Facility	51,000	51,000
Army	Mcalester	Ammunition Loading Pads	1,700	1,700
Army	Mcalester	Railroad Tracks	6,300	6,300
	South Carolina			
Army	Fort Jackson	Modified Record Fire Range	4,900	4,900
Army	Fort Jackson	Trainee Barracks Complex, Ph 2	59,000	59,000
	Texas			
Army	Fort Bliss	Applied Instruction Building	8,300	8,300
Army	Fort Bliss	Barracks Complex	13,000	13,000
Army	Fort Bliss	Electronics Maintenance Facility	14,600	14,600
Army	Fort Bliss	Infrastructure	14,600	14,600
Army	Fort Bliss	Jlens Tactical Training Facility	39,000	39,000
Army	Fort Bliss	Vehicle Maintenance Facility	24,000	24,000
Army	Fort Bliss	Vehicle Maintenance Facility	19,000	19,000
Army	Fort Bliss	Vehicle Maintenance Facility	14,600	14,600
Army	Fort Bliss	Water Well, Potable	2,400	2,400
Army	Fort Hood	Operational Readiness Training Complex	51,000	51,000
Army	Fort Hood	Unmanned Aerial Vehicle Maintenance Hangar	47,000	47,000
Army	Fort Hood	Vehicle Maintenance Facility	15,500	15,500
Army	Fort Hood	Vehicle Maintenance Facility	18,500	18,500
Army	Joint Base San Antonio	Vehicle Maintenance Facility	10,400	10,400
Army	Red River Army Depot	Maneuver Systems Sustainment Ctr, Ph 3	44,000	44,000
	Utah			
Army	Dugway Proving Ground	Life Sciences Test Facility Addition	32,000	32,000
	Virginia			
Army	Fort Belvoir	Information Dominance Center, Ph 1	52,000	52,000
Army	Fort Belvoir	Road and Infrastucture Improvements	31,000	31,000
Army	Joint Base Langley Eustis	Aviation Training Facility	26,000	26,000
	Washington			
Army	Joint Base Lewis Mcchord	Air Support Operations Facilities	7,300	7,300
Army	Joint Base Lewis Mcchord	Aviation Complex, Ph 1b	48,000	48,000
Army	Joint Base Lewis Mcchord	Aviation Unit Complex, Ph 1a	34,000	34,000
Army	Joint Base Lewis Mcchord	Battalion Complex	59,000	59,000
Army	Joint Base Lewis Mcchord	Brigade Complex, Ph 2	56,000	56,000
Army	Joint Base Lewis Mcchord	Infrastructure, Ph 1	64,000	64,000
Army	Joint Base Lewis Mcchord	Operational Readiness Training Cplx, Ph 1	28,000	28,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Community Facilities	0	10,000
Army	Unspecified Worldwide Locations	Host Nation Support	25,500	25,500
Army	Unspecified Worldwide Locations	Minor Construction	20,000	20,000
Army	Unspecified Worldwide Locations	Planning & Design	229,741	229,741
Army	Unspecified Worldwide Locations	R&d Facilities	0	20,000
Army	Unspecified Worldwide Locations	Supply Facilities	0	0
Army	Unspecified Worldwide Locations	Training Facilities	0	20,000
Army	Unspecified Worldwide Locations	Troop Housing Facilities	0	0
Army	Unspecified Worldwide Locations	Troop Housing Facilities	0	10,000
Army	Unspecified Worldwide Locations	Utilities and Ground Improvements	0	10,000
Total Military Construction, Army			**3,235,991**	**3,305,991**
	Arizona			
Navy	Yuma	Aircraft Maintenance Hangar	39,515	39,515
Navy	Yuma	Double Aircraft Maintenance Hangar	81,897	81,897
Navy	Yuma	JSF Auxiliary Landing Field	41,373	41,373
	Bahrain Island			
Navy	Sw Asia	Bachelor Enlisted Quarters	55,010	55,010
Navy	Sw Asia	Waterfront Development Phase 4	45,194	45,194
	California			
Navy	Barstow	Dip Tank Cleaning Facility	8,590	8,590
Navy	Bridgeport	Multi-Purpose Building—Addition	19,238	19,238
Navy	Camp Pendleton	Armory, 1st Marine Division	12,606	12,606
Navy	Camp Pendleton	Individual Equipment Issue Warehouse	16,411	16,411
Navy	Camp Pendleton	Infantry Squad Defense Range	29,187	29,187
Navy	Camp Pendleton	Intersection Bridge and Improvements	12,476	12,476
Navy	Camp Pendleton	Mv–22 Aviation Fuel Storage	6,163	6,163
Navy	Camp Pendleton	Mv–22 Aviation Pavement	18,530	18,530
Navy	Camp Pendleton	Mv–22 Double Hangar Replacement	48,345	48,345

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Navy	Camp Pendleton	New Potable Water Conveyance	113,091	113,091
Navy	Camp Pendleton	North Area Waste Water Conveyance	78,271	78,271
Navy	Coronado	Fitness Center North Island	46,763	46,763
Navy	Coronado	Rotary Aircraft Depot Maint Fac (North Is.)	61,672	61,672
Navy	Point Mugu	E–2d Aircrew Training Facility	15,377	15,377
Navy	Twentynine Palms	Child Development Center	23,743	23,743
Navy	Twentynine Palms	Land Expansion	8,665	8,665
Navy	Twentynine Palms	Multi-Use Operational Fitness Area	18,819	18,819
Navy	Twentynine Palms	Tracked Vehicle Maintenance Cover	15,882	15,882
	Diego Garcia			
Navy	Diego Garcia	Potable Water Plant Modernization	35,444	35,444
	Djibouti			
Navy	Camp Lemonier	Aircraft Logistics Apron	35,170	35,170
Navy	Camp Lemonier	Bachelor Quarters	43,529	43,529
Navy	Camp Lemonier	Taxiway Enhancement	10,800	10,800
	Florida			
Navy	Jacksonville	Bams UAS Operator Training Facility	4,482	4,482
Navy	Jacksonville	P–8a Hangar Upgrades	6,085	6,085
Navy	Jacksonville	P–8a Training Facility	25,985	25,985
Navy	Mayport	Massey Avenue Corridor Improvements	14,998	0
Navy	Whiting Field	Applied Instruction Facilities, EOD Course	20,620	20,620
	Georgia			
Navy	Kings Bay	Crab Island Security Enclave	52,913	52,913
Navy	Kings Bay	Wra Land/Water Interface	33,150	33,150
	Guam			
Navy	Joint Region Marianas	Finegayan Water Utilities	77,267	77,267
Navy	Joint Region Marianas	North Ramp Utilities—Anderson AFB (Inc)	78,654	78,654
	Hawaii			
Navy	Barking Sands	North Loop Electrical Replacement	9,679	9,679
Navy	Joint Base Pearl Harbor-Hickam	Navy Information Operations Command Fes Fac	7,492	7,492
Navy	Kaneohe Bay	MCAS Operations Complex	57,704	57,704
	Illinois			
Navy	Great Lakes	Decentralize Steam System	91,042	91,042
	Maryland			
Navy	Indian Head	Decentralize Steam System	67,779	67,779
Navy	Patuxent River	Aircraft Prototype Facility Phase 2	45,844	45,844
	North Carolina			
Navy	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex	75,214	75,214
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	27,439	27,439
Navy	Camp Lejeune	Base Entry Point and Road	81,008	81,008
Navy	Camp Lejeune	Squad Battle Course	16,821	16,821
Navy	Cherry Point Marine Corps Air Station	H–1 Helicopter Gearbox Repair & Test Facility	17,760	17,760
Navy	New River	Aircraft Maintenance Hangar and Apron	69,511	69,511
Navy	New River	Ordnance Loading Area Additiion	9,419	9,419
	South Carolina			
Navy	Beaufort	Vertical Landing Pads	21,096	21,096
	Virginia			
Navy	Norfolk	Bachelor Quarters, Homeport Ashore	81,304	81,304
Navy	Norfolk	Decentralize Steam System	26,924	26,924
Navy	Portsmouth	Controlled Industrial Facility	74,864	74,864
Navy	Quantico	Academic Instruction Facility	75,304	75,304
Navy	Quantico	Bachelor Enlisted Quarters	31,374	31,374
Navy	Quantico	Embassy Security Group Facilities	27,079	27,079
Navy	Quantico	Enlisted Dining Facility	5,034	5,034
Navy	Quantico	Realign Purvis Rd/Russell Rd Intersection	6,442	6,442
Navy	Quantico	the Basic School Student Quarters—Phase 6	28,488	28,488
Navy	Quantico	Waste Water Treatment Plant—Upshur	9,969	9,969
	Washington			
Navy	Bremerton	Integrated Dry Dock Water Treatment Fac Ph1	13,341	13,341
Navy	Kitsap	Ehw Security Force Facility (Bangor)	25,948	25,948
Navy	Kitsap	Explosives Handling Wharf #2 (Inc. 1)	78,002	78,002
Navy	Kitsap	Waterfront Restricted Area Vehicle Barriers	17,894	17,894
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	10,000
Navy	Unspecified Worldwide Locations	Planning and Design	84,362	69,362
Navy	Unspecified Worldwide Locations	R&d Facilities	0	20,000
Navy	Unspecified Worldwide Locations	Troop Housing Facilities	0	29,998
Navy	Unspecified Worldwide Locations	Unspecified Minor Constr	21,495	21,495
Total Military Construction, Navy			**2,461,547**	**2,491,547**
	Alaska			
AF	Eielson AFB	Dormitory (168 Rm)	45,000	45,000
AF	Joint Base Elmendorf-Richardson	Brigade Combat Team (Light) Complex, (480 Rm)	97,000	97,000
	Arizona			
AF	Davis-Monthan AFB	Ec–130h Simulator/Training Operations	20,500	20,500
AF	Davis-Monthan AFB	HC–130J Joint Use Fuel Cell	12,500	12,500
AF	Luke AFB	F–35 Adal Aircraft Maintenance Unit	6,000	6,000
AF	Luke AFB	F–35 Squad Ops/AMU 2	18,000	18,000
	California			
AF	Travis AFB	Dormitory (144 Rm)	22,000	22,000
AF	Vandenberg AFB	Education Center	14,200	14,200
	Colorado			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
AF	U.S. Air Force Academy	Construct Large Vehicle Inspection Facility	13,400	13,400
	Delaware			
AF	Dover AFB	C–5m Formal Training Unit Facility	2,800	2,800
	Florida			
AF	Patrick AFB	Air Force Technical Applications Ctr—Incr 2	79,000	49,000
	Germany			
AF	Ramstein Ab	Dormitory (192 Rm)	34,697	34,697
	Greenland			
AF	Thule Ab	Dormitory (72 Pn)	28,000	28,000
	Guam			
AF	Joint Region Marianas	Air Freight Terminal Complex	35,000	35,000
AF	Joint Region Marianas	Guam Strike Clear Water Rinse Facility	7,500	7,500
AF	Joint Region Marianas	Guam Strike Conventional Munitions Maintenanc	11,700	11,700
AF	Joint Region Marianas	Guam Strike Fuel Systems Maintenance Hangar, Incr 1	128,000	64,000
AF	Joint Region Marianas	Prtc Combat Communications Combat Support	9,800	9,800
AF	Joint Region Marianas	Prtc Combat Communications Transmission Syst	5,600	5,600
AF	Joint Region Marianas	Prtc Red Horse Cantonment Operations Facility	14,000	14,000
	Italy			
AF	Sigonella	UAS SATCOM Relay Pads and Facility	15,000	15,000
	Kansas			
AF	Fort Riley	Air Support Operations Center	7,600	7,600
	Korea			
AF	Osan Ab	Dormitory (156 Rm)	23,000	23,000
	Louisiana			
AF	Barksdale AFB	Mission Support Group Complex	23,500	23,500
	Missouri			
AF	Whiteman AFB	Wsa Security Control Facility	4,800	4,800
	Nebraska			
AF	Offutt AFB	STRATCOM Replacement Facility Incr 1	150,000	150,000
	Nevada			
AF	Nellis AFB	Communications Network Control Center	11,600	11,600
AF	Nellis AFB	F–35 Add/Alter Engine Shop	2,750	2,750
AF	Nellis AFB	F–35a Age Facility	21,500	21,500
	New Mexico			
AF	Cannon AFB	Adal Wastewater Treatment Plant	7,598	7,598
AF	Cannon AFB	Dormitory (96 Rm)	15,000	15,000
AF	Holloman AFB	Child Development Center	11,200	11,200
AF	Holloman AFB	F–16 Academic Facility	5,800	5,800
AF	Holloman AFB	F–16 Sead Training Facility	4,200	4,200
AF	Holloman AFB	Parallel Taxiway 07/25	8,000	8,000
AF	Kirtland AFB	Afnwc Sustainment Center	25,000	25,000
	North Carolina			
AF	Pope AFB	C–130 Flight Simulator	6,000	6,000
	North Dakota			
AF	Minot AFB	B–52 3–Bay Conventional Munitions Maintenance	11,800	11,800
AF	Minot AFB	B–52 Two-Bay Phase Maintenance Dock	34,000	34,000
AF	Minot AFB	Dormitory (168 Rm)	22,000	22,000
	Qatar			
AF	AL Udeid	Blatchford Preston Complex, Phase Iv	37,000	37,000
	Texas			
AF	Joint Base San Antonio	Adv Indiv Training (Ait) Barracks (300 Rm)	46,000	46,000
AF	Joint Base San Antonio	Bmt Recruit Dormitory 4, Phase Iv	64,000	64,000
	Utah			
AF	Hill AFB	F–22 System Support Facility	16,500	16,500
AF	Hill AFB	F–35 Adal Hangar 45e/AMU	6,800	6,800
	Virginia			
AF	Joint Base Langley Eustis	Ait Barracks Complex, Ph 2	50,000	50,000
	Washington			
AF	Fairchild AFB	Sere Force Support Ph 2	14,000	14,000
AF	Fairchild AFB	Wing Headquarters	13,600	13,600
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Community Facilities	0	10,000
AF	Unspecified Worldwide Locations	Community Facilities	0	10,000
AF	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	10,000
AF	Unspecified Worldwide Locations	Operational Facilities	0	20,000
AF	Unspecified Worldwide Locations	Planning & Design	81,913	81,913
AF	Unspecified Worldwide Locations	Supporting Facilities	0	10,000
AF	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Total Military Construction, Air Force			**1,364,858**	**1,330,858**
	Alabama			
Def-Wide	Redstone Arsenal	Von Braun Complex Phase Iv	58,800	58,800
	Alaska			
Def-Wide	Anchorage	SOF Cold Weather Maritime Training Facility	18,400	18,400
Def-Wide	Eielson AFB	Upgrade Rail Line	14,800	14,800
	Arizona			
Def-Wide	Davis-Monthan AFB	Replace Hydrant Fuel System	23,000	23,000
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	24,118	24,118
	California			
Def-Wide	Camp Pendleton	SOF Military Working Dog Facility	3,500	3,500
Def-Wide	Camp Pendleton	SOF Range 130 Support Projects	8,641	8,641

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Coronado	SOF Support Activity Operations Facility	42,000	42,000
Def-Wide	Defense Distribution Depot-Tracy	Replace Public Safety Center	15,500	15,500
Def-Wide	Point Loma Annex	Replace Fuel Storage Facilities Incr 4	27,000	27,000
Def-Wide	San Clemente	Replace Fuel Storage Tanks & Pipeline	21,800	21,800
	Colorado			
Def-Wide	Buckley AFB	Mountainview Operations Facility, Incr 1	140,932	70,932
	District of Columbia			
Def-Wide	Bolling AFB	Cooling Tower Expansion	2,070	2,070
Def-Wide	Bolling AFB	Diac Parking Garage	13,586	13,586
Def-Wide	Bolling AFB	Electrical Upgrades	1,080	1,080
	Florida			
Def-Wide	Eglin AFB	Medical Clinic	11,600	11,600
Def-Wide	Eglin AFB	SOF Company Operations Facility (Gsb)	21,000	21,000
Def-Wide	Eglin AFB	SOF Company Operations Facility (Gstb)	19,000	19,000
Def-Wide	Eglin Aux 9	SOF Enclosed Engine Noise Suppressors	3,200	3,200
Def-Wide	Eglin Aux 9	SOF Simulator Facility	6,300	6,300
Def-Wide	Macdill AFB	SOF Acquisition Center (Phase Ii)	15,200	15,200
Def-Wide	Whiting Field	Truck Load/Unload Facility	3,800	3,800
	Georgia			
Def-Wide	Fort Benning	Replace Mcbride Elementary School	37,205	37,205
Def-Wide	Fort Gordon	Whitelaw Wedge Building Addition	11,340	11,340
Def-Wide	Fort Stewart	Hospital Addition/Alteration Phase 2	72,300	72,300
	Germany			
Def-Wide	Ansbach	Ansbach Middle/High School Addition	11,672	11,672
Def-Wide	Baumholder	Replace Wetzel-Smith Elementary Schools	59,419	59,419
Def-Wide	Grafenwoehr	Netzaberg MS School Addition	6,529	6,529
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 1	70,592	70,592
Def-Wide	Spangdalem Ab	Replace Bitburg Elementary School	41,876	41,876
Def-Wide	Spangdalem Ab	Replace Bitburg Middle & High School	87,167	87,167
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,434	2,434
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	Alter Warehouse Space	9,200	9,200
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Refuler Truck Parking Area	5,200	5,200
	Illinois			
Def-Wide	Great Lakes	Health Clinic Demolition	16,900	16,900
	Italy			
Def-Wide	Vicenza	Replace Vicenza High School	41,864	41,864
	Japan			
Def-Wide	Yokota Ab	Replace Temp Classrm/Joan K. Mendel Es	12,236	12,236
Def-Wide	Yokota Ab	Replace Yokota High School	49,606	49,606
	Kentucky			
Def-Wide	Fort Campbell	Hospital Addition/Alteration	56,600	56,600
Def-Wide	Fort Campbell	SOF Mh47 Aviation Facility	43,000	43,000
Def-Wide	Fort Campbell	SOF Rotary Wing Hangar	38,900	38,900
Def-Wide	Fort Knox	Replace Kingsolver-Pierce Elementary Schools	38,845	38,845
	Louisiana			
Def-Wide	Barksdale AFB	Hydrant Fuel System	6,200	6,200
	Maryland			
Def-Wide	Aberdeen Proving Ground	USAMRICD Replacement, Inc 4	22,850	22,850
Def-Wide	Bethesda Naval Hospital	Child Development Center Addition/Alteration	18,000	18,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc 6	137,600	137,600
Def-Wide	Fort Meade	High Performance Computing Capacity Inc 1	29,640	29,640
Def-Wide	Joint Base Andrews	Ambulatory Care Center, Incr 1	242,900	169,600
Def-Wide	Joint Base Andrews	Dental Clinic Replacement	22,800	22,800
	Massachusetts			
Def-Wide	Hanscom AFB	Replace Hanscom Middle School	34,040	34,040
Def-Wide	Westover ARB	Replace Hydrant Fuel System	23,300	23,300
	Mississippi			
Def-Wide	Columbus AFB	Replace Refueler Parking Facility	2,600	2,600
Def-Wide	Gulfport	Medical Clinic Replacement	34,700	34,700
	Missouri			
Def-Wide	Arnold	Data Ctr West #1 Power & Cooling Upgrade	9,253	9,253
	New Mexico			
Def-Wide	Cannon AFB	SOF Adal Simulator Facility	9,600	9,600
Def-Wide	Cannon AFB	SOF Aircraft Maintenance Squadron Facility	15,000	15,000
Def-Wide	Cannon AFB	SOF Apron and Taxiway	28,100	28,100
Def-Wide	Cannon AFB	SOF C–130 Squadron Operations Facility	10,941	10,941
Def-Wide	Cannon AFB	SOF C–130 Wash Rack Hangar	10,856	10,856
Def-Wide	Cannon AFB	SOF Hangar Aircraft Maintenance Unit	41,200	41,200
Def-Wide	Cannon AFB	SOF Squadron Operations Facility	17,300	17,300
	New York			
Def-Wide	Fort Drum	Dental Clinic Addition/Alteration	4,700	4,700
Def-Wide	Fort Drum	Medical Clinic	15,700	15,700
	North Carolina			
Def-Wide	Camp Lejeune	SOF Armory Facility Expansion	6,670	6,670
Def-Wide	Fort Bragg	Hospital Alteration	57,600	57,600
Def-Wide	Fort Bragg	Replace District Superintendant's Office	3,138	3,138
Def-Wide	Fort Bragg	SOF Administrative Annex	12,000	12,000
Def-Wide	Fort Bragg	SOF Battalion Operations Complex	23,478	23,478
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	41,000	41,000
Def-Wide	Fort Bragg	SOF Brigade Headquarters	19,000	19,000
Def-Wide	Fort Bragg	SOF Communications Training Complex	10,758	10,758
Def-Wide	Fort Bragg	SOF Entry Control Point	2,300	2,300

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Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Fort Bragg	SOF Group Headquarters	26,000	26,000
Def-Wide	Fort Bragg	SOF Squadron HQ Addition	11,000	11,000
Def-Wide	New River	Replace Delalio Elementary School	22,687	22,687
Def-Wide	Pope AFB	SOF Training Facility	5,400	5,400
	Ohio			
Def-Wide	Columbus	Security Enhancements	10,000	10,000
	Oklahoma			
Def-Wide	Altus AFB	Replace Fuel Transfer Pipeline	8,200	8,200
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Enclose Open-Sided Shed	3,000	3,000
Def-Wide	Def Distribution Depot New Cumberland	Replace General Purpose Warehouse	25,500	25,500
Def-Wide	Def Distribution Depot New Cumberland	Upgrade Access Control Points	17,500	17,500
Def-Wide	Philadelphia	Upgrade Hvac System	8,000	8,000
	South Carolina			
Def-Wide	Joint Base Charleston	Replace Fuel Storage & Distribution Facility	24,868	24,868
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 3	136,700	86,700
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3	161,300	161,300
Def-Wide	Joint Base San Antonio	Hospital Nutrition Care Department Add/Alt	33,000	33,000
	United Kingdom			
Def-Wide	Menwith Hill Station	Mhs Psc Construction Generator Plant	68,601	68,601
Def-Wide	Royal Air Force Alconbury	Replace Alconbury High School	35,030	35,030
	Utah			
Def-Wide	Camp Williams	Ic Cnci Data Center 1 Inc 3	246,401	246,401
	Virginia			
Def-Wide	Charlottesville	Remote Delivery Facility	10,805	10,805
Def-Wide	Dahlgren	Dahlgren E/MS School Addition	1,988	1,988
Def-Wide	Dam Neck	SOF Building Renovation	3,814	3,814
Def-Wide	Dam Neck	SOF Logistic Support Facility	14,402	14,402
Def-Wide	Dam Neck	SOF Military Working Dog Facility	4,900	4,900
Def-Wide	Fort Belvoir	Technology Center Third Floor Fit-Out	54,625	54,625
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Seal Team Operations Facility	37,000	37,000
Def-Wide	Pentagon	Heliport Control Tower/Fire Station	6,457	6,457
Def-Wide	Pentagon	Pentagon Memorial Pedestrian Plaza	2,285	2,285
Def-Wide	Quantico	Defense Access Road Improvements-Telegraph Rd	4,000	4,000
Def-Wide	Quantico	Dss Headquarters Addition	42,727	42,727
	Washington			
Def-Wide	Joint Base Lewis Mcchord	Replace Fuel Distribution Facilities	14,000	14,000
Def-Wide	Joint Base Lewis Mcchord	SOF Company Operations Facility	21,000	21,000
Def-Wide	Whidbey Island	Replace Fuel Pipeline	25,000	25,000
	West Virginia			
Def-Wide	Camp Dawson	Replace Hydrant Fuel System	2,200	2,200
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Defense Access Roads	0	40,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	135,000	135,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Construction	8,417	8,417
Def-Wide	Unspecified Worldwide Locations	Minor Construction	6,100	6,100
Def-Wide	Unspecified Worldwide Locations	Planning and Design	31,468	31,468
Def-Wide	Unspecified Worldwide Locations	Planning and Design	3,043	3,043
Def-Wide	Unspecified Worldwide Locations	Planning and Design	52,974	52,974
Def-Wide	Unspecified Worldwide Locations	Planning and Design	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,368	8,368
Def-Wide	Unspecified Worldwide Locations	Planning and Design	5,277	5,277
Def-Wide	Unspecified Worldwide Locations	Planning and Design	48,007	48,007
Def-Wide	Unspecified Worldwide Locations	Planning and Design	6,000	6,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	1,993	1,993
Def-Wide	Unspecified Worldwide Locations	SOF Land Acquisition	0	10,000
Def-Wide	Unspecified Worldwide Locations	Supporting Activities	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,876	8,876
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	6,365	6,365
Def-Wide	Various Worldwide Locations	Planning and Design	66,974	66,974
Def-Wide	Various Worldwide Locations	Planning and Design	227,498	227,498
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction	6,571	6,571
Total Military Construction, Defense-Wide			**3,848,757**	**3,705,457**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiii	15,338	15,338
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph Xii	59,974	59,974
Total Chemical Demilitarization Construction, Defense			**75,312**	**75,312**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	272,611	272,611
Total NATO Security Investment Program			**272,611**	**272,611**
	Alabama			
Army NG	Fort Mcclellan	Readiness Center Ph2	16,500	16,500

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Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Arizona			
Army NG	Papago Military Reservation	Readiness Center	17,800	17,800
	Arkansas			
Army NG	Fort Chaffee	Convoy Live Fire/Entry Control Point Range	3,500	3,500
	California			
Army NG	Camp Roberts	Tactical Unmanned Aircraft System Facility	6,160	6,160
Army NG	Camp Roberts	Utilities Replacement Ph1	32,000	32,000
Army NG	Camp San Luis Obispo	Field Maintenance Shop	8,000	8,000
	Colorado			
Army NG	Alamosa	Readiness Center	6,400	6,400
Army NG	Aurora	Tactical Unmanned Aircraft System Facility	3,600	3,600
Army NG	Fort Carson	Barracks Complex (Ortc)	43,000	43,000
	District of Columbia			
Army NG	Anacostia	US Property & Fiscal Office Add/Alt	5,300	5,300
	Florida			
Army NG	Camp Blanding	Convoy Live Fire/Entry Control Point Range	2,400	2,400
Army NG	Camp Blanding	Live Fire Shoot House	3,100	3,100
	Georgia			
Army NG	Atlanta	Readiness Center	11,000	11,000
Army NG	Hinesville	Maneuver Area Training & Equipment Site Ph1	17,500	17,500
Army NG	Macon	Readiness Center Ph1	14,500	14,500
	Hawaii			
Army NG	Kalaeloa	Readiness Center Ph1	33,000	33,000
	Illinois			
Army NG	Normal	Readiness Center	10,000	10,000
	Indiana			
Army NG	Camp Atterbury	Deployment Processing Facility	8,900	8,900
Army NG	Camp Atterbury	Operations Readiness Training Cmplx 2	27,000	27,000
Army NG	Camp Atterbury	Operations Readiness Training Complex 1	25,000	25,000
Army NG	Camp Atterbury	Railhead Expansion & Container Facility	21,000	21,000
Army NG	Indianapolis	JFHQ Add/Alt	25,700	25,700
	Maine			
Army NG	Bangor	Readiness Center	15,600	15,600
Army NG	Brunswick	Armed Forces Reserve Center	23,000	23,000
	Maryland			
Army NG	Dundalk	Readiness Center Add/Alt	16,000	16,000
Army NG	LA Plata	Readiness Center	9,000	9,000
Army NG	Westminster	Readiness Center Add/Alt	10,400	10,400
	Massachusetts			
Army NG	Natick	Readiness Center	9,000	9,000
	Minnesota			
Army NG	Camp Ripley	Multipurpose Machine Gun Range	8,400	8,400
	Mississippi			
Army NG	Camp Shelby	Deployment Processing Facility	12,600	12,600
Army NG	Camp Shelby	Operational Readiness Training Cmplx Ph1	27,000	27,000
Army NG	Camp Shelby	Troop Housing (Ortc) Ph1	25,000	25,000
	Nebraska			
Army NG	Grand Island	Readiness Center	22,000	22,000
Army NG	Mead	Readiness Center	9,100	9,100
	Nevada			
Army NG	Las Vegas	Field Maintenance Shop	23,000	23,000
	New Jersey			
Army NG	Lakehurst	Army Aviation Suport Facility	49,000	49,000
	New Mexico			
Army NG	Santa Fe	Readiness Center Add/Alt	5,200	5,200
	North Carolina			
Army NG	Greensboro	Readiness Center Add/Alt	3,700	3,700
	Oklahoma			
Army NG	Camp Gruber	Live Fire Shoot House	3,000	3,000
Army NG	Camp Gruber	Upgrade-Combined Arms Collective Training Fac	10,361	10,361
	Oregon			
Army NG	the Dalles	Readiness Center	13,800	13,800
	Puerto Rico			
Army NG	Fort Buchanan	Readiness Center	57,000	57,000
	South Carolina			
Army NG	Allendale	Readiness Center Add/Alt	4,300	4,300
	Utah			
Army NG	Camp Williams	Multi Purpose Machine Gun Range	6,500	6,500
	Virginia			
Army NG	Fort Pickett	Combined Arms Collective Training Facility	11,000	11,000
	West Virginia			
Army NG	Buckhannon	Readiness Center Ph1	10,000	10,000
	Wisconsin			
Army NG	Camp Williams	Tactical Unmanned Aircraft System Facility	7,000	7,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	10,000
Army NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	20,000
Army NG	Unspecified Worldwide Locations	Operational Facilities	0	10,000
Army NG	Unspecified Worldwide Locations	Planning and Design	20,671	20,671
Army NG	Unspecified Worldwide Locations	Training Facilities	0	10,000
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	11,700	11,700
	Wyoming			
Army NG	Cheyenne	Readiness Center	8,900	8,900

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Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Total Military Construction, Army National Guard			**773,592**	**823,592**
	California			
Army Res	Fort Hunter Liggett	Automated Multipurpose Machine Gun (Mpmg)	5,200	5,200
	Colorado			
Army Res	Fort Collins	Army Reserve Center	13,600	13,600
	Illinois			
Army Res	Homewood	Army Reserve Center	16,000	16,000
Army Res	Rockford	Army Reserve Center/Land	12,800	12,800
	Indiana			
Army Res	Lawrence	Army Reserve Center	57,000	57,000
	Kansas			
Army Res	Kansas City	Army Reserve Center/Land	13,000	13,000
	Massachusetts			
Army Res	Attleboro	Army Reserve Center/Land	22,000	22,000
	Minnesota			
Army Res	Saint Joseph	Army Reserve Center	11,800	11,800
	Missouri			
Army Res	Weldon Springs	Army Reserve Center	19,000	19,000
	New York			
Army Res	Schenectady	Army Reserve Center	20,000	20,000
	North Carolina			
Army Res	Greensboro	Army Reserve Center/Land	19,000	19,000
	South Carolina			
Army Res	Orangeburg	Army Reserve Center/Land	12,000	12,000
	Wisconsin			
Army Res	Fort Mccoy	Automated Record Fire Range	4,600	4,600
Army Res	Fort Mccoy	Container Loading Facility	5,300	5,300
Army Res	Fort Mccoy	Modified Record Fire Known Distance Range	5,400	5,400
Army Res	Fort Mccoy	Ncoa Phase Iii—Billeting	12,000	12,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	28,924	28,924
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	2,925	2,925
Total Military Construction, Army Reserve			**280,549**	**280,549**
	Pennsylvania			
N/MC Res	Pittsburg	Armed Forces Reserve Center (Pittsburgh)	13,759	13,759
	Tennessee			
N/MC Res	Memphis	Reserve Training Center	7,949	7,949
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Mcnr Unspecified Minor Construction	2,000	2,000
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,591	2,591
Total Military Construction, Navy and Marine Corps Reserve			**26,299**	**26,299**
	California			
Air NG	Beale AFB	Wing Operations and Training Facility	6,100	6,100
Air NG	Moffett Field	Replace Pararescue Training Facility	26,000	26,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Aircraft Parking Apron	12,721	0
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Flight Simulator Facility	19,800	19,800
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Weapons Load Crew Training Facilit	7,000	7,000
	Indiana			
Air NG	Fort Wayne IAP	a–10 Facility Conversion—Munitions	4,000	4,000
	Maryland			
Air NG	Martin State Airport	TFI—C–27 Conversion - Squadron Operations	4,900	4,900
	Massachusetts			
Air NG	Otis ANGB	TFI—CNAF Beddown - Upgrade Facility	7,800	7,800
	Ohio			
Air NG	Springfield Beckley-Map	Alter Predator Operations Center	6,700	6,700
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	20,000
Air NG	Unspecified Worldwide Locations	Operational Facilities	0	10,000
Air NG	Various Worldwide Locations	Minor Construction	9,000	9,000
Air NG	Various Worldwide Locations	Planning and Design	12,225	12,225
Total Military Construction, Air National Guard			**116,246**	**133,525**
	California			
AF Res	March AFB	Airfield Control Tower/Base Ops	16,393	16,393
	South Carolina			
AF Res	Charleston AFB	TFI Red Horse Readiness & Trng Center	9,593	9,593
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	2,200	2,200
AF Res	Unspecified Worldwide Locations	Training Facilities	0	10,000
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	5,434	5,434
Total Military Construction, Air Force Reserve			**33,620**	**43,620**
	Belgium			
FH Con Army	Brussels	Land Purchase for Gfoq (10 Units)	10,000	10,000

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Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Germany			
FH Con Army	Grafenwoehr	Family Housing New Construction (26 Units)	13,000	13,000
FH Con Army	Illesheim	Family Housing Replacement Construc(80 Units)	41,000	41,000
FH Con Army	Vilseck	Family Housing New Construction (22 Units)	12,000	12,000
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Construction Improvements (276 Units)	103,000	103,000
FH Con Army	Unspecified Worldwide Locations	Family Housing P&d	7,897	7,897
Total Family Housing Construction, Army			**186,897**	**186,897**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account	14,256	14,256
FH Ops Army	Unspecified Worldwide Locations	Leasing	204,426	204,426
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	105,668	105,668
FH Ops Army	Unspecified Worldwide Locations	Management Account	54,728	54,728
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	605	605
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	25,741	25,741
FH Ops Army	Unspecified Worldwide Locations	Services Account	15,797	15,797
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	73,637	73,637
Total Family Housing Operation & Maintenance, Army			**494,858**	**494,858**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Classified Improvements	50	50
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	80,546	80,546
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,208	4,208
Total Family Housing Construction, Air Force			**84,804**	**84,804**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	35,290	35,290
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	47,571	47,571
FH Ops AF	Unspecified Worldwide Locations	Leasing	80,775	80,775
FH Ops AF	Unspecified Worldwide Locations	Leasing Account	122	122
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma & Rpmc)	98,132	98,132
FH Ops AF	Unspecified Worldwide Locations	Maintenance Account	2,001	2,001
FH Ops AF	Unspecified Worldwide Locations	Management Account	1,996	1,996
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,395	55,395
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	2,165	2,165
FH Ops AF	Unspecified Worldwide Locations	Services Account	13,675	13,675
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	67,639	67,639
Total Family Housing Operation & Maintenance, Air Force			**404,761**	**404,761**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	3,199	3,199
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,773	97,773
Total Family Housing Construction, Navy and Marine Corps			**100,972**	**100,972**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	15,979	15,979
FH Ops Navy	Unspecified Worldwide Locations	Leasing	79,798	79,798
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	97,231	97,231
FH Ops Navy	Unspecified Worldwide Locations	Management Account	61,090	61,090
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	476	476
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	28,582	28,582
FH Ops Navy	Unspecified Worldwide Locations	Services Account	14,510	14,510
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	70,197	70,197
Total Family Housing Operation & Maintenance, Navy and Marine Corps			**367,863**	**367,863**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	70	70
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	19	19
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	2,699	2,699
FH Ops DW	Unspecified Worldwide Locations	Leasing	36,552	36,552
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,100	10,100
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	70	70
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	546	546
FH Ops DW	Unspecified Worldwide Locations	Management Account	347	347
FH Ops DW	Unspecified Worldwide Locations	Services Account	30	30
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	280	280
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	10	10
Total Family Housing Operation & Maintenance, Defense-Wide			**50,723**	**50,723**
	Worldwide Unspecified			
HOAP	Unspecified Worldwide Locations	Homeowers Assistance Program	1,284	1,284
Total Homeowners Assistance Fund			**1,284**	**1,284**
	Worldwide Unspecified			

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Account	State/Country and Installation	Project Title	Budget Request	House Agreement
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	2,184	2,184
Total DOD Family Housing Improvement Fund			**2,184**	**2,184**
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	933	933
BRAC 05	Unspecified Worldwide Locations	Don–100: Planing, Design and Management	6,090	6,090
BRAC 05	Unspecified Worldwide Locations	Don–101: Various Locations	5,021	5,021
BRAC 05	Unspecified Worldwide Locations	Don–126: Nscs, Athens, GA	325	325
BRAC 05	Unspecified Worldwide Locations	Don–138: NAS Brunswick, ME	421	421
BRAC 05	Unspecified Worldwide Locations	Don–157: Mcsa Kansas City, MO	1,442	1,442
BRAC 05	Unspecified Worldwide Locations	Don–158: NSA New Orleans, LA	2,056	2,056
BRAC 05	Unspecified Worldwide Locations	Don–172: NWS Seal Beach, Concord, CA	9,763	9,763
BRAC 05	Unspecified Worldwide Locations	Don–2: Ns Pascagoula, MS	515	515
BRAC 05	Unspecified Worldwide Locations	Don–84: JRB Willow Grove & Cambria Reg Ap	196	196
BRAC 05	Unspecified Worldwide Locations	Ind–106: Kansas Army Ammunition Plant, KS	45,769	45,769
BRAC 05	Unspecified Worldwide Locations	Ind–110: Mississippi Army Ammo Plant, MS	122	122
BRAC 05	Unspecified Worldwide Locations	Ind–112: River Bank Army Ammo Plant, CA	320	320
BRAC 05	Unspecified Worldwide Locations	Ind–117: Deseret Chemical Depot, UT	34,011	34,011
BRAC 05	Unspecified Worldwide Locations	Ind–119: Newport Chemical Depot, in	467	467
BRAC 05	Unspecified Worldwide Locations	Ind–120: Umatilla Chemical Depot, OR	9,092	9,092
BRAC 05	Unspecified Worldwide Locations	Ind–122: Lone Star Army Ammo Plant, TX	19,367	19,367
BRAC 05	Unspecified Worldwide Locations	Int–4: NGA Activities	1,791	1,791
BRAC 05	Unspecified Worldwide Locations	Med–2: Walter Reed Nmmc, Bethesda, MD	18,586	18,586
BRAC 05	Unspecified Worldwide Locations	Med–57: Brooks City Base, TX	205	205
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	32,298	32,298
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	828	828
BRAC 05	Unspecified Worldwide Locations	Usa–113: Fort Monroe, VA	23,601	23,601
BRAC 05	Unspecified Worldwide Locations	Usa–121: Fort Gillem, GA	8,903	8,903
BRAC 05	Unspecified Worldwide Locations	Usa–131: USAR Command and Control -Se	250	250
BRAC 05	Unspecified Worldwide Locations	Usa–166: USAR Command and Control—Nw	1,000	1,000
BRAC 05	Unspecified Worldwide Locations	Usa–167: USAR Command and Control—NE	250	250
BRAC 05	Unspecified Worldwide Locations	Usa–168: USAR Command and Control—Sw	250	250
BRAC 05	Unspecified Worldwide Locations	Usa–222: Fort Mcpherson, GA	9,921	9,921
BRAC 05	Unspecified Worldwide Locations	Usa–223: Fort Monmouth, NJ	21,908	21,908
BRAC 05	Unspecified Worldwide Locations	Usa–242: Rc Transformation in NY	259	259
BRAC 05	Unspecified Worldwide Locations	Usa–36: Red River Army Depot	1,207	1,207
BRAC 05	Unspecified Worldwide Locations	Usa–63: U.S. Army Garrison (Selfridge)	1,609	1,609
Total Base Realignment and Closure Account 2005			**258,776**	**258,776**
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	123,476	123,476
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	70,716	70,716
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	129,351	129,351
Total Base Realignment and Closure Account 1990			**323,543**	**323,543**
Total Military Construction			**14,766,047**	**14,766,026**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
ENERGY SECURITY AND ASSURANCE	6,187	6,187
Atomic Energy Defense Activities		
National nuclear security administration:		
WEAPONS ACTIVITIES	7,629,716	7,629,716
DEFENSE NUCLEAR NONPROLIFERATION	2,549,492	2,549,492
NAVAL REACTORS	1,153,662	1,153,662
OFFICE OF THE ADMINISTRATOR	450,060	450,060
Total, National nuclear security administration	**11,782,930**	**11,782,930**
Environmental and other defense activities:		
DEFENSE ENVIRONMENTAL CLEANUP	5,406,781	5,406,781
OTHER DEFENSE ACTIVITIES	859,952	859,952
DEFENSE NUCLEAR WASTE DISPOSAL	0	0
Total, Environmental & other defense activities	6,266,733	6,266,733
Total, Atomic Energy Defense Activities	18,049,663	18,049,663
Total, Discretionary Funding	**18,055,850**	**18,055,850**
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,187	6,187
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	223,562	223,562
W76 Life extension program	257,035	257,035
Total, Life extension programs	**480,597**	**480,597**
Stockpile systems		
B61 Stockpile systems	72,396	72,396
W76 Stockpile systems	63,383	63,383
W78 Stockpile systems	109,518	109,518
W80 Stockpile systems	44,444	44,444
B83 Stockpile systems	48,215	48,215
W87 Stockpile systems	83,943	83,943
W88 Stockpile systems	75,728	75,728
Total, Stockpile systems	**497,627**	**497,627**
Weapons dismantlement and disposition		
Operations and maintenance	56,770	56,770
Total, Weapons dismantlement and disposition	**56,770**	**56,770**
Stockpile services		
Production support	354,502	354,502
Research and development support	30,264	30,264
R&D certification and safety	190,892	190,892
Management, technology, and production	198,700	198,700
Plutonium sustainment	154,231	154,231
Total, Stockpile services	**928,589**	**928,589**
Total, Directed stockpile work	**1,963,583**	**1,963,583**
Campaigns:		
Science campaign		
Advanced certification	94,929	94,929
Primary assessment technologies	86,055	86,055
Dynamic materials properties	111,836	111,836
Advanced radiography	27,058	27,058
Secondary assessment technologies	86,061	86,061
Total, Science campaign	**405,939**	**405,939**
Engineering campaign		
Enhanced surety	41,696	41,696
Weapon systems engineering assessment technology	15,663	15,663

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	House Authorized
Nuclear survivability	19,545	19,545
Enhanced surveillance	66,174	66,174
Total, Engineering campaign	**143,078**	**143,078**
Inertial confinement fusion ignition and high yield campaign		
Ignition	109,888	109,888
Diagnostics, cryogenics and experimental support	86,259	86,259
Pulsed power inertial confinement fusion	4,997	4,997
Joint program in high energy density laboratory plasmas	9,100	9,100
Facility operations and target production	266,030	266,030
Total, Inertial confinement fusion and high yield campaign	**476,274**	**476,274**
Advanced simulation and computing campaign	**628,945**	**628,945**
Readiness Campaign		
Nonnuclear readiness	65,000	65,000
Tritium readiness	77,491	77,491
Total, Readiness campaign	**142,491**	**142,491**
Total, Campaigns	**1,796,727**	**1,796,727**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	156,217	156,217
Lawrence Livermore National Laboratory	83,990	83,990
Los Alamos National Laboratory	318,526	318,526
Nevada Test Site	97,559	97,559
Pantex	164,848	164,848
Sandia National Laboratory	120,708	120,708
Savannah River Site	97,767	97,767
Y–12 National security complex	246,001	246,001
Institutional site support	199,638	199,638
Total, Operations of facilities	**1,485,254**	**1,485,254**
Program readiness	74,180	74,180
Material recycle and recovery	85,939	85,939
Containers	28,979	28,979
Storage	31,272	31,272
Subtotal, Readiness in technical base and facilities	**1,705,624**	**1,705,624**
Construction:		
12–D–301 TRU waste facilities, LANL	9,881	9,881
11–D–801 TA–55 Reinvestment project, LANL	19,402	19,402
10–D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	35,387	35,387
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	25,168	25,168
08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX	66,960	66,960
07–D–140 Project engineering and design (PED) various locations	3,518	3,518
06–D–141 Project engineering & design (PED) Y–12 National Security Complex, Oakridge, TN	160,194	160,194
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	300,000	300,000
Total, Construction	**620,510**	**620,510**
Total, Readiness in technical base and facilities	**2,326,134**	**2,326,134**
Secure transportation asset		
Operations and equipment	149,274	149,274
Program direction	101,998	101,998
Total, Secure transportation asset	**251,272**	**251,272**
Nuclear counterterrorism incident response	**222,147**	**222,147**
Facilities and infrastructure recapitalization program		
Operations and maintenance	96,380	96,380
Total, Facilities and infrastructure recapitalization program	**96,380**	**96,380**
Site stewardship		
Operations and maintenance	104,002	104,002
Total, Site stewardship	**104,002**	**104,002**
Safeguards and security		
Defense nuclear security		
Operations and maintenance	711,105	711,105
Construction:		
08–D–701 Nuclear materials S&S upgrade project Los Alamos National Laboratory	11,752	11,752
Total, Construction	**11,752**	**11,752**
Total, Defense nuclear security	**722,857**	**722,857**
Cyber security	126,614	126,614
Total, Safeguards and security	**849,471**	**849,471**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	House Authorized
National security applications	**20,000**	20,000
Subtotal, Weapons activities	**7,629,716**	**7,629,716**
Adjustments		
Use of prior year balances	0	0
Total, Weapons Activities	**7,629,716**	**7,629,716**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	417,598	417,598
Total, Operations and maintenance	**417,598**	**417,598**
Total, Nonproliferation & verification R&D	**417,598**	**417,598**
Nonproliferation and international security	**161,833**	**161,833**
International nuclear materials protection and cooperation	**571,639**	**571,639**
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	274,790	274,790
U.S. uranium disposition	26,435	26,435
Total, Operations and maintenance	**301,225**	**301,225**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	385,172	385,172
99–D–141–01 Pit disassembly and conversion facility, Savannah River, SC	176,000	176,000
99–D–141–02 Waste Solidification Building, Savannah River, SC	17,582	17,582
Total, Construction	**578,754**	**578,754**
Total, U.S. surplus fissile materials disposition	**879,979**	**879,979**
Russian surplus materials disposition	10,174	10,174
Total, Fissile materials disposition	**890,153**	**890,153**
Global threat reduction initiative	508,269	508,269
Total, Defense Nuclear Nonproliferation	**2,549,492**	**2,549,492**
Naval Reactors		
Naval reactors development		
Operation and maintenance		
Operation and maintenance	1,069,262	1,069,262
Total, Operation and maintenance	**1,069,262**	**1,069,262**
Construction:		
10–D–903, Security upgrades, KAPL	100	100
10–D–904, NRF infrastructure upgrades, Idaho	12,000	12,000
08–D–190 Expended Core Facility M–290 recovering discharge station, Naval Reactor Facility, ID	27,800	27,800
Total, Construction	**39,900**	**39,900**
Total, Naval reactors development	**1,109,162**	**1,109,162**
Program direction	44,500	44,500
Total, Naval Reactors	**1,153,662**	**1,153,662**
Office Of The Administrator		
Office of the administrator	450,060	450,060
Congressionally directed projects	0	0
Subtotal, Office of the Administrator	**450,060**	**450,060**
Adjustments:		
Use of prior year balances	0	0
Subtotal, Office of the Administrator	**450,060**	**450,060**
Transfer of prior year balances (OMB scoring)	0	0
Total, Office Of The Administrator	**450,060**	**450,060**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	5,375	5,375
Total, Closure sites	**5,375**	**5,375**
Hanford site:		
Nuclear facility D&D—remainder of Hanford	56,288	56,288
Nuclear facility D&D river corridor closure project	330,534	330,534
Nuclear material stabilization and disposition PFP	48,458	48,458
SNF stabilization and disposition	112,250	112,250
Soil and water remediation—groundwater vadose zone	222,285	222,285
Solid waste stabilization and disposition 200 area	143,897	143,897

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	House Authorized
Total, Hanford site	***913,712***	***913,712***
Idaho National Laboratory:		
SNF stabilization and disposition—2012	*20,114*	*20,114*
Solid waste stabilization and disposition	*165,035*	*165,035*
Radioactive liquid tank waste stabilization and disposition	*110,169*	*110,169*
Soil and water remediation—2012	*87,451*	*87,451*
Total, Idaho National Laboratory	***382,769***	***382,769***
NNSA sites		
Lawrence Livermore National Laboratory	*873*	*873*
Nuclear facility D & D Separations Process Research Unit	*1,500*	*1,500*
Nevada	*63,380*	*63,380*
Los Alamos National Laboratory	*357,939*	*357,939*
Total, NNSA sites and Nevada off-sites	***423,692***	***423,692***
Oak Ridge Reservation:		
Nuclear facility D & D ORNL	*44,000*	*44,000*
Nuclear facility D & D Y–12	*30,000*	*30,000*
Nuclear facility D & D, E. Tennessee technology park	*100*	*100*
OR reservation community and regulatory support Soil and water remediation—offsites	*3,000*	*3,000*
Solid waste stabilization and disposition—2012	*99,000*	*99,000*
Total, Oak Ridge Reservation	***176,100***	***176,100***
Office of River Protection:		
Waste treatment and immobilization plant		
ORP–0060 / Major construction Waste treatment plant (WTP)	*840,000*	*840,000*
Total, Waste treatment and immobilization plant	***840,000***	***840,000***
Tank farm activities		
Rad liquid tank waste stabilization and disposition	*521,391*	*521,391*
Total, Tank farm activities	***521,391***	***521,391***
Total, Office of River protection	***1,361,391***	***1,361,391***
Savannah River site:		
Nuclear material stabilization and disposition	*235,000*	*235,000*
Radioactive liquid tank waste stabilization and disposition	*748,896*	*748,896*
05–D–405 Salt waste processing facility, Savannah River	*170,071*	*170,071*
SNF stabilization and disposition	*40,137*	*40,137*
Solid waste stabilization and disposition	*30,040*	*30,040*
Total, Savannah River site	***1,224,144***	***1,224,144***
Waste Isolation Pilot Plant		
Waste isolation pilot plant	*147,136*	*147,136*
Central characterization project	*23,975*	*23,975*
Transportation	*29,044*	*29,044*
Community and regulatory support	*28,771*	*28,771*
Total, Waste Isolation Pilot Plant	***228,926***	***228,926***
Program direction	*321,628*	*321,628*
Community, regulatory and program support	*91,279*	*91,279*
Safeguards and Security:		
Oak Ridge Reservation	*17,300*	*17,300*
Paducah	*9,435*	*9,435*
Portsmouth	*16,412*	*16,412*
Richland/Hanford Site	*69,234*	*69,234*
Savannah River Site	*130,000*	*130,000*
Waste Isolation Pilot Project	*4,845*	*4,845*
West Valley	*1,600*	*1,600*
Total, Safeguards and Security	***248,826***	***248,826***
Technology development	*32,320*	*32,320*
Subtotal, Defense environmental cleanup	***5,410,162***	***5,410,162***
Use of prior year balances	*–3,381*	*–3,381*
Total, Defense Environmental Cleanup	***5,406,781***	***5,406,781***
Other Defense Activities		
Health, safety and security		
Health, safety and security	*349,445*	*349,445*
Program direction	*107,037*	*107,037*
Total, Health, safety and security	***456,482***	***456,482***

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	House Authorized
Office of Legacy Management		
Legacy management	*157,514*	*157,514*
Program direction	*12,586*	*12,586*
Total, Office of Legacy Management	***170,100***	***170,100***
Defense-related activities		
Infrastructure		
Idaho sitewide safeguards and security	*98,500*	*98,500*
Total, Defense-related activities	***98,500***	***98,500***
Defense related administrative support	*118,836*	*118,836*
Acquisitions workforce improvement	*11,892*	*11,892*
Office of hearings and appeals	*4,142*	*4,142*
Total, Other Defense Activities	***859,952***	***859,952***

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–88 or section 6 of House Resolution 276, and amendments en bloc described in section 3 of that resolution. Each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

All points of order against amendments printed in the report or against amendments en bloc described in section 3 of House Resolution 276 are waived.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–88.

Mr. WITTMAN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, after line 26, insert the following:

SEC. 127. FORD-CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of the Navy may enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers.

(b) REQUIREMENTS.—In carrying out this section, the Secretary of the Navy may—

(1) enter into contracts under subsection (a) in a manner that the Secretary determines will result in the lowest cost to the United States given the variability of shipyard industrial capacity and other factors; and

(2) enter into contracts with the prime contractor chosen for major fabrication and construction of the vessels or directly with other contractors to supply materiel and equipments for the construction of the vessels in such a manner as to reduce cost to the United States of such materiel and equipments by purchasing in economic order quantities.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

(d) OTHER AUTHORITY.—Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is amended by striking ''three fiscal years'' and inserting ''four fiscal years''.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Chairman, I would first like to thank Chairman MCKEON for his hard work and leadership on bringing the NDAA to the floor. Thank you so much, we appreciate that. I also want to recognize Ranking Member SMITH for his efforts. This is a long and arduous process, and I know that the hours to come on the floor will be very fruitful, I'm sure, for everybody to have the opportunity to speak on this bill.

I rise today to offer an amendment to address how we build Ford-class aircraft carriers, our Nation's next class of nuclear-powered carriers that will sail throughout the 21st century. This amendment simply grants the Secretary of the Navy the authority for advance purchase of major components for the next two aircraft carriers. This would allow the Navy to achieve cost savings and would ensure critical skills in the aircraft carrier industrial base are maintained.

Furthermore, this amendment ensures that carriers are constructed on a 5-year cycle with continuous and incremental funding for carrier procurement. Given these tight budgetary constraints, we need to be looking for ways to spend taxpayer dollars to support our national defense in the most efficient way possible. Madam Chairman, this amendment allows us to do just that. It allows us to properly space construction, and it allows us to get out in front to purchase materials when we can purchase them in the most cost-effective manner possible.

So I would urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. COURTNEY. Madam Chair, I claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

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

Very briefly, I rise in support of the gentleman from Virginia's amendment, which is a smart amendment. It gives the Navy the flexibility it should have to make sure that it gets the best deal for the taxpayer while at the same time providing a mechanism to preserve the industrial base.

My friend from Virginia and I cochair the Shipbuilding Caucus, which is a bipartisan caucus, one of whose main goals is to strengthen and preserve America's shipbuilding industrial base, and that's precisely what this amendment will do. And again, it aligns the construction schedule with the statutory empowerment to the Secretary of Navy to achieve all those goals.

Madam Chair, I yield back the balance of my time.

Mr. WITTMAN. Madam Chairman, I urge my colleagues to adopt this

amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–88.

Ms. WOOLSEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, after line 26, insert the following:

SEC. 127. ELIMINATION OF AVAILABILITY OF FUNDS FOR PROCUREMENT OF V–22 OSPREY AIRCRAFT.

Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by $2,224,817,000, with the amount of the reduction to be derived from Line 009 V–22 (Medium Lift) as set forth in the table under section 4101; and

(2) the amount authorized to be appropriated in section 101 for aircraft procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by $339,865,000, with the amount of the reduction to be derived from Line 019 V22-Osprey as set forth in the table under section 4101.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

□ 1510

Ms. WOOLSEY. Madam Chair, in the current budget debate, I often hear from my Republican colleagues that everything should be on the table. By that they usually mean every domestic program that helps working families make ends meet should be on the table.

But if everything is really on the table, that has to include expensive weapons systems that have failed to contribute to our national security, like the V–22 Osprey aircraft. That's why I'm offering this amendment to the National Defense Authorization Act, which will eliminate funding for the V–22 Osprey aircraft.

The Osprey's mishaps have become practically the stuff of legend. It's a poster child for the excesses and inefficiencies of the military industrial complex.

Its safety record is abysmal. Thirty Americans have been killed during V–22 training exercises. Most recently, Madam Chair, during a public demonstration in New York last spring, its prop rotors knocked down tree limbs and injured 10 civilian bystanders.

The Marine Corps itself has even concluded that leaving the engine idling could generate such high temperatures that the entire flight deck could melt in 10 minutes. In 2009, a GAO report gave the Osprey mediocre marks and questioned its ability to perform all of the functions of the helicopter it's supposed to replace. From its ability to operate in high-threat environments to carrying troops and transporting cargo, the Osprey underperformed across the board. I'm still trying to figure out what good it is to have a combat plane that doesn't operate well in high-threat environments. That's like having a coat that doesn't do well in the cold. If you had one, you'd stop wearing it; and you wouldn't spend more and more each year on the same flawed coat.

The V–22 Osprey is a boondoggle. One aspect of its maintenance even includes a special lightweight paint that costs $75,000 per aircraft—and we thought $600 toilet seats at the Pentagon were a rip-off. At a time when Americans are being forced to tighten their belts, they don't want to pay $75,000 to paint a plane that has done little to keep the country safe.

It's the job of the Pentagon to protect the American people, not to make defense contractors rich by perpetuating systems and programs long beyond the point that they've failed. That's why the cochairs of the Fiscal Commission, Erskine Bowles and former Senator Alan Simpson, recommended canceling the V–22. That's why the most hawkish of any U.S. Government official I can remember, a former Defense Secretary named Dick Cheney, wanted to terminate it at least 20 years ago.

The V–22 Osprey has been given more than enough time to prove its worth. It has been over a quarter of a century. It has cost taxpayers over $32 billion—money we could have been spending on programs the American people need. And for the sake of our national defense, and in the name of fiscal discipline, this V–22 must go. So I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. THORNBERRY. Madam Chair, I claim the time in opposition.

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

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

Madam Chair, Will Rogers was quoted as having said, ''It ain't so much what a man doesn't know that causes him so many problems but what he thinks he knows that just ain't so.'' And there have been so many arguments today and in the past about the V–22 that are just ain't so that I suggest that Members have some responsibility to learn the facts themselves.

Some of those facts are that as of February 2011, V–22 has exceeded 100,000 total flight hours since the program's inception. For the Marines, over the last 10 years the V–22 has the lowest Class A mishap rate of any currently fielded tactical rotor craft. The unrefueled combat radius of the V–22 is more than twice that of the helicopter it's replacing, and it flies at more than 100 miles an hour faster.

On March 22 this year it was V–22s that went in to rescue the Air Force pilot who went down over Libya. And the list goes on and on.

The V–22 is performing very well, previously in Iraq and right now in Afghanistan.

Madam Chair, I don't know if any of the Members are particularly interested in learning the ground truth of what's going on with the V–22 or have talked with marines or Special Operations Forces about how it's performing; but I'd suggest if they want to know the real facts, they ought to go talk to the people who really fly it because that way they will learn about what is really happening.

A month ago, I did have the opportunity to fly in the V–22 in Afghanistan, and I did talk to the pilots about how it's performing, about any maintenance issues they had, and a whole variety of things—all of which they thought was performing very, very well.

But, Madam Chair, the most memorable exchange I had was talking with a young marine who had lost a buddy of his because the helicopter that was trying to get his buddy to the hospital couldn't make it there to the hospital in that first hour after he was wounded. And that's the critical time. And this young marine told me, he said, I keep thinking that if we'd had the V–22s available at that time, my buddy might have made it there on time.

Now, the bottom line is this aircraft is saving lives; it is enabling our marines and special operators to do the mission that we've asked them to do. It is on-target as far as cost, production schedule, the rest. It is doing more than we expected, and such amendments to remove it at this stage are shortsighted at best.

With that, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chairman, I wouldn't blame the gentleman from Texas for supporting the V–22 when a great bit of it is built in his district and he needs to defend it.

But I'd like to just repeat so that people understand this. So far, the V–22 has cost over $32 billion. When it was initiated in 1986, it was estimated to cost $39 billion. Today, it's estimated to cost $53 billion. Terminating the V–22 would save $10 billion to $12 billion over the next 10 years. Actually, it would save $2½ billion in funding for procurement of the Navy and Air Force just this year alone.

With that, Madam Chair, I'd like to say if you're talking about everything on the table, look at this. It's had its turn, 20, 30 years to prove itself; and it's time that we end this relationship.

I yield back the balance of my time.

Mr. THORNBERRY. Madam Chair, noting that it's not about where it's built, it's about saving lives and completing the mission, I would yield to my colleague from Texas, the ranking member of the Air and Land Subcommittee, Mr. REYES, such time as he would consume.

Mr. REYES. I thank the gentleman for yielding.

Just in fairness, none of the manufacturing of this great aircraft is in my district. So what I'm saying is based on my experience and what I know about the capabilities of this great aircraft.

First and foremost, if we had had the Osprey when we went into combat in Tora Bora, we wouldn't have had the casualties that we suffered there because it's got much better capabilities than even the upgraded CH–47s that we were using at the time.

Secondly, in February, along with the chairman and another member of our committee, we flew the MV–22 in Afghanistan. I also had an opportunity to talk to the pilots and talk to the crew chief, mainly because that's what I did when I was in the Army. I was in aviation. And I wanted to get a sense from them as to what they felt about the aircraft.

□ 1520

All of them said this was a great aircraft with great capabilities—a technological marvel.

The bottom line is that is it effective. It is not how much have we paid for it but, rather, how many lives have we saved with it, and how many lives will we save because of it.

In closing, Madam Chair, I submit for the RECORD a letter from the Commandant of the U.S. Marine Corps, and I want to read a paragraph from that letter.

It reads, ''This aircraft is safe and survivable, effective and efficient. The MV–22 has operated successfully in extreme environmental conditions—'' extreme environmental conditions like the ones we were in when we were in Afghanistan ''—during nine combined deployments to Iraq, Afghanistan and aboard amphibious shipping. It has the lowest Class A flight mishap rate of any United States Marine Corps rotorcraft in the past 10 years. In addition to being safe, our Osprey offers a very efficient use of resources. In 2010, the MV–22 had the lowest cost per seat mile of any Department of the Navy rotorcraft. Those figures will only improve as our cost per flight hour continues to decrease and our readiness rates continue to rise.''

Vote ''no.''

FEBRUARY 15, 2011.

Hon. C.W. BILL YOUNG,
Chairman, Subcommittee on Defense, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: In light of the current debate regarding the MV–22, I appreciate this opportunity to expound upon this important issue. The effectiveness and survivability of the MV–22 Osprey have been demonstrated repeatedly in combat, from land-based operations in Iraq and Afghanistan to sea-based operations in Haiti and the Horn of Africa. The Osprey is giving our Combatant Commanders unprecedented agility and operational reach. As we remain actively engaged in combat for the foreseeable future, the revolutionary capability of the MV–22 will be a cornerstone of our Marine Air Ground Task Force.

Without a doubt, this great country faces tough challenges in the coming years. Continuous forward engagement, coupled with growing fiscal pressures at home, presents a dilemma in the face of public demands for dramatic action. The MV–22 is the medium lift assault support aircraft for the Marine Corps, and we must have it in sufficient quantities to support our ground forces and ensure robust sustainment from industry. The cost of introducing a second aircraft to make up the difference in medium lift would be extreme. A prudent evaluation of the facts makes it clear that the V–22 Program of Record must be kept intact.

This aircraft is safe and survivable, effective and efficient. The MV–22 has operated successfully in extreme environmental conditions during nine combined deployments to Iraq, Afghnistan, and aboard amphibious shipping. It has the lowest Class A flight mishap rate of any USMC rotorcraft in the past ten years. In addition to being safe, our Osprey offers a very efficient use of resources. In 2010, the MV–22 had the lowest cost per seat mile of any Department of the Navy rotorcraft. Those figures will only improve as our cost per flight hour continues to decrease and our readiness rates continue to rise.

As we consider the likely challenges of the next two decades and how the Corps will meet them, one thing emains clear: America needs an Expeditionary Force in Readiness that is prepared to respond to any crisis. We are a maritime Nation with global responsibilities requiring ready, agile sea-based forces. These forces are organized, trained and equipped to conduct operations in the littorals—from humanitarian assistance to major combat—and ''such other duties as the President may direct.'' This has been, and will remain, the Marine Corps' primary role in providing for the Nation's defense. The MV–22 serves as a critical linchpin that will enable our Corps to deliver this capability across the spectrum of operations.

Again, I appreciate the opportunity to provide these details, and I stand ready to answer any additional questions you or others on your Committee may have.

Sincerely,

JAMES F. AMOS,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Madam Chair, I demand a recorded vote.

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

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Chairwoman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 29, 34, 35, and 36 printed in House Report 112–88 and amendment No. 5 as specified by section 6 of House Resolution 276 offered by Mr. MCKEON:

AMENDMENT NO. 3 OFFERED BY MR. TONKO

Page 92, after line 12, insert the following:

SEC. 254. APPLICATION OF RNA BIOLOGICAL AND FUNCTIONAL SCIENCE AND TECHNOLOGY.

In carrying out the medical advanced technology program, the Secretary of Defense shall ensure that, when applicable, RNA biological and functional science and technology are used for research in which RNA may be a translational tool and potentially therapeutic, including—

(1) infectious diseases employed by terrorists or other entities to have a battlefield effect;

(2) memory disorders;

(3) rare diseases; and

(4) other diseases affecting military readiness.

AMENDMENT NO. 4 OFFERED BY MS. HAYWORTH

Page 92, after line 12, insert the following:

SEC. 254. SENSE OF CONGRESS ON ACTIVE MATRIX ORGANIC LIGHT EMITTING DIODE TECHNOLOGY.

It is the sense of Congress that—

(1) active matrix organic light emitting diode (in this section referred to as ''OLED'') technology displays have the potential to reduce the size, weight, and energy consumption of both dismounted and mounted systems of the Armed Forces;

(2) the United States has a limited OLED manufacturing industry;

(3) to ensure a reliable domestic source of OLED displays, the Secretary of Defense should use existing programs, including the ManTech program, to support the reduction of the costs and risks related to OLED manufacturing technologies; and

(4) the reduction of such costs and risks of OLED manufacturing has the potential to enable the affordable production and sustainment of future weapon systems, as well as the affordable transition of new technologies that can enhance capabilities of current force systems.

AMENDMENT NO. 7 OFFERED BY MRS. MILLER OF MICHIGAN

At the end of subtitle B of title V, add the following:

SEC. 515. CHIEF OF NATIONAL GUARD BUREAU.

(a) ROLE AS ADVOCATE AND LIAISON.—Section 10502 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c), the following new subsection:

''(d) ADVOCATE AND LIAISON FOR STATE NATIONAL GUARDS.—The Chief of the National Guard Bureau shall serve as an advocate and liaison for the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and inform such National Guards of all actions that could affect their Federal or State missions, including any equipment level or force structure changes.''.

(b) INCLUSION AS MEMBER OF JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 10502 of title 10, United States Code, is further amended by inserting after subsection (d) (as amended by subsection (a) of this section), the following new subsection:

''(e) MEMBER OF JOINT CHIEFS OF STAFF.—

''(1) The Chief of the National Guard Bureau shall be a member of the Joint Chiefs of Staff (as described in section 151 of this title).

''(2) As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of advocating for the National Guards of the States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and coordinating the efforts of the

warfighting support and force provider mission of the National Guard with the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard to ensure the National Guard has the resources to perform its multiple missions.

''(3) The Chief of the National Guard Bureau shall consult with the Governors and the Adjutants General of the States before any changes are made in National Guard force structure or equipment levels (or both) to determine the impact such changes may have on the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard.''.

(2) CONFORMING AMENDMENT.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

AMENDMENT NO. 8 OFFERED BY MR. SCHOCK

At the end of subtitle C of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) APPROVAL OF REQUEST.—The Secretary of the military department concerned, and the Secretary of Homeland Security in the case of members of the Coast Guard, shall approve a request submitted by a member pursuant to subsection (a).

(c) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

AMENDMENT NO. 9 OFFERED BY MR. BACA

At the end of subtitle C of title V, add the following new section:

SEC. 5___. DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.

(a) PROGRAM ENHANCEMENTS.—

(1) ENHANCEMENT.—The Secretary of Defense shall take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the Armed Forces from their initial enlistment or appointment through their final retirement or separation.

(2) COOPERATIVE EFFORT.—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(A) the Secretary of Veterans Affairs, the National Institute of Mental Health, and the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services; and

(B) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(b) SUICIDE PREVENTION TRAINING COMPONENT DURING RECRUIT BASIC TRAINING.—

(1) ARMY.—

(A) TRAINING REQUIRED.—Chapter 401 of title 10, United States Code, is amended by inserting after section 4320 the following new section:

''§ 4320a. Recruit basic training: availability of suicide prevention resources

''(a) AVAILABILITY.—As part of the initial entry training program of the Army that constitutes the basic training of new recruits, the Secretary of the Army shall include a training component on suicide prevention.

''(b) ELEMENTS.—The suicide prevention training component shall include the following:

''(1) Methods for recognizing risk factors for suicide.

''(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

''(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

''(4) Information on best practices for suicide prevention.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

''4320a. Recruit basic training: availability of suicide prevention resources.''.

(2) NAVY AND MARINE CORPS.—

(A) TRAINING REQUIRED.—Chapter 602 of such title is amended by adding at the end the following new section:

''§ 6933. Recruit basic training: availability of suicide prevention resources

''(a) AVAILABILITY.—As part of the initial entry training program of the Navy and the Marine Corps that constitutes the basic training of new recruits, the Secretary of the Navy shall include a training component on suicide prevention.

''(b) ELEMENTS.—The suicide prevention training component shall include the following:

''(1) Methods for recognizing risk factors for suicide.

''(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

''(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

''(4) Information on best practices for suicide prevention.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''602. Recruit basic training: availability of suicide prevention resources.''.

(3) AIR FORCE.—

(A) TRAINING REQUIRED.—Chapter 901 of such title is amended by inserting after section 9320 the following new section:

''§ 9320a. Recruit basic training: availability of suicide prevention resources

''(a) AVAILABILITY.—As part of the initial entry training program of the Air Force that constitutes the basic training of new recruits, the Secretary of the Air Force shall include a training component on suicide prevention.

''(b) ELEMENTS.—The suicide prevention training component shall include the following:

''(1) Methods for recognizing risk factors for suicide.

''(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

''(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

''(4) Information on best practices for suicide prevention.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

''4320a. Recruit basic training: availability of suicide prevention resources.''.

(c) PRESEPARATION COUNSELING.—Section 1142(b)(8) of such title is amended by inserting before the period the following: ''and the availability to the member and the member's family of the suicide prevention resources described in section 1177(d) of this title''.

(d) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 421 for military personnel, as specified in the corresponding funding table in division D, is hereby increased by $5,000,000, with the amount of the increase allocated to carrying out this section and the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by $5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under line 049 Tactical Communications Electronic Equipment, as specified in the corresponding funding table in section 4101.

AMENDMENT NO. 10 OFFERED BY MR. COHEN

At the end of subtitle C of title V, add the following new section:

SEC. 5___. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking ''Only the'' in the matter preceding paragraph (1) and inserting ''The'';

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''clauses (1)-(3)'' and inserting ''paragraphs (1) through (4)''; and

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.''.

AMENDMENT NO. 11 OFFERED BY MR. BECERRA

At the end of subtitle E of title V, add the following new section:

SEC. 5___. DIVERSITY RECRUITMENT EFFORTS FOR THE MILITARY SERVICE ACADEMIES.

(a) FUNDS FOR DIVERSITY RECRUITMENT EFFORTS.—The amounts authorized to be appropriated by section 301 for operation and maintenance for the Army, Navy, and Air Force for officer acquisition, as specified in the corresponding funding table in section 4301, are each increased by $1,400,000 to expand diversity recruitment efforts for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(b) OFFSET FROM JOINT TACTICAL RADIO SYSTEM.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by $4,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

AMENDMENT NO. 13 OFFERED BY MR. MC NERNEY

At the end of subtitle H of title V, add the following new section:

SEC. 577. SENSE OF CONGRESS REGARDING FINANCIAL COUNSELING FOR MILITARY FAMILIES.

It is the sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for members of the Armed Forces and their families.

AMENDMENT NO. 14 OFFERED BY MR. MC NERNEY

Strike section 591 and insert the following new section:

SEC. 591. AUTHORITY TO PROVIDE SUPPORT AND SERVICES FOR CERTAIN ORGANIZATIONS AND ACTIVITIES OUTSIDE DEPARTMENT OF DEFENSE.

Section 2012 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) LIMITATION ON ANNUAL OBLIGATION OF FUNDS.—Not more than $20,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.''.

AMENDMENT NO. 15 OFFERED BY MR. KING OF NEW YORK

At the end of subtitle J of title V of division A, add the following new section:

SEC. 598. POSTAL BENEFITS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Supply Our Soldiers Act of 2011''.

(b) POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits shall be provided to qualified individuals in accordance with succeeding provisions of this section.

(2) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual who is—

(A) a member of the Armed Forces of the United States on active duty (as defined in section 101 of title 10, United States Code); and

(B)(i) serving in Iraq or Afghanistan; or

(ii) hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(3) POSTAL BENEFITS DESCRIBED.—

(A) IN GENERAL.—The postal benefits provided under this section shall consist of such coupons or other similar evidence of credit (whether in printed, electronic, or other format, and hereinafter in this section referred to as ''vouchers'') as the Secretary of Defense (in consultation with the Postal Service) shall determine, entitling the bearer or user to make qualified mailings free of postage.

(B) QUALIFIED MAILING.—For purposes of this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(i) is described in clause (i) or (ii) of subparagraph (C);

(ii) is sent from within an area served by a United States post office; and

(iii) is addressed to a qualified individual.

(C) MAIL DESCRIBED.—Mail described in this subparagraph is—

(i) any first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence; and

(ii) parcel post not exceeding 15 pounds in weight.

(D) LIMITATIONS.—

(i) NUMBER.—An individual shall be eligible for one voucher for each two-month period in which such individual is a qualified individual.

(ii) USE.—Any such voucher may not be used—

(I) for more than a single qualified mailing; or

(II) after the expiration date of such voucher, as designated by the Secretary of Defense.

(E) COORDINATION RULE.—Postal benefits under this section shall be in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(4) REGULATIONS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense (in consultation with the Postal Service) shall prescribe any regulations necessary to carry out this section, including—

(A) procedures by which vouchers will be provided or made available in timely manner to persons duly identified by qualified individuals to receive those vouchers; and

(B) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with paragraph (3)(D)(i).

(c) FUNDING.—

(1) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby increased by $12,000,000, with the amount of the increase allocated to the Office of the Secretary of Defense, as set forth in the table under section 4301, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table of division D, is hereby reduced by $12,000,000 with the amount of the reduction to be derived from the Joint Tactical Radio System, Ground Mobile Radio Program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) TRANSFERS TO POSTAL SERVICE.—

(A) BASED ON ESTIMATES.—The Department of Defense shall transfer to the Postal Service, out of any amount so appropriated and in advance of each calendar quarter for fiscal year 2012 beginning on or after January 1, 2012, and during which postal benefits under this section may be used, an amount equal to the amount of postal benefits that the Department of Defense estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Department finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(B) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this subsection, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of fiscal year 2012.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under this section used in any period shall be made by the Department of Defense in consultation with the Postal Service.

(d) DURATION.—The postal benefits under this section shall apply with respect to mail matter sent during the period beginning on October 1, 2011, and ending on September 30, 2012.

AMENDMENT NO. 16 OFFERED BY MR. RUPPERSBERGER

At the end of subtitle C of title VI, add the following new section:

SEC. 623. INCLUSION OF MEMBERS OF THE ARMED FORCES ASSIGNED TO EGYPT MULTI-NATIONAL FORCE AND OBSERVERS MISSION IN UNITED STATES CENTRAL COMMAND REST AND RECUPERATION ABSENCE PROGRAM.

(a) INCLUSION OF MNFOM MEMBERS.—Subsection (b) of section 705a of title 10, United States Code, as added by section 532 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4216), is amended to read as follows:

''(b) ELIGIBLE MEMBERS.—Subject to such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a), the following members of the armed forces are eligible for selection to receive the benefits described in subsection (c):

''(1) A member who is assigned or deployed for at least 270 days in an area or location—

''(A) that is designated by the President as a combat zone; and

''(B) in which hardship duty pay is authorized to be paid under section 305 of title 37.

''(2) A member who is assigned to duty for at least 270 days as a participant in the Egypt Multi-National Force and Observers Mission.''.

(b) FUNDING SOURCE.—Notwithstanding the amounts set forth in the funding table in section 4501, the Secretary of Defense may transfer up to $4,000,000 from the Mission Force Enhancement Transfer Fund established by section 1433 to another account of the Department of Defense to mitigate unfunded requirements for fiscal year 2012 incurred as a result of the amendment made by subsection (a).

(c) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by $5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 17 OFFERED BY MR. CARTER

At the end of title VI, add the following new section:

SEC. 662. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.

(a) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

AMENDMENT NO. 21 OFFERED BY MR. SESSIONS

Page 345, after line 8, insert the following:

SEC. 731. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The treatment (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT AUTHORITY.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall make payments under this section for treatments received by members of the Armed Forces using the authority in subsection (c)(1) of section 1074 of title 10, United States Code.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall make payments under this section for treatments received by veterans using the authority in section 1728 of title 38, United States Code.

(f) PAYMENT AMOUNT.—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment, in the case of data relating to a patient case involving the use of such treatment.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment under this section, or for the provision of such treatment, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense

are authorized to make payments under this section.

(p) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) IN GENERAL.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by $10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by $10,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System, ground-mobile radio program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

AMENDMENT NO. 29 OFFERED BY MS. WATERS

At the end of title VIII, add the following new section:

SEC. 845. PREFERENCE FOR POTENTIAL CONTRACTORS THAT CARRY OUT CERTAIN ACTIVITIES.

In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide a preference to any offeror that—

(1) enhances undergraduate, graduate, and doctoral programs in science, technology, engineering and math (in this section referred to as ''STEM'' disciplines);

(2) makes investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools;

(3) encourages employees to volunteer in Title I schools in order to enhance STEM education and programs;

(4) makes personnel available to advise and assist faculty at such colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establishes partnerships between the offeror and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines;

(6) awards scholarships and fellowships, and establishes cooperative work-education programs in scientific disciplines; or

(7) conducts recruitment activities at historically black colleges and universities and other minority-serving institutions or offers internships or apprenticeships.

AMENDMENT NO. 34 OFFERED BY MS. HAYWORTH

Page 429, after line 13, insert the following:

SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source; and

(3) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature.

(b) DEFINITION OF INHERENTLY GOVERNMENTAL.—In this section, the term ''inherently governmental'' has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

AMENDMENT NO. 35 OFFERED BY MR. CUELLAR

Page 431, line 13, strike ''**Counter-Drug Activities**'' and insert ''**Counter-Drug Activities and Counter Transnational Criminal Activities**''.

At the end of subtitle B of title X (page 434, after line 7), add the following new section:

SEC. 1015. MITIGATION OF NATIONAL SECURITY THREATS ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should continue to increase intelligence and technology sharing information and capability with the Secretary of Homeland Security and other agencies to mitigate national security threats along the international border between the United States and Mexico, including threats of infiltration and border breaches by transnational criminal organizations; and

(2) the Secretary of Defense should strongly consider operationally testing, along the international border between the United States and Mexico, emerging technology capabilities developed for the purposes of detection, intelligence, and surveillance.

(b) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the effectiveness of the ongoing collaborative programs with the Government of Mexico intended to strengthen the capability of Mexican forces to detect and deter infiltration of the United States border and other national security threats by transnational crime organizations.

AMENDMENT NO. 36 OFFERED BY MR. HUNTER

Page 438, after line 2, insert the following:

SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.

Congress strongly encourages the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

AMENDMENT NO. 5 OFFERED BY MR. SCHIFF

Page 113, after line 17, insert the following:

SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) HEALTH ASSESSMENT REPORTS.—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

''(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

''(2) A copy of the methodology used to determine the health risks described in paragraph (1).

''(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.''.

MODIFICATION TO AMENDMENT NO. 5

Mr. MCKEON. Madam Chair, I ask unanimous consent that amendment No. 5 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Page 113, after line 17, insert the following:

SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) HEALTH ASSESSMENT REPORTS.—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

''(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

''(2) A copy of the methodology used to determine the health risks described in paragraph (1).

''(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.''.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

MODIFICATION TO AMENDMENT NO. 34

Mr. MCKEON. I ask unanimous consent that amendment No. 34 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

Page 429, after line 13, insert the following:

SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) DEFINITION OF INHERENTLY GOVERNMENTAL.—In this section, the term ''inherently governmental'' has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

MODIFICATION TO AMENDMENT NO. 36

Mr. MCKEON. I ask unanimous consent that amendment No. 36 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Page 438, after line 2, insert the following:

SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.

Congress strongly encourages the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Madam Chair, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

I now yield 2 minutes to my friend and colleague, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Madam Chairman, if you want to be reminded of what an American hero is today, you don't have to search far within the ranks of our military to find one. Today, I'd like to share the story of a couple of such heroes—in fact, a family of them.

Army Specialist Ron Gebur was a 23-year-old sniper who was killed by an IED in Iraq 5 years ago. Ron's wife, Bethany, also served as an Army medic.

At the time of Ron's death, they had a 9-month-old son, Gage, and Bethany had just received orders to deploy to Iraq herself. Her orders would have required her to leave well before Ron was scheduled to return home from his service in Iraq.

Recently, Ron's mother-in-law contacted me. She asked me to stand up for these dual military families to ensure children like Gage don't grow up as orphans or have to go through the experience of seeing both Mom and Dad deployed at the very same time.

Today, I am offering an amendment that would give these dual military families with children some flexibility, knowing that they have an option to defer concurrent deployment into a war zone. We need to ensure that these families don't have to choose between serving their families and serving their country.

Specialist Ron Gebur gave the ultimate sacrifice, and I offer this amendment in his honor.

Mr. SMITH of Washington. Madam Chair, I support the amendment being offered.

With that, I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Chair, my amendment encourages the DOD Medical Research Program to use the most advanced research technology possible when researching certain diseases.

The DOD Medical Research Program has made great advances in diagnostics relative to breast cancer and prostate cancer, but traditional drug therapies have had limited success. Recent breakthroughs in RNA-based treatments hold the promise of overcoming major limitations of current medicines which are able to target only a limited number of proteins involved in diseased pathways. This would tremendously increase the effectiveness of drug treatments for these devastating illnesses. Over the past several years, scientific and technical breakthroughs have significantly advanced the field of RNA-based therapeutics. Encouraging DOD to use RNA science and technology would make a profound and viable contribution to the eight current medical research programs.

Finally, Madam Chair, this new technology can help identify different drug candidates to treat memory deficiencies and memory disorders that are a factor in Post-Traumatic Stress Disorder, including depression. With the thousands of young men and women returning home from Iraq and Afghanistan who are experiencing PTSD and depression, we must do everything we can to treat these disorders. We owe it to these brave Americans to use every technology that we can to help ease their transition here at home.

Madam Chair, I ask my colleagues to join me in support of this amendment.

Mr. MCKEON. Madam Chair, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Currently, private health care providers are treating brain injury patients with new and innovative treatments with remarkable results. Surprisingly, many of these treatments are not currently available within military and veteran medical facilities for our heroes suffering from traumatic brain injuries.

In an effort to fix this delinquency, I introduced the TBI Treatment Act (H.R. 396) in January, and am offering it as an amendment today. The TBI Treatment Act establishes a 5-year ''pay-for-performance'' pilot program. Private health care providers are authorized and reimbursed to provide proven treatments to active duty soldiers and veterans at no cost to the patient.

My amendment helps expedite these ground-breaking treatments to our Nation's veterans and active duty soldiers who are suffering from traumatic brain injury. I ask that everyone in this House to join me in supporting this amendment to NDAA.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the ranking member for yielding, and I thank both the ranking member and the chairman for their work on this particular set of amendments that have been put together en bloc.

I want to just say that I have an amendment here that I hope that we can not only use in the future, but I hope it is one that will help America continue to seek out the best and the brightest to service in our military, both in the ranks of our troops and also as our officers.

As we all know, one of the great privileges we have as Members of Congress is to nominate the future leaders, the officer corps of our military. Through the military academies that we have, we have an opportunity to train young men and women to be our future leaders in our military but, more importantly, our future leaders of America because many go on beyond

military service to become future leaders in the civic world. So this amendment makes sure that our military academies have an opportunity to go to every corner of our country to find the best and brightest.

□ 1530

Some areas have been harder to reach out to than others. Working with our Members of Congress through the nominations process, we hope that the Pentagon and military services, with their academies, can reach out to all those young people who are ready to serve.

I thank both the chairman and the ranking member for making this amendment part of the en bloc series of amendments.

Mr. MCKEON. Madam Chair, I yield 1 minute to my friend and colleague, the gentlelady from New York (Ms. HAYWORTH).

Ms. HAYWORTH. Thank you and the committee, Mr. Chairman, for your support of my amendment.

The amendment that I have offered, No. 4, simply adds the sense of Congress that the Federal Government should not be in the business of competing with its citizens in private enterprise. As such, the Federal Government should not carry on activities if they can be procured more economically from a commercial source.

What we are talking about here is insourcing of activities that ordinarily should be available commercially, such as food services, mapping, audio-visual services. And we have an example in our own district in the food services area. Unfortunately, in-sourcing does not produce net savings in such cases. It is often the case that higher costs, lower quality, and less support for local businesses are the case.

We want to make sure our Armed Forces have everything they need to be as effective as they can be. Therefore, this amendment specifically exempts positions that are inherently governmental in nature. But I do hope that we will give favorable consideration to our local contractors and our local economies and not have the Federal Government compete with local businesses.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Today and each day, on average, 18 American warriors take their own lives. Over the last 2 years, America has lost more troops to suicide than to combat itself. Yes, you heard me correctly. These painful facts were ignored by the majority last night when they blocked an amendment I offered to this bill.

As I explained to the Rules Committee, this amendment that I offered had passed the House previously, and would have provided badly needed suicide prevention services to over 123,000 Guard and Reserve combat veterans who currently have no established suicide prevention network. My amendment proposed a tested, effective approach to counseling.

The message to these Guard and Reserve combat veterans is unmistakable. If the intrusive memories of the horrors you have witnessed in war are too much for you and you are thinking of ending your own life, you are on your own.

Yes, I am angry. Blocking this amendment is an insult to the servicemembers and the families who have already lost a loved one to suicide. The deliberate exclusion of this badly needed suicide prevention, by itself, is a compelling reason to vote against this bill.

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Chair, I rise in support of my amendment, No. 9, to H.R. 1540. I would like to thank Chairman BUCK MCKEON, Ranking Member ADAM SMITH, and the staff for their hard work in adding my Baca amendment to the series.

As a Vietnam veteran, I am very upset with witnessing the alarming rates of suicide amongst our military ranks. In my visit to Walter Reed, I had an opportunity to speak firsthand to many of the soldiers suffering from posttraumatic stress disorder. My amendment enhances the suicide prevention program at the Department of Defense by specifically requiring that each branch of the military include suicide prevention training during recruit training, and pre-separation counseling.

Each suicide prevention training run by the various military services shall include at a minimum: methods for recognizing risk factors for suicide; protocols for responding to crisis situations involving members who may be at high risk; information about suicide prevention services available to members, including a toll free hotline, Internet service; and information for best practices for suicide prevention.

This amendment is strongly supported by the Iraq and Afghanistan Veterans of America and the American Foundation for Suicide Prevention.

I urge my colleagues to vote for this amendment so that it will hopefully reduce the number of military suicides.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Madam Chair, I rise in support of my amendment, No. 35, that directs the Department of Defense to make available for border defense the same technology and intelligence gathering practices it is currently using in conducting war overseas.

The assault on our southern border today by transnational criminal organizations is a national security threat. They dig tunnels under the border, they fly ultralight crafts, and they try to breach our borders. My amendment brings state-of-the-art military technology to bear on this problem.

In fact, also what it does is it looks at the other side of the border to make sure that the Department of Defense evaluates and briefs Congress on our efforts to build Mexico's capacity to combat these organizations. This dual-pronged approach brings our military technological advantage to bear on this southern threat and measures how we are building the Mexican capacity that will put additional constraints on these criminal organizations. Again, this will be a true way to make sure that we face the threat that we face on our border.

I urge my colleagues to support this amendment.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Chair, I rise in support of my amendment, No. 29, which is being offered en bloc by the House Armed Services Committee.

My amendment to H.R. 1540 provides a preference for potential Department of Defense contractors that carry out certain investment and philanthropic activities to bolster education, training, and employment in science, technology, engineering, and mathematics, all of the STEM disciplines.

My amendment is intended to promote enhanced public and private partnerships, civic, and investment activities to strengthen our Nation's STEM pipeline and ensure that the United States continues to produce highly skilled STEM professionals that are both diverse and innovative.

Waters amendment No. 29 will signal to potential contractors that the Federal Government is serious about improving STEM education and creating a pipeline that will protect the Nation's economic future.

I urge my colleagues to support passage of this amendment.

Mr. KING of New York. Madam Chair, I rise today in support of my amendment to H.R. 1540, the National Defense Authorization Act, which would provide free postal benefits to active duty soldiers' families.

While our soldiers do not have to pay for the letters they send home, their families often spend hundreds of dollars to send care packages and letters of their own. The program authorized by this amendment would provide soldiers serving active duty in Iraq and Afghanistan with one postal voucher every other month to transfer to their loved ones to send letters and packages to these soldiers at no cost.

I fully support this postal benefits program and urge my colleagues to vote in favor of my amendment. I would like to thank the Members and staff of the House Armed Services Committee for working with me and accepting this amendment.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. I have no further requests for time, I encourage the acceptance of the amendments en bloc, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments, as modified, were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CARTER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–88.

Mr. CARTER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 178, after line 8, insert the following new section:

SEC. 527. PROTECTED COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

Section 1034(c)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) Ideologically based threats or actions of another member that the member providing the information reasonably believes could be counterproductive or detrimental to United States interests or security.''.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. Madam Chair, this is an amendment to extend whistleblower protection for American soldiers for the protection of American soldiers both at home and abroad. The bottom line is this amendment would extend protected communications covered under the Whistleblower Protection Acts to include ideologically based threats or actions; that if a servicemember reasonably believes that the actions of an individual could be counterproductive or detrimental to the United States' interests or security, they would be able to report these under the Whistleblower Protection Act.

The Fort Hood shooting, which unfortunately was in my district, taught us that servicemembers are becoming increasingly afraid to report questionable incidents for fear of reprisal. Despite numerous red flags concerning Major Hasan and his dangerous tendencies, no negative personnel action was taken. He was promoted to the rank of major, and he was allowed to provide psychological counseling to battle weary soldiers.

□ 1540

Our military personnel asserted that because of Major Hasan's Muslim heritage, that they feared adverse actions would be held against them and that they would be accused of profiling Major Hasan.

Coming forward about potentially dangerous situations should never be considered profiling. While no one should be targeted solely on their religious affiliation, all servicemembers should feel free and safe to report dangerous behavior.

And I will tell you that it was reported to me by more than a dozen soldiers in the training command and in medical school that this dangerous behavior was discussed constantly, and they were all concerned about reporting it.

The Whistleblower Act already provides for guidance on what should be reported in terms of violations. It extends to military personnel protection from negative reporting. It protects the servicemembers on their ability to communicate dangerous behavior, mismanagement of funds, abuses of authority to Congress and to an IG or to the chain of command.

This amendment would further extend protective communications to include ''ideologically based threats or actions'' that the reporting servicemember ''reasonably believes could be counterproductive or detrimental to the United States' interests or security.''

This amendment does not target any specific belief, religious or otherwise. This amendment seeks to instill the confidence necessary to protect our Armed Forces from further attacks from within.

I reserve the balance of my time.

Mr. SMITH of Washington. I claim the time in opposition.

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

Mr. SMITH of Washington. I do rise to oppose this amendment. I am very sympathetic to the direction that the sponsor is headed—the notion that we need to make sure that if people see something that is a threat to them, or the service, or to our national interests at all, they should feel free reporting it.

The problem I have with this amendment is current law protects that. We have current statute with whistleblower protection that very clearly says that if you have any reason to believe that something is going on that is counterproductive or detrimental to the United States' interests or security, you are free to report that to the appropriate superiors. That law is there and is protected.

Now I will agree with the sponsor that people nonetheless are reluctant to come forward and provide that information. But what we need to do is we need to educate people about that protection being there in the current law.

What this amendment does is broadens that to the point where it's going to sweep a lot of stuff up that we don't want to hear about. It isn't necessarily going to make it any more likely that what we want to hear about is going to be reported by saying ''ideologically based threats or actions.'' That is beyond broad, it almost is beyond definition. It is the freedom to say anything about anyone any time with this protection, which I don't think we want, which I think would undermine the broader mission.

So the current law makes it clear. If you are a servicemember who sees a threat or perceives a threat for any reason, ideologically based or otherwise, frankly I don't see why it makes any difference whether or not it's ideologically based; we want it reported.

So that is current law, it's protected. We need to make sure that everyone, not just servicemembers, but everyone in society feels free to report such threats to the appropriate authorities.

This amendment is overly broad and would cause more trouble than it would solve. So, therefore, I oppose the amendment and urge the body to do so.

I reserve the balance of my time.

Mr. CARTER. I would point out to my friend that 13 American soldiers died, 13 people died, 12 American soldiers and one civilian, and 43 people were wounded by an individual whose ideological preaching was well-known in the medical community, in the school community where he studied and at Fort Hood. To almost every soldier that he talked to, he preached his ideological belief about the wrongness of the American action.

But it's clear that each of these servicemembers were concerned enough to talk to other servicemembers about it, but they were afraid to go up the chain of command strictly because of the nature of the environment we function in today, and we need to make it clear to them.

It doesn't matter what the ideological bent of anybody is, if they are talking about things that are detrimental to the American serviceman, they have a duty to report that—and know that the Whistleblower Act will protect them. They knew about the Whistleblower Act, but they were afraid it would not protect them because there happened to be a politically correct, if you will, faction in this whole issue that they were afraid would change the view of their superior officers on their promotions.

I don't like the idea of having to do it this way either, but I also don't like the idea that there are dozens—and I would say more than dozens of American soldiers—that could have prevented this if they had stepped forward. And all of them feared, because of the environment of political correctness that seems to be rampant in this country, they were afraid to come forward.

Therefore, I think we ought to clarify it, and I don't care who you are or what your background is: If you are talking something that's detrimental to the American soldier or his mission, it has to be reported, and there will not be sanctions against you.

That's the purpose of my amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Ladies and gentlemen of the House, I share my friend from Texas' goal, but I don't share his way of meeting that goal.

I certainly think that any uniformed person who reports something that they are reasonably suspicious of should be protected by the Whistleblower Act and should not have to worry about political correctness or any other standard, but I think that's already the law.

The whistleblower law that already exists frankly says if you blow the whistle on someone for doing something wrong, you are protected.

It is wrong to plan to shoot people on a military base or commit treason against the country, but it is not wrong to look a certain way or be a certain way or think a certain way. So I think that the whistleblower protection, as it exists, protects the situation that my friend from Texas wants to protect, and I believe we all want to protect.

So while I would share his objective in this matter, I think that this amendment is not necessary because present law solves that problem and protects that whistleblower.

Mr. SMITH of Washington. Madam Chair, just to close, I agree with the gentleman's remarks.

Let me just say if I thought that there was the tiniest little bit possibility that this amendment would prevent the type of tragedy that happened at Fort Hood, I would support it unquestionably, but I don't believe it will. The concerns, the back and forth about whether or not to report something that is concerning, they exist, they need to be dealt with. They will exist whether or not this amendment is passed.

We need to work to educate people to report threats, but making it ideologically based, I think, opens up more problems and shifts the focus away from what we need. And what we need is whether the threat is ideological or whatever the cause, we need to encourage people to go to their superiors, report it, and make sure that they are better safe than sorry. I would encourage that, but I don't think this amendment does that. Again, I would urge a ''no'' vote.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. HUNTER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–88.

Mr. HUNTER. I have an amendment at the desk, Madam Chair.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 5___. PILOT PROGRAM ON SCHOLARSHIPS FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in conjunction with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of awarding scholarships to military children with special education needs described in subsection (b) in order to cover the costs of such children in attending a school described in subsection (c) for the purpose of ensuring military children with special education needs a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. Such scholarships shall be known as ''academic opportunity scholarships''.

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs.

(B) To develop options for military children with special education needs to attend public or private schools through scholarships.

(C) To identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs.

(D) To assess timeliness in obtaining special education and related services described in subparagraph (C).

(E) To identify and document improvements in academic performance of military children with special education needs as a result of the scholarships under the pilot program.

(F) To determine and document the cost associated with obtaining special education and related services described in subparagraph (C) through such scholarships.

(3) CRITERIA.—The Secretary of Defense shall carry out the pilot program based on uniform criteria established by the Secretary, in consultation with the Secretary of Education or the appropriate State government agency.

(4) COMMENCEMENT.—The Secretary of Defense shall commence carrying out the pilot program beginning with the 2012-2013 academic year.

(b) COVERED MILITARY DEPENDENT CHILDREN.—A military dependent child described in this subsection is a child who—

(1) is a dependent of a member of the Armed Forces;

(2) is a member of a family enrolled in the Exceptional Family Member program administered by the Secretary of the military department concerned;

(3) is a child with a disability under section 602 of the Individuals with Disabilities Education Act; and

(4) is covered by a current individualized education program developed and approved in accordance with section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) or has been identified as needing special education and related services.

(c) COVERED SCHOOLS.—A school described in this subsection is any elementary or secondary school as follows:

(1) A private elementary school or secondary school.

(2) A public school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(3) A public charter school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(d) AMOUNT, PAYMENT, AND USE OF SCHOLARSHIP.—

(1) AMOUNT.—The amount of the scholarship awarded a military dependent child under the pilot program for an academic year may not exceed the lesser of—

(A) the amount required for such academic year for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a); or

(B) $7,500.

(2) PAYMENT.—Payment of the amount of a scholarship awarded a military dependent child shall be made to the parent or guardian of the child for an academic year.

(3) USE.—Subject to regulations prescribed by the Secretary of Defense for purposes of the pilot program, the amount of the scholarship awarded a military dependent child shall be utilized for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a).

(e) EVALUATION OF PERFORMANCE OF RECIPIENT MILITARY DEPENDENT CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct an evaluation of the performance of military dependent children awarded scholarships under the pilot program. The evaluation shall address the following:

(A) The progress made by military dependent children awarded scholarships in academic and social performance.

(B) The success of the scholarships in expanding choice in education and related services for military dependent children described in subsection (b).

(C) The success of the scholarships in ensuring timely access of military dependent children described in subsection (b) to special education and related services required under their individualized education programs.

(D) Such other matters as the Secretary considers appropriate.

(2) COMPLETION.—The evaluation required by paragraph (1) shall be completed not later than December 31, 2015.

(f) OPTIONS FOR IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN WITH SPECIAL EDUCATION NEEDS.—

(1) DEVELOPMENT OF OPTIONS.—The Secretary of the Defense shall, in consultation with the Secretary of Education, develop a variety of options for military families with children with special education needs to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act and better assist such families in meeting such needs.

(2) ACTIONS.—In developing actions under paragraph (1), the Secretaries shall consider the following:

(A) The feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs.

(B) Means of improving oversight and compliance with the provisions of section 614 of the Individuals with Disabilities Education Act that require local educational agencies to support an existing individualized education program for a military child with special education needs who is relocating to another State pursuant to the permanent

change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates.

(C) The feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of such child.

(D) The feasibility of permitting the Department of Defense to contact the State to which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and related services specified in the individualized education program of such child.

(E) The feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs

(F) Means to strengthen the monitoring and oversight of education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children.

(G) Such other matters as the Secretaries jointly consider appropriate.

(g) REPORTS.—

(1) REPORT ON IMPROVEMENTS OF EDUCATIONAL OPPORTUNITIES.—Not later than September 30, 2013, the Secretary of Defense shall submit to Congress a report setting forth the options developed under subsection (f). The report shall include—

(A) a description of any options developed; and

(B) recommendations for such legislative or administrative action as the Secretary of Defense and the Secretary of Education jointly consider appropriate to implement such options.

(2) REPORT ON IMPLEMENTATION OF PILOT PROGRAM.—Not later than September 30, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plans of the Secretary for the award of scholarships under the pilot program, including any regulations prescribed for purposes of subsection (d)(3).

(3) FINAL REPORT ON PILOT PROGRAM.—Not later than September 30, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the scholarships awarded under the pilot program. The report shall include—

(A) a description of the scholarships awarded under the pilot program, including the number and amount of scholarships by school year;

(B) the results of the evaluation required by subsection (e); and

(C) such other matters as the Secretary considers appropriate.

(h) FUNDING FOR SCHOLARSHIPS.—

(1) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—Of the amounts authorized to be appropriated by section 301 for Defense-wide operation and maintenance for family advocacy activities, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional $10,000,000 to award scholarships to military dependent children under the pilot program.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than five percent of the amount specified in paragraph (1) may be used to cover administrative expenses to carry out the pilot program.

(3) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds made available under paragraph (1) with or to a specific entity or person shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

(i) SUNSET.—The pilot program shall expire on September 30, 2016. No scholarship may be awarded under the pilot program for an academic year that begins on or after that date.

(j) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 301 for Defense-wide operation and maintenance, as specified in the corresponding funding table in division D, is hereby increased by $10,000,000, with the amount of the increase allocated to carrying out the pilot program; and

(2) the amount authorized to be appropriated in section 1433 for the Mission Force Enhancement Transfer Fund, as specified in the corresponding funding table in division D, is hereby reduced by $10,000,000.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Madam Chair, this amendment is very simple.

The most important assets we have in our United States military are our personnel, the men and women that we move around. They get moved around, they usually don't have a choice of where they move from base to base and camp to camp, and this amendment specifically covers those ladies and men who protect us that have special needs children, those children that would otherwise be covered under the IDEA, the disability act for kids, ensuring them a good education. However, these parents don't always know where they're going.

□ 1550

What this would do would start a pilot program for up to 250 kids to allow them to choose whatever school fits their needs best, whether it's a private school, a charter school or public school, and to see if that helps alleviate some of the pain that the families face as they travel from base to base, as they go overseas to Iraq and Afghanistan, so we can take care of their kids here at home. It's a pilot program.

I would like to say on our side the only issue that we had with this amendment was its funding source. I have spoken to the chairman from California, the chairman of the Armed Services Committee; and we are going to pull the funding source out of DOD and find another funding stream for this in conference.

So with that taken care of, I would like to yield 2 minutes to my good friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Chair, all of us are grateful to the men and women who put themselves in harm's way between the malevolent and the innocents for the sake of this country. We need to remind ourselves that they don't fight because they hate the enemy or hate what's in front of them. They fight because they love what's behind them. They love us, they love their country, they love the cause of freedom, and they love their families. They love their families more than anything, Madam Chair; and they want to make sure that their children have the very best future that they can give them.

Madam Chair, this amendment that I am so thankful to Mr. HUNTER for bringing forth would allow parents an extra option for their children, especially when their special needs children, in the midst of all the travel that the armed services people have to make, they need this option, Madam Chair; and I just think it's unbelievable that we wouldn't support them. Because, fundamentally, one of two people will choose the educational values, the educational substance of our children's future. It will be one of two. It will either be a person who doesn't know their name, or a person called a parent who would die for them in a moment.

I would submit, Madam Chair, that that decision is best left to the parents. Notwithstanding the opposition from the teachers unions, the parents are the best ones to be able to choose the school that their children go to. Nothing will shape the future of America more than the values and the academics that are inculcated in the hearts and minds of our children, and that should belong to parents, especially those who are fighting and dying for this country and they have a special needs child. We should give this to them.

I encourage my colleagues to support this amendment.

Mr. SMITH of Washington. Madam Chair, I rise in opposition to the amendment.

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

Mr. SMITH of Washington. I yield myself such time as I may consume.

I rise in opposition to this amendment for a couple of reasons. First of all, I'm curious about the ''we're not actually going to fund it out of DOD, we will fund the money somewhere else in conference'' argument because it's funded out of DOD right now. Unless this is now being offered as a sense of Congress with no money attached to it, in a minute I would be curious to hear exactly how that works.

But beyond that, this is not what is in the best interests of the children of our servicemembers. To give them a $7,500 voucher to go get special needs education is a license for them not to get the education they need. As everyone in this body knows, the costs of

special needs children can sometimes be as much as $100,000 a year to our public schools. There are some children out there who have some very, very strong needs.

Fortunately, because of the IDEA, the public schools in this country are 100 percent obligated to meet that need. Talk to any school superintendent who has to deal with this, it's an enormous cost, but it's also an enormous benefit to these children. They have to meet those needs, and if they don't, it is precisely the parent who has the law on his or her side to say the public school must meet that requirement.

If you give them a $7,500 voucher and send them off to whatever private school is out there, they are not subject to those same requirements. They do not have to meet that same dollar value. What you are doing is you are undermining the education for these special needs children in a way that could be very detrimental to our families.

Now, we had a very long debate on this in the Armed Services Committee. This amendment was defeated on a bipartisan basis in committee for a variety of different reasons. I want to make it clear, it was stated throughout, how can you not care about the children of our servicemembers, and more than one Member on our side said, we do. This is not what this is about. We absolutly care about the children of our servicemembers. We want them to get the best education possible. But taking special needs families, giving them a $7,500 voucher and sending them out into the public and private school world and saying, good luck, is not what is in the best interests of parents with special needs children. It simply isn't. They are not getting the type of protections that they have under the law if they go out in that situation.

I would strongly urge a ''no'' vote on this amendment.

With that, I reserve the balance of my time.

Mr. HUNTER. I would like to yield 30 seconds to the distinguished gentleman from California and chairman of the Armed Services Committee, Mr. MCKEON.

Mr. MCKEON. I thank the gentleman for yielding, and I thank him for working with the staff to try to find a way to get this pilot program moving forward to help our parents in the military of those who have special needs. One of the things that is different between the military and other people is they are moved often, and they don't have time to go through all of the process to get all of the help they need. This would help them. It's a pilot program.

I encourage the adoption of the amendment.

Mr. SMITH of Washington. Madam Chair, I yield myself the remainder of my time.

I find that last argument interesting to say that they move around a lot. I think that is very true. I think they do, and that is a challenge. And they don't have time to make all of these decisions. But they do have time to take a $7,500 voucher and search across all the different schools to see which private schools are going to take it. Because keep in mind, that's another critical aspect of this. Private schools do not have to accept a single solitary student. They don't. You show up with a $7,500 voucher and they say, we're sorry, your child is going to cost more than that. They just say no and move on.

Public schools do have to accept these children and do have to fund it. I really do believe that this will be a step in the wrong direction. The cost is also going to be an issue. We are going to have to find the money for this somewhere. It's not going to improve the education or the lives of our servicemembers and their families, and it is going to wind up costing money.

Again, I would urge a ''no'' vote;

I reserve the balance of my time.

Mr. HUNTER. Madam Chair, I would like to inquire how much time is remaining.

The Acting CHAIR. The gentleman from California has 2 minutes remaining. The gentleman from Washington has 1½ minutes remaining.

Mr. HUNTER. Madam Chair, I would like to yield the balance of my time to the gentlelady from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I appreciate the gentleman yielding, and I rise in strong support of Mr. HUNTER's amendment.

Last November, we recognized the 35th anniversary of IDEA, the Individuals With Disabilities Education Act. And prior to IDEA, one out of five children was denied access to a quality education through the public school system because of a disability. IDEA has changed the opportunity for education, but the reality for many special needs students is it still requires an attorney in order to get the education that they need. From the time that a special needs student begins their education, a family needs an attorney. In fact, I was encouraged to hire an attorney to navigate the educational process for my son, Cole.

But picture this scenario: for the men and women who serve our country, many of whom are parents of children with special needs, between deployment and transfers, our servicemen and -women don't have the resources to go through litigation, nor should they.

Most military families do not choose where they live, and they usually don't get the choice when it comes to their schools. But the amendment we are offering today would allow these families to recognize the opportunities of IDEA and authorize scholarships for military families with special needs to be able to choose the school that best fits the needs of their child, whether it be a public school, a private school, or a charter school.

This initiative will provide valuable information and data for Congress as we move to reform and reauthorize IDEA and address this issue over the long term. There is no doubt that IDEA is flawed. This would help us get the information to make it better for all children with special needs.

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. HUNTER. Madam Chair, I would obviously urge a ''yes'' vote on this amendment and yield back the balance of my time.

Mr. SMITH of Washington. I yield the remainder of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I think there's universal agreement that we all want the finest quality education for all children and in this case for special needs children. I actually think that the effect of this amendment is to narrow educational opportunities for special needs children in the following way.

The provision sets up a $7,500 subsidy each year that the parents can choose to use as they see fit. That, I think, narrows the choices already available under the Individuals With Disabilities Education Act, IDEA. Presently, what happens if a servicemember family is located in a certain community and they have a special needs child, the school district in which that child resides is under a Federal legal obligation to provide the highest quality education, the least restrictive educational environment for that child. And if the parents disagree with the choice that is made by the school system, by the Child Study Team, they frankly have the right through Federal law to appeal it and change it.

□ 1600

So I think what actually happens here is that by limiting the level of financial support for these families, we are limiting the educational opportunities for the child; whereas the IDEA puts the force of Federal law behind the best outcome for that child. So I think we all want to accomplish the same thing. I respectfully believe the present law accomplishes that better than the amendment would, and I urge a ''no'' vote.

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

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

Mr. SMITH of Washington. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 19 OFFERED BY MR. CARSON OF INDIANA

The Acting CHAIR (Mr. MCCLINTOCK). It is now in order to consider

amendment No. 19 printed in House Report 112–88.

Mr. CARSON of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 325, after line 9, insert the following:

SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

"§ 1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation

''(a) MENTAL HEALTH ASSESSMENTS.—(1) The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

''(A) Once during the period beginning 60 days before the date of the deployment.

''(B) Once during each 180-day period in which the member is so deployed.

''(C) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

''(D) Subject to subsection (d), not later than once during each of—

''(i) the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date;

''(ii) the period beginning one year after such redeployment date and ending two years after such redeployment date; and

''(iii) the period beginning two years after such redeployment date and ending three years after such redeployment date.

''(2) A mental health assessment is not required for a member of the armed forces under subparagraphs (C) and (D) of paragraph (1) if the Secretary determines that—

''(A) the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

''(B) providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

''(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, and other behavioral health conditions identified among members of the armed forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

''(c) ELEMENTS.—(1) The mental health assessments provided pursuant to this section shall—

''(A) be performed by personnel trained and certified to perform such assessments and may be performed—

''(i) by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks; and

''(ii) by personnel at private facilities in accordance with section 1074(c) of this title.

''(B) include a person-to-person dialogue between members of the armed forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

''(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns;

''(D) be provided in a consistent manner across the military departments; and

''(E) include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

''(2) The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

''(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(D) after the individual's discharge or release from the armed forces.

''(e) DIAGNOSES DURING DEPLOYMENT.—(1) In order to prevent suicide, self-harm, harm to others, and under-performance of members of the armed forces, the Secretary shall, with respect to a member described in paragraph (2)—

''(A) retire the member pursuant to section 1201 of this title if such member is otherwise qualified for such retirement; or

''(B) redeploy such member from the contingency operation to a location where the member may receive appropriate medical treatment.

''(2) A member described in this paragraph is a member of the armed forces who, as a result of a mental health assessment conducted under subsection (a)(1)(B)—

''(A) is diagnosed with post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, or other behavioral health condition; and

''(B) as part of such diagnosis, is determined to—

''(i) require care or monitoring that the Secretary determines cannot be provided while the member is deployed in support of a contingency operation;

''(ii) be at risk of self-harm or harming other members of the armed forces; or

''(iii) be unable to perform duties assigned during such deployment.

''(f) SHARING OF INFORMATION.—(1) The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this section as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

''(2) Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

''(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

''(B) Section 1720F of title 38.

''(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member of the armed forces is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

''(g) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(h) REPORTS.—(1) Upon the issuance of the regulations prescribed under subsection (g), the Secretary of Defense shall submit to Congress a report describing such regulations.

''(2)(A) Not later than 270 days after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress an initial report on the implementation of the regulations by the military departments.

''(B) Not later than two years after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress a report on the implementation of the regulations by the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the regulations in achieving the purpose specified in subsection (b) for such assessments.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation.''.

(3) REGULATIONS.—The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1), effective not later than 90 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2376; 10 U.S.C. 1074f note) is repealed.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. I yield myself such time as I may consume.

Mr. Chairman, my amendment seeks to address shortfalls in the current Department of Defense mental health assessment process.

Currently, our servicemembers only receive mental health assessments prior to deployment and after returning home. My amendment simply requires the Department of Defense to provide mental health assessments to our troops during deployment, improving chances that post-traumatic stress disorder, traumatic brain injury, depression, and other mental health issues are detected and treated early.

The amendment also requires that medical records from past unit assignments and the VA be reviewed whenever possible. Currently, these records

are rarely considered. As we all well know, our troops are under a constant threat while deployed in Iraq and Afghanistan. Many are injured or see their friends injured or killed. And throughout it all, they perform amazingly and should be commended.

But these are the exact experiences that lead to serious mental health issues. Yet, despite this ongoing exposure, Mr. Chairman, most do not receive a mental health assessment until they return home from combat, often coping with PTSD, TBI, or depression for months without receiving treatment.

By the time they return home, the stigma attached to mental illness keeps many away from pursuing treatment at all. And among those that do, many still fall into drug and alcohol abuse, domestic violence, homelessness, and suicide.

Tragically, the oversights addressed by this amendment have impacted my congressional district. In 2009, Army Specialist Chancellor Keesling committed suicide while deployed in Iraq. His commanders never knew that he had been placed on suicide watch by a previous unit and had been treated for a mental illness by the VA.

Upon reassignment to a new unit and redeployment to Iraq, records from his past tour and from the VA were never reviewed. During deployment, he was never reassessed. Chance's father, Gregg, has recently reviewed my amendment and he believes that it could have saved his son's life had it been in place in 2009.

This is just one example of the tragic implications of mental health issues in the military. There are countless examples from my district and across this great Nation that I could provide as evidence of why this amendment is so critical and necessary. Some of these terrible problems can be avoided, and I believe lives can be saved by comprehensively addressing mental illness in our military at its source during deployment.

Mr. Chairman, I encourage all of my colleagues to support improved mental health for our troops by voting ''yes'' on the Carson amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to the gentleman's amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I reserve the balance of my time.

Mr. CARSON of Indiana. Mr. Chairman, I believe the case for my amendment is very clear. Many of our men and women in uniform are living through months of deployment with mental health issues like PTSD, TBI, and depression going completely undiagnosed.

My amendment simply calls on the DOD to help our servicemembers catch and treat these issues through early assessments during deployment. This is a very important step that will save lives and help our men and women in uniform build productive lives for themselves on returning to civilian lives.

I urge a ''yes'' vote on this amendment.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I want to commend the gentleman for bringing his very thoughtful amendment to the floor. I think it will be a strong addition to the bill. I encourage also that our colleagues support his amendment.

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

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

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 44, 45, 51, 52, 58, 68, 73, 74–75, 76, 77, 78, 79, 80, 81, 82, 83, 98, and 99 printed in House Report 112–88 offered by Mr. MCKEON:

AMENDMENT NO. 44 OFFERED BY MS. HANABUSA

Page 461, after line 24, insert the following:

SEC. 1043. PROHIBITION ON UNITED STATES CITIZENSHIP FOR DETAINEES REPATRIATED TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF PALAU, AND THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) PROHIBITION ON CITIZENSHIP.—Notwithstanding the Compact of Free Association, an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands may not be afforded the rights and benefits put forth in the Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

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

(2) is located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

(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.

AMENDMENT NO. 45 OFFERED BY MS. HANABUSA

Page 507, after line 2, insert the following:

SEC. 1078. REPORT ON CERTAIN UNNECESSARY OR UNWANTED DEPARTMENT OF DEFENSE PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 31, 2011, Secretary of Defense Gates testified before the Armed Services Committee of the House of Representatives that the initial cost of United States operations in Libya was approximately $550,000,000 and was estimated to cost an additional $40,000,000 a month after that.

(2) Secretary Gates testified that he was unaware of what the total cost of United States assistance to Japan would be in the aftermath of the earthquake, tsunami, and Fukushima Daiichi incident, but indicated it would be less than $500,000,000.

(3) Secretary Gates testified that the Department of Defense would not need to ask for more money to cover these costs within the Overseas Contingency Operations accounts because ''There's several billion dollars in there we can move around . . . that would cover these costs . . . things that we don't need or want.''.

(b) DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall determine and make publically available the programs funded through the Overseas Contingency Operations accounts during the five-year period preceding the date of the enactment of this Act that are unnecessary or unwanted.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representative a report that contains the results of the determination required by subsection (b). Such report shall include—

(1) a description of each program that the Secretary determines is unnecessary or unwanted;

(2) a description of the amount authorized to be appropriated and the amount authorized to be appropriated for each fiscal year for each program described under paragraph (1); and

(3) any other information the Secretary considers relevant.

AMENDMENT NO. 45 OFFERED BY MR. ROGERS OF MICHIGAN

Page 531, after line 2, insert the following:

SEC. 1099C. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall take whatever steps may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that are unable to be identified, transport the remains to Arlington National Cemetery for interment at the Tomb of the Unknowns.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) EFFECTIVE DATE.—This section takes effect on the date on which NATO's Operation Unified Protector or any successor operation terminates.

AMENDMENT NO. 52 OFFERED BY MR. CAMPBELL

Page 548, after line 8, add the following new section:

SEC. 1115. TERMINATION OF JOINT SAFETY CLIMATE ASSESSMENT SYSTEM.

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the Joint Safety Climate Assessment

System of the Department of Defense is terminated.

AMENDMENT NO. 58 OFFERED BY MR. GARRETT

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. RULE OF CONSTRUCTION RELATING TO SITUATION IN LIBYA.

Nothing in this Act or any amendment made by this Act shall be construed to authorize military operations in Libya.

AMENDMENT NO. 68 OFFERED BY MR. YOUNG OF ALASKA

At the end of title XXXV add the following:

SEC. ___. STRATEGIC PORT ASSESSMENT AND REPORT.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment and report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports, regarding the following:

(1) The structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements.

(2) The impact on operational readiness if the improvements are not undertaken.

(3) Identifying, to the maximum extent practical, all potential funding sources for the needed improvements from existing authorities.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and each of the port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

AMENDMENT NO. 73 OFFERED BY MR. MCKEON

Page 712, line 8, strike ''**SIMULATION TRAINING SYSTEMS**'' and insert ''**CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS**''.

Page 712, line 13, after ''Budget Activity 12'' insert '', Line 070, Force Readiness Operations Support''.

Page 712, line 17, strike ''simulation training systems'' and insert ''Civil Support Team Information Management Systems''.

AMENDMENT NO. 74 OFFERED BY MR. AKIN

At the end of title VIII, add the following new section:

SEC. 845. SENSE OF CONGRESS ON LONG-TERM CONTRACTING FOR ALTERNATIVE FUELS.

It is the sense of Congress that long-term contracting for alternative fuels is in the best interests of the Department of Defense and is a wise use of taxpayer resources. Long-term contracts provide stability for industry, which allows them to drive the cost down. Long-term contracts also provide some insulation to the Department of Defense from fuel price increases. The Department of Defense has asked for the authority to enter into long-term contracts for alternative fuels, and it is the sense of Congress that this is a valuable proposal and should be supported.

AMENDMENT NO. 75 OFFERED BY MR. BRALEY OF IOWA

Page 594, after line 21, insert the following:

SEC. 1231. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION ODYSSEY DAWN.

(a) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.—In preparing the report required by subsection (b), the President shall make estimates and projections through at least fiscal year 2020, adjust any dollar amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq, Afghanistan, or Libya, including noncombat casualties, the total number of members expected to suffer injuries in Iraq, Afghanistan, and Libya, and the total number of members expected to be killed in Iraq, Afghanistan, and Libya, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Current and future operational expenditures associated with Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn including—

(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn—

(A) the cost of mental health treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation New Dawn or Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(c) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

AMENDMENT NO. 76 OFFERED BY MR. BISHOP OF UTAH

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2852. LAND CONVEYANCE, FORMER DEFENSE DEPOT OGDEN, UTAH.

(a) CONVEYANCE OF RESIDUAL INTERESTS.—To facilitate the conveyance of a parcel of real property consisting of approximately 2.73 acres at the former Defense Depot Ogden, Utah, from the Weber Basin Disabled Corporation to the Ogden City Redevelopment Authority (in this section referred to as the ''Redevelopment Authority''), the Secretary of the Army and the Secretary of Health and Human Services (in this section referred to as the ''Secretaries''), may convey, by quit claim deed, all residual right, title, and interest of the United States (including reversionary interests) in and to the property for the purpose of permitting the Redevelopment Authority to take immediate steps to prevent the further deterioration of the building on the parcel and subsequently redevelop the parcel.

(b) CONSIDERATION.—As consideration for the conveyance of residual United States interests in the property described in subsection (a), the Redevelopment Authority shall pay an amount equal to the fair market value of the conveyed interests, as determined by the Secretaries. Amounts received under this subsection shall be deposited in the Department of Defense Base Closure Account 2005. The amounts deposited shall be merged with other amounts in such fund and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretaries shall require the Redevelopment Authority to cover costs to be incurred by the Secretaries, or to reimburse the Secretaries for costs incurred by the Secretaries, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. If amounts are collected from the Redevelopment Authority in advance of the Secretaries incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretaries to carry out the conveyance, the Secretaries shall refund the excess amount to the Redevelopment Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

AMENDMENT NO. 77 OFFERED BY MR. BISHOP OF UTAH

Page 121, after line 10, insert the following:

SEC. 328. MODIFICATION OF REQUIREMENTS RELATING TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''maintenance, repair, and overhaul'' after ''combined'';

(2) in subsection (b), by inserting ''facilities,'' before ''infrastructure'';

(3) in subsection (d), by adding at the end the following new subparagraph:

''(E) A table showing the funded workload performed by each covered depot for the preceding three fiscal years and actual investment funds allocated to each depot for the period covered by the report.''; and

(4) in subsection (e)(1), by adding at the end the following new subparagraph:

''(I) Tooele Army Depot, Utah.''.

AMENDMENT NO. 78 OFFERED BY MR. BISHOP OF NEW YORK

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.

Congress makes the following findings:

(1) Commencing August 26, 1946, through late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed ''Operation Highjump'' initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad—to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner ''Flying Boat'' ''George 1'' entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier's ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell ''Bud'' Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the ''George 1's'' seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the ''George 1'' survivors forced the abandonment of their crewmates' bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: ''If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home.''.

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only ''medium risk''.

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a ''perishable site'', meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barak Obama declared: ''. . . the support of our veterans is a sacred trust . . . we need to serve them as they have served us . . . that means bringing home all our POWs and MIAs . . .''.

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist's Mate 1st Class, Wendell Hendersin, Aviation Radioman 1st Class of the ''George 1'' explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the ''George 1'' crew from Antarctica's Thurston Island.

AMENDMENT NO. 79 OFFERED BY MR. BISHOP OF NEW YORK

Page 345, after line 8, insert the following:

SEC. 731. REPORT ON ESTABLISHMENT OF REGISTRY ON OCCUPATIONAL AND ENVIRONMENTAL CHEMICAL HAZARDS.

(a) REPORT REQUIRED.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and environmental chemical hazards, including waste disposal, during contingency operations in order to monitor possible health risks and to provide necessary treatment to such members.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include a discussion of each of the following:

(1) Processes in which members of the Armed Forces may be included in the registry described in subsection (a).

(2) Procedures to ensure that members eligible to be included in the registry are provided appropriate medical examinations.

(3) Using existing medical surveillance systems to establish the registry.

AMENDMENT NO. 80 OFFERED BY MR. BISHOP OF NEW YORK

At the end of subtitle D of title X, add the following:

SEC. ____. SENSE OF CONGRESS REGARDING THE EFFORTS BY THE DEPARTMENT OF DEFENSE TO KEEP AMERICA SAFE FROM TERRORIST ATTACKS SINCE 9/11.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, at least 30 planned terrorist attacks have been foiled and Special Operation forces completed the mission to kill Osama bin Laden.

(2) The Department of Defense and the Armed Services have worked diligently and honorably to protect citizens at home and abroad.

(3) The Department of Defense and the Armed Services are meeting the challenges of the global struggle against terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) we continue to affirm our commitment to support the Department of Defense and the United States Armed Forces;

(2) we recognize that the Department of Defense and the United States Armed Forces have worked diligently and honorably to protect citizens of the United States at home and abroad;

(3) we recognize that the Department of Defense and the United States Armed Forces are meeting the challenges of the global struggle against terrorism;

(4) we commend the men and women of the Department of Defense and the United States Armed Forces for the tremendous commitment to keeping our country safe; and

(5) we honor the Department of Defense and the United States Armed Forces for their success in preventing terrorist attacks on U.S. soil and around the world since 9/11.

AMENDMENT NO. 81 OFFERED BY MR. BLUMENAUER

Page 377, after line 7, insert the following:

SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

''§ 2335. Reports on use of indemnification agreements

''(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

''(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

''(A) entering into a contract that includes an indemnification agreement; or

''(B) modifying an existing indemnification agreement in any contract.

''(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

''(A) section 2354 of this title; or

''(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

''(1) the name of the contractor;

''(2) the actual cost or estimated potential cost involved;

''(3) a description of the items, property, or services for which the contract is awarded; and

''(4) a justification of the contract including the indemnification agreement.

''(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

''(1) determines that the disclosure of such information is not in the national security interests of the United States; and

''(2) includes in the report a justification of the determination made under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2335. Reports on use of indemnification agreements.''.

AMENDMENT NO. 82 OFFERED BY MR. BLUMENAUER

Page 132, after line 10, insert the following new section:

SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2529(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by adding at the end the following new subparagraph:

''(E) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.''.

AMENDMENT NO. 83 OFFERED BY MR. BOREN

Page 270, after line 4, insert the following:

SEC. 598. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 988. Unauthorized use of names and images of members of the armed forces

''(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

''(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

''(1) is a member of the armed forces; or

''(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

''(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

''(A) is the protected individual, if living; and

''(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

''(i) The surviving spouse.

''(ii) The children.

''(iii) The parents.

''(iv) The grandparents.

''(v) The siblings.

''(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''988. Unauthorized use of names and images of members of the armed forces.''.

AMENDMENT NO. 98 OFFERED BY MS. DELAURO

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) WAIVER AUTHORIZED.—Subsection (c) of section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3461; 10 U.S.C. 2302 note) is amended to read as follows:

''(c) WAIVER AUTHORIZED.—The Secretary of Defense may waive the limitation on procurement of a good or service under subsection (a) if the good or service is critical to the needs of the Department of Defense and is otherwise unavailable to the Department of Defense and the Secretary submits to the congressional defense committees a report described in subsection (d) not less than 15 days before issuing the waiver under this subsection.''.

(b) REPORT.—Such section is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) REPORT.—The report referred to in subsection (c) is a report that identifies the specific reasons for the waiver issued under subsection (c) and includes recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.''.

(c) DEFINITION OF COMMUNIST CHINESE MILITARY COMPANY.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking paragraph (1) and inserting the following:

''(1) The term 'Communist Chinese military company' means—

''(A) any person identified in the Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990, or PC-1921-57-95, dated October 1995, and any update of those publications for the purposes of this section; and

''(B) any other person that—

''(i) is owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with, the People's Liberation Army or the government of the People's Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People's Republic of China; and

''(ii) is engaged in providing commercial services, manufacturing, producing, or exporting.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to contracts and subcontracts of the Department of Defense entered into on or after the date of the enactment of this Act.

AMENDMENT NO. 99 OFFERED BY MR. DONNELLY OF INDIANA

Page 364, after line 2, insert the following:

SEC. 825. QUALITY ASSURANCE SURVEILLANCE PLAN FOR SECURITY CONTRACTORS OPERATING IN AFGHANISTAN AND IN SUPPORT OF OTHER CONTINGENCY OPERATIONS.

(a) IN GENERAL.—The Secretary of Defense shall establish a plan to be known as a ''Quality Assurance Surveillance Plan'' setting standards that must be incorporated in Department of Defense oversight plans governing all security contractors operating in Afghanistan, and other future contingency operations, under a contract or subcontract funded by the Department of Defense. The Secretary shall designate a single appropriate official stationed in the country of operations to review each security contract or subcontract involving security contractors funded by the Department of Defense for compliance with the Quality Assurance Surveillance Plan. Such official shall certify that the official has reviewed the oversight plan for that contract, that the oversight plan is appropriate for that contract, that there is an appropriate number of appropriately trained personnel available to oversee that contract, and confirm that any and all licenses and permits required by the security contractor and its employees have been reviewed and verified as current and authentic.

(b) DEADLINE FOR IMPLEMENTATION.—These requirements under subsection (a) shall be implemented by not later than six months after the date of enactment of this Act.

(c) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment the Department of Defense's compliance with this section and, not later than 6 months after the requirements of this section are implemented pursuant to subsection (b), shall submit to Congress a report on such assessment.

MODIFICATION TO AMENDMENT NO. 68

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that amendment No. 68 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

At the end of title XXXV add the following:

SEC. ___. STRATEGIC PORT ASSESSMENT AND REPORT.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment and report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports, regarding the following:

(1) The structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements.

(2) The impact on operational readiness if the improvements are not undertaken.

(3) Identifying, to the maximum extent practical, all potential funding sources for the needed improvements from existing authorities.

(4) The authority necessary for the Department of Defense to support section 50302 of title 46, United States Code.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and each of the port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

MODIFICATION TO AMENDMENT NO. 73

Mr. MCKEON. I ask unanimous consent that amendment No. 73 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. REPORT ON EXPANSION OF PARTICIPATION IN EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) REPORT REQUIRED.— Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the desirability and feasibility of expanding participation in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program to include additional countries.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A description of the benefits of the ENJJPT program to United States national security.

(2) An assessment of the current participation in the ENJJPT program and whether it fully meets the needs of the program and United States and NATO objectives.

(3) An analysis of whether participation of additional countries in the ENJJPT program would benefit the program and United States national security.

(4) A recommendation of additional countries that could participate in the ENJJPT

program, including NATO member nations not currently participating in the program, major non-NATO allies, Partnership for Peace nations, and other countries.

(5) The restrictions or limitations that currently prevent additional countries from participating in the ENJJPT program.

(6) A discussion of the benefits to the United States and other countries of a United States-sponsored scholarship program to assist certain countries to meet the cost-sharing obligations of participation in the ENJJPT program, and whether authorities currently exist to institute such a scholarship program.

Page 712, line 8, strike ''**SIMULATION TRAINING SYSTEMS**'' and insert ''**CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS**''.

Page 712, line 13, after ''Budget Activity 12'' insert '', Line 070, Force Readiness Operations Support''.

Page 712, line 17, strike ''simulation training systems'' and insert ''Civil Support Team Information Management Systems''.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

MODIFICATION TO AMENDMENT NO. 82

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that amendment No. 82 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

Page 132, after line 10, insert the following new section:

SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by adding at the end the following new subparagraph:

''(E) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.''.

Mr. MCKEON (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the modification be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO), a member of the committee.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the underlying bill and in strong support of the en bloc amendment.

Specifically, I want to speak on the Rogers-LoBiondo amendment, No. 51, that helps repatriate the heroes that were killed in 1804 in the fight against piracy in Tripoli, Libya.

□ 1610

They were led by Commander Richard Somers with the Intrepid when he was attempting to fight the pirates at that point in time. They have unceremoniously been buried in mass graves without the formal military tradition that we have in foreign countries.

This amendment seeks to right a wrong that has been in place for more than 200 years. And Somers Point, New Jersey, a town in my district, is where Commander Richard Somers hailed from. So it's extremely important to all of the United States of America. The American Legion of the United States has endorsed this amendment, and I urge all the Members to strongly support it.

Mr. SMITH of Washington. Mr. Chairman, I support the amendment.

I have no speakers at this time; so I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the chairman.

Today, I stand here to introduce this amendment, No. 58, to the National Defense Authorization Act to clearly set out congressional intent with regard to military operations in Libya.

The amendment is simple: it clarifies that this authorization bill does not serve as congressional authorization for any military operation in Libya. The Constitution explicitly grants Congress the sole power to declare war, to authorize it. And we know that the War Powers Resolution was enacted to give the President the ability to commit forces to defend American interests in an expedited manner for up to 60 days before having to seek that congressional authorization. Subsequent military engagement must then, under that act, be authorized by this Congress.

But despite that clear standard, Presidents have routinely disregarded the Constitution and the War Powers Resolution and the role of Congress. As you know, President Obama consulted the U.N. and the Arab League of Nations before engaging in hostilities. However, the whole of Congress was not consulted nor authorized and to date has not authorized any military action in Libya whatsoever.

I do believe firmly that the President must come to this Congress for authorization to continue any and all U.S. military action. So I encourage Members of this House to support this amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate the cooperation of the ranking member and the Chair on a couple of items that we've placed in this en bloc amendment.

One of them deals with the necessity of providing energy efficiencies that could save billions of dollars. It requires the Department of Defense to valuate energy efficiency benefits and recommend how to deploy them.

Fuel is carried on expensive supply convoys that often travel through indefensible areas. One out of every 24 fuel convoys represents casualties. We're spending $24 billion a year to protect convoys to forward operating bases in Afghanistan, and 65 percent of all electricity on bases in Afghanistan is for air conditioning and heating leaky tents. Reducing this fuel use is a simple way to reduce fuel convoys, which reduces costs and casualties. And this amendment requiring a report on energy efficiency and onsite renewable generation will expedite energy efficiency deployment across the armed services.

Additionally, there is an amendment that I have cosponsored with my friend, the gentleman from Oregon (Mr. SCHRADER), that will deal with what happens with contracts that are issued on defense activities where the Federal Government has provided indemnification. We've been dealing with an issue that involves the Oregon National Guard where we really can't understand exactly what elements were related to this indemnification. We can't get the full information. When the government agrees to shoulder financial responsibility for a contractor's risk, it may be necessary, but ambiguities in the current law do not have, I think, the best interests of our troops or taxpayers in mind in terms of making sure that this is very limited in nature.

This amendment would require the Secretary of Defense to notify Congress within 90 days whenever the Department enters into or modifies an indemnification agreement and explain why such provision is necessary.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I'm happy to yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. Thank you.

The more limited these indemnification provisions can be, the less likely that we're going to have contractors who don't really have the full financial incentive to make sure that they are acting in the best interests of our troops. I've seen examples that really give me pause. The inclusion of this amendment will help make that less likely, and I appreciate it.

Mr. MCKEON. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I encourage Members to support this en bloc amendment. It will make the bill stronger.

Mr. DONNELLY of Indiana. Mr. Chair, on February 19, 2010, a constituent of mine, Marine Lance Corporal Joshua Birchfield of Westville, Indiana, was shot and killed while on patrol by a local Afghan security contractor who had been hired, with six other colleagues, to guard a nearby construction project and road. The construction project and the security contractor were funded by the U.S. Department of Defense. While the shooter was immediately apprehended and would later admit to the shooting and be sentenced to 15 years in prison by an Afghan court, I am deeply troubled by the fact that insufficient contract oversight by our government may have lead to this tragedy.

According to NCIS documents obtained by the Birchfield family through a Freedom of Information Act request, the seven Afghan guards taken into custody were found in possession of five ounces of opium and some of them were presenting symptoms of opium withdrawal. Several of the guards admitted that they had little to no training, and most of them stated they had none of the permits required for their jobs. Their employer, a subcontractor providing security for the project, admitted his employees were not properly licensed and that he did not know where he was supposed to obtain licenses.

Last month, the Department of Defense confirmed to me that the project these security guards were subcontracted under was funded by U.S. funds known as Commander's Emergency Response Program funds, or "CERP."

It appears clear that proper oversight of these security contractors paid by our government did not happen. These private security contractors were operating without the licenses that are required of private security contractors in Afghanistan, they were not properly trained, and several of them were drug users. I cannot say that had there been better oversight by our government this tragedy would have been avoided, but we owe it to our service men and women in harm's way to get this right. I believe DoD must significantly improve their oversight of private security contractors.

According to the Congressional Research Service, right now the DoD relies on 19,000 private security contractors in Afghanistan, a force equal to almost 20 percent of all U.S. military personnel in that country. Not only is the ratio of armed contractors to U.S. forces higher in Afghanistan than it ever was in Iraq where we had many more troops, 95 percent of the security contractors in Afghanistan are Afghans, a much, much higher reliance on local security contractors than Iraq. Meanwhile, the performance and reliability of Afghan security contractors is spotty and continues to be. If we are going to continue to rely on local security contractors in Afghanistan, we must make oversight a top priority. And that means ensuring that rigorous oversight on the ground is getting done.

The Congress and GAO have been critical of DoD's security contract oversight for years. In the 2008 NDAA, Congress directed DoD and the State Department to prescribe regulations for the use of private security contractors in an area of combat operations by May of 2008. In 2009, GAO recommended specific steps that DoD implement to satisfactorily comply with Congress' directive on security contractors, including the screening, training, equipping and oversight of contractors. Currently, the GAO considers all of these recommendations as either only partially implemented or not implemented at all.

Further, the DoD has acted to try to improve oversight, but the fact is, I don't think they are focusing enough properly trained personnel on oversight maintenance. Many contract officers are not even in the same country as the project they are responsible for managing. And often the responsibility for on the ground oversight falls to a service member designated as a Contracting Officer's Representative (COR) whose primary responsibility likely has nothing to do with contracting and who may have had only minimal contract oversight training before arriving in the field. DoD needs to do more than come up with plans and guidance, they need to ensure that sufficient personnel who are adequately trained are in place and actually doing their job, especially when the contracts involve paying and arming Afghan security personnel in a theatre of combat.

My amendment to H.R. 1540 does two things which I believe are crucially important but also should not be difficult for DoD to comply with.

First, my amendment directs the Secretary of Defense to establish a Quality Assurance Surveillance Plan which would set uniform standards for contract oversight plans for all private security contracts funded by DoD in Afghanistan and in any future contingency. Beyond just ensuring that paperwork is in order, all security contracts would require a plan clearly laying out an oversight strategy and designating sufficient personnel to exercise necessary oversight to ensure contract performance and reliability.

Second, my amendment directs the Secretary of Defense to designate a single official in the country of operations with the responsibility of reviewing private security contracts to ensure compliance with the Quality Assurance Surveillance Plan. Further, this official must certify that they have reviewed the oversight plan for a security contract, that the oversight plan is appropriate for that contract, that there is an appropriate number of appropriately trained personnel available to oversee that contract, and confirm that any and all licenses and permits required of a security contractor and its employees have been reviewed and verified as current and authentic.

The Congressional Budget Office has reviewed my amendment and has advised me that it does not affect direct spending or discretionary authorizations.

Mr. Chair, if we have the time, money and resources to bid and hire private security contractors, and if these private security contractors are essential to successfully executing military operations and reconstruction in Afghanistan, then we should make sure that we've clearly planned how we will maximize contract performance and ensure safety and reliability, and make sure someone is held accountable for seeing that this is actually carried out.

Mr. MCKEON. I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments, as modified, were agreed to.

AMENDMENT NO. 24 OFFERED BY MR. SARBANES

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 937.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Chair, I appreciate the opportunity to speak to this amendment, and I want to thank the cosponsors: Representatives HANABUSA, LANGEVIN, LOEBSACK, and REYES.

This amendment is designed to preserve current law with respect to the service contracts and outsourcing activity of the Department of Defense.

Current law now has in place a requirement that before the Department of Defense can do more outsourcing, can do more privatization of service contracts, they have to do an inventory of the contracting activity that's already in place. And this makes perfect sense. This is really a good government proposition if you think about it. It's important enough that it was included in the 2010 Defense Authorization Act; so it is part of current law.

Unfortunately, the proposed bill, the new Defense Authorization Act, would remove this requirement. And if you remove that requirement, you're really undermining the public's stake in making sure that government is functioning in an efficient manner.

Now, the impetus for having this kind of requirement in place—and the amendment that we're putting forward here today would maintain the requirement that's currently in law—the impetus came from a lot of research that showed that in many instances the costs to the government and, therefore, to the taxpayer of outsourcing these various services of the Federal Government, particularly within the Department of Defense that this is directed

at, the costs did not justify the activity, and in many instances you didn't get better performance when you had this outsourcing. In fact, you got worse performance.

□ 1620

So when those studies were done and that research was done, there was a move to make sure that the Department of Defense would conduct an inventory. The current law says that no further contracting can occur until the Secretary has certified to Congress that a contractor inventory has been developed, reviewed, and integrated into the budget process. That makes a lot of sense. Our amendment would restore this provision and therefore keep current law in place with respect to this contracting activity and inventory.

Mr. Chairman, I reserve the balance of my time.

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

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

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

I thank the gentleman for his amendment, but, Mr. Chairman, most of all, I thank the chairman of the committee and the ranking member of the committee for doing what many people often think is impossible in this House, and that is bringing forth a bipartisan bill, 60–1. 60–1, in the committee, this bill passed with this provision in it.

One of the keys with bipartisanship is that the American people realize it's important when we come to national defense that we have both Republicans and Democrats supporting in the same direction. And the key to that oftentimes is the word ''balance,'' which is not always a sexy issue, but it is so important.

Mr. Chairman, I will tell you, when it comes to the workforce, there are some people who don't like the word ''balance.'' They either want every single employee to be a government employee and hired by the government—some on this side, some on this side—but then, Mr. Chairman, there are other people who want everybody to be in the private sector. I think the beauty of this piece of legislation is it struck the right balance for the national defense of this country because it struck a balance. And it said what we realize is from every general, every admiral, everyone who testified: We can no longer do it with just all government employees; we can't do it with all military employees; we can't do it with all contract employees; but every single one of them will tell you we need that mix.

The wonderful thing about this piece of legislation that this amendment tries to take away is that it creates a comprehensive approach to workforce management and a total force management, which is what we need to do, the most important thing this legislation does, which is to defend and protect the people of the United States of America.

So, Mr. Chairman, I hope we will reject this amendment, that we will keep the bipartisan approach that came out of this committee's work, that we will keep the balance, we will not remove this tool from the arsenal that the Department of Defense needs, and we will reject the amendment.

I reserve the balance of my time.

Mr. SARBANES. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Maryland has 2 minutes remaining; the gentleman from Virginia has 3 minutes remaining.

Mr. SARBANES. Well, I couldn't agree with what my colleague said more. I mean, we do want to have a balanced approach. Nobody's arguing—certainly I'm not arguing that we should eliminate outsourcing or the privatization of certain services where that makes sense. In fact, what the amendment that we're proposing here would do is keep in law a process whereby the Department of Defense looks at its contracting activities through a commonsense lens and determines whether continued outsourcing in some instances makes sense, whether additional outsourcing makes sense.

Right now, there does not exist a comprehensive inventory of these contracting activities, so how are you going to make a commonsense judgment about where to allocate your resources going forward if you don't have that at your disposal? That's why the requirement was put in place. I think it's very bipartisan in that sense because it's saying let's get as much knowledge as we can so the government can run efficiently and make these decisions in an efficient way, which is very much in keeping with what the public wants to see these days.

So this is about good government. It's about having good information at your fingertips.

We think that the requirement to do this kind of inventory ought to stay in place. The underlying bill right now would remove that commonsense requirement, and this amendment would put it back. That is why we are putting forward the amendment today.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I yield myself such time as I may consume.

I don't think the gentleman is on the Armed Services Committee so oftentimes might not have heard so many times the people who meet with us and tell us the importance they need for this overall comprehensive approach. And I'll just point out to the gentleman, as he mentioned the need for an inventory, it's in the bill.

The second thing I would tell you is the inventory alone doesn't do anything unless we go the next step, which is in this bill, which is to say that we're going to develop a policy from the inventory. We can have all the inventory, all the statistics in the world, but what's wonderful about this bill and what this bill does is it takes all of that information and it creates a total force management approach, which is exactly what we need for the national defense of this country.

Mr. Chairman, for the life of me, I don't know why we would want to try to skew that one way or the other and take away opportunities for the Department of Defense to get the right balance between military, civilian, and contractor personnel.

The bill that came out of the committee—again, 60–1, overwhelmingly supported by the people who have been at all the hearings, heard all the testimony—is a bipartisan approach, strikes the right balance. This amendment would skew that balance.

I hope we will reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SARBANES. In closing, let me just say in support of this amendment that I am not on the House Armed Services Committee, but what I understand is the report that was approved last week by the committee criticized the Department of Defense for failing to inventory service contracts, which is what we are trying to accomplish here. That is why we are supporting this amendment.

I yield back the balance of my time.

Mr. FORBES. Mr. Chairman, I would just say to the gentleman, he is right. That's why we have the inventory included in here. That's why we require the policy. All of that is included in here, it's just that the approach that the Armed Services Committee has done is a much more balanced approach. It's one that gives the Department of Defense the tools they need.

Mr. Chairman, I yield back the balance of my time and hope we will defeat this amendment.

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

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

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

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

AMENDMENT NO. 25 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 112–88.

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: 02

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a 'jobs impact statement') that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

''(B) The information that may be included in a jobs impact statement may include the following:

''(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

''(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

''(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer and may request further information from the offeror in order to verify the accuracy of any such information submitted.

''(D) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

''(E) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.

''(F) In any contract awarded to an offeror that submitted a jobs impact statement with its offer in response to the solicitation for proposals for the contract, the agency shall track the number of jobs created or retained during the performance of the contract. If the number of jobs that the agency estimates will be created (by using the jobs impact statement) significantly exceeds the number of jobs created or retained, then the agency may evaluate whether the contractor should be proposed for debarment.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, the amendment before the House now is a relatively simple one. We have, over the last 10 years, lost 42,000 factories in this country. We have lost 5 million jobs in manufacturing. And we've had a long discussion here in this Congress over the past 3 years as to what we can do to stimulate that engine of middle class job growth and security.

This amendment seeks to increase our defense industrial capacity without spending any additional money. What the amendment before us simply allows is for the Federal Government to be able to consider at their leisure the amount of jobs being created here in the United States by a particular bid for U.S. defense work.

Frankly, most of my constituents think this already happens. Most of my constituents think that there is an ability for the Federal Government today to factor in, when awarding a particular bid, which bid is going to create more jobs here in the United States versus overseas. This amendment is purely permissive. Frankly, if it were up to me, I would make it mandatory. But this amendment, which in bill form came out of the Government Oversight Committee last Congress unanimously, allows an individual contractor in their bid submission to state how many American jobs they are going to create, and then simply allows the contracting agency to factor that into their bid award, and then requires a report back to Congress as to how often that information, that job impact statement was used.

This seems like common sense to me. The reason to make sure that our taxpayer dollars are spent through the Defense Department on U.S. jobs is certainly economic in nature. At 9 percent unemployment, we should be better stewards of U.S. taxpayer dollars, on making sure that to the extent possible they are spent on U.S. jobs.

□ 1630

But it is also a very important strategic defense policy for this Nation. As our supply chain for DOD gets internationalized on a daily and weekly basis, we're putting this country at jeopardy. In my own district, I have one of the last—in fact, the last American company that makes copper-nickel tubing for the sub-fleet. Because there is one foreign manufacturer that is on the verge of putting them out of business, we are about to lose our only domestic capability for a critical component of that sub-fleet. It makes sense to give them some capacity to at least make the case to the U.S. contracting agencies that this work should stay here.

I think this is an important amendment for job creation but, frankly, just as important for U.S. strategic purposes.

I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I claim the time in opposition.

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

Mr. CONAWAY. I do oppose the gentleman from Connecticut's amendment on the grounds that it's really bad policy.

Having spent several years working with the acquisition system, that is relatively complicated throughout the Department of Defense, to add one more layer of considerations to that system is, in my view, wrongheaded.

While the amendment allows this information to be provided, it provides for some punitive teeth in the amendment that should a contractor, either in good faith or bad faith, overstate the number of jobs created or retained, then that contractor would be debarred from being able to participate in the acquisitions process.

At the end of the day, at the beginning of the day, whatever part of the day you want to talk about, acquisition by the Department of Defense should be about something this straightforward. It should be about buying the gear, the equipment, and the goods and services our warfighters need at the time they need it at a price that is appropriate for the taxpayer to pay. And while jobs get created under that circumstance, that should not be a consideration as to what the warfighter needs, how we get it, how it's acquired, and that process.

My colleague has said this is simply a suggestion. That's how you get to mandatory. He already said, if it were up to him, it would be mandatory. We put this in as a ''suggestion,'' and the next step will be for him to ask that it be made mandatory and that we drive higher costs into the systems, because then the criterion for deciding on a contract is not is this the goods and service that we need at a price we can afford, and, oh, by the way, which one of these guys uses the most number of people to do that. That's counter to getting the best deal for the American taxpayer.

I want the contractors to use whatever the appropriate number of people is to build a piece of equipment that we need, provide a good or service that we need at a cost that the American taxpayer can afford.

At a time when we're going to squeeze on the Department of Defense to force higher costs through this policy, in my view, is wrongheaded.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. I will make three quick points in response.

First, the amendment does not require that contractor to be debarred. It just simply allows for the possibility of debarment if they have significantly undersold or oversold, frankly, the amount of jobs that are going to be created. It is just an ability, frankly, that would exist under current law as to permissive debarment.

Second, I think my constituents are reflective of most people's constituents here. I think they expect that when they send their taxpayer dollars to Washington that there will be a preference for U.S. jobs. Most people I talk to are surprised that it's not a factor.

And third, we have to look at the holistic cost about sourcing to the Federal Government. It may be so that a particular part for a jet engine is 10 percent cheaper to buy it from a Chinese shop than an American shop. But when that American shop goes out of business, it costs the U.S. Government more money, not less, because we then have to pay unemployment compensation. We lose all of the tax revenue. We

likely have to pay other social safety net costs.

So we have to start being smart about how we use taxpayer dollars and recognize that when we buy something overseas, the contract price may be 10 percent less, but the overall cost to the U.S. Government is much more.

With that, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I would just simply respond that, again, the value for the taxpayer at the end of the day is what we need to do.

We're going to have to cut costs across this government, and that's going to mean that people are going to have to do something differently than they have done in the past. And to simply say that the American manufacturing jobs should have absolute preference over getting the best deal for the taxpayer, in my view, doesn't make sense.

We've got a very complicated acquisition process in place right now. And it reminds me of the headlines that were shown in the last couple of days of the number of folks who got money from the vaunted stimulus plan that was—in fact, whose sole purpose was to really create jobs, unlike acquisition for the military and Department of Defense whose sole purpose is to provide the goods and services and equipment needed for our warfighters at the point and time they need it at a cost that makes sense for the taxpayer. The job creation of the stimulus plan, that emphasis was flawed in the extreme. And I don't believe that adding that emphasis to defense acquisition will make for a better acquisition process or will make for a better piece of equipment that we get.

And the analogy that the country that goes out of business costs all of these other kinds of things, that's basically hyperbole. I don't think my good colleague has any of the facts to associate that with.

At the end of the day, it's the private sector that drives this economy. You cannot flourish an economy with growing government jobs. It must be in the private sector. The private sector does it best, and this would impede that.

I yield back the balance of my time.

Mr. MURPHY of Connecticut. I think this is a very important debate to have to show who is really focusing on the best use of taxpayer dollars for the creation of U.S. jobs. I appreciate the opportunity to have this debate on the floor of the House.

I yield back the balance of my time.

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

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

Mr. MURPHY of Connecticut. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 26 printed in House Report 112–88.

AMENDMENT NO. 27 OFFERED BY MR. COLE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: 02

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. PROHIBITION ON DISCLOSURE OF POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

"§ 4712. Prohibition on disclosure of political contributions

''(a) PROHIBITION.—An executive agency may not require an entity submitting an offer for a Federal contract or otherwise participating in acquisition of property or services by the Federal Government to disclose any of the following information as a condition of submitting the offer or otherwise participating in such acquisition:

''(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

''(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any individual or entity with the intent or the reasonable expectation that the individual or entity will use the funds to make a payment described in paragraph (1).

''(b) NO EFFECT ON OTHER DISCLOSURE REQUIREMENTS.—Nothing in this section may be construed to waive or otherwise affect the application to an entity described in subsection (a) of any provision of law (including the Federal Election Campaign Act of 1971) that requires the entity to disclose information on contributions, expenditures, independent expenditures, or electioneering communications.

''(c) DEFINITIONS.—In this section—

''(1) each of the terms 'contribution', 'expenditure', 'independent expenditure', 'electioneering communication', 'candidate', 'election', and 'Federal office' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

''(2) the term 'acquisition' has the meaning given that term in section 131 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4711 the following new item:

''4712. Prohibition on disclosure of political contributions.''.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Oklahoma (Mr. COLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. COLE. I thank the chairman.

Mr. Chairman, last month a draft Executive order was circulated that would require companies to disclose all Federal campaign contributions as a condition for submitting a bid on a Federal contract. If implemented, this Executive order would effectively politicize the Federal procurement process. Companies and their bids would run the risk of being judged on the basis of politics as opposed to their professional capabilities. The danger of that is obvious. It's never a good idea to mix politics and contracting. My amendment would prevent the President from implementing his proposed disclosure requirements.

And it's worth noting for the record, Congress actually considered something similar in the 111th Congress, the so-called DISCLOSE Act, and chose not to pass that particular legislation. This is, in effect, a backdoor effort to implement something that Congress has previously decided not to legislate on.

It's worth also noting that all current Federal campaign requirements and disclosure requirements would remain effective. There is nothing in this amendment that affects current law. However, we do prevent the administration from taking that extra step and chilling the First Amendment rights of companies and corporate executives.

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

Mr. CUMMINGS. I claim the time in opposition.

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

Mr. CUMMINGS. Mr. Chairman, I rise in very strong opposition to this amendment. The amendment is nothing more than a legislative attempt to circumvent a draft Executive order, which would provide for increased disclosure of political contributions of government contractors.

The draft Executive order being developed by the Obama administration would require Federal contractors to disclose more information about their political contributions than they currently provide, particularly those contributions given to third-party entities.

□ 1640

Some have said that they oppose this effort because additional information could be used nefariously to create a ''Nixonian type enemies list.'' In other words, they argue that companies should not disclose more information because people in power could misuse the information to retaliate against them.

I have a fundamental problem with this premise. Under this logic, all campaign disclosures would be bad, not just the new ones. Government contractors already disclose contributions and expenditures by their PACs and those who contribute to them. Contributions by the officers and directors of government contractors are also required to be disclosed. Should we eliminate those provisions, too? Of course not.

A second argument made by the opponents is that contracting officers might review political contributions in order to reward allies or to punish foes by awarding or withholding government contracts. Again, this could happen now under current disclosure rules, but Federal procurement law prohibits this.

The draft executive order also reiterates ''every stage of the contracting process'' must be ''free from the undue influence of factors extraneous to the underlying merits of the contracting decision-making, such as political activity or political favoritism.''

A third argument that the draft executive order violates the First Amendment is also grossly misplaced. Even in the recent Citizens United case, eight of the nine Supreme Court Justices agreed that campaign disclosure rules are consistent with the First Amendment because they do not prohibit contributions and ''do not prevent anyone from speaking.''

For all of these reasons, a broad coalition of dozens of open government organizations strongly supports the administration's draft executive order; and more than 30 groups, including nonpartisan, nonprofit organizations like Democracy 21, the Project on Government Oversight, Public Citizen, and many others have concluded that the draft executive order would enhance transparency and decrease—decrease—corruption.

These are not the only groups that support the draft executive order. Two weeks ago, a coalition of institutional investors and investor coalitions, collectively managing $130 billion in assets, also wrote to express their support. In their letter, they explained, ''Corporate political activity presents significant risks to shareholder value,'' and ''transparency allows investors to put together a more complete picture of the various risks to our investments.''

As the Los Angeles Times said in a recent editorial, ''Disclosure is the solution, not the problem.''

I firmly believe that to be the case, and I urge Members to defeat the amendment.

I reserve the balance of my time.

Mr. COLE. I couldn't disagree more strongly with my friend from Maryland.

Quite frankly, the information that this proposed executive order would extract and require from companies is not necessary to evaluate any bid that they've made. It's a political quest, not a quest for more information, for a better product or a better bid, and it legitimately raises political fear of retaliation. We've seen time and time and time again in history where politics have been linked to contracts. This is yet another effort to do it.

I also dispute my friend about whether or not it is appropriate for the executive branch to even consider this in the first place. It is not the job of the executive branch to legislate. That's actually our job in this body. If we want to add additional requirements, we can do so. We looked at requirements very much like this last year in a Congress which was controlled at both ends of the building by my friends on the other side, and it did not enact such legislation. I think to do so now actually through executive fiat raises even more concerning fears.

All I am asking is that we leave the law as it is, the disclosure requirements as they are, and, frankly, keep the executive branch from engaging in fishing expeditions and from potentially imputative political activity against companies and individuals who are simply exercising their First Amendment rights.

I reserve the balance of my time.

Mr. CUMMINGS. May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. CUMMINGS. Mr. Chairman, I don't know what we're afraid of. What are we afraid of? This is about the American people knowing what these people are spending. That's what it's about. It's not about trying to make decisions on contracting.

I just said, Mr. Chairman, that the law is very clear that they cannot do that. It's about the American people knowing what's going on. I think we have to guard our democracy, and one of the best ways to guard it is through disclosure. If folks aren't doing anything, there's nothing to be afraid of. So why do we want to hide? We need a transparent democracy. That's what this is all about: transparency.

I yield back the balance of my time.

Mr. COLE. Mr. Chairman, if the information isn't necessary for the bid or for the evaluation of the bid, then it's not necessary for the executive branch to have it or for us to run the risk that it might be misused, so I urge the adoption of the amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 112–88.

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 845. REQUIREMENT TO SET ASIDE WORK FOR LOCAL QUALIFIED SUBCONTRACTORS.

The Secretary of Defense shall require each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors. For purposes of the preceding sentence, a subcontractor shall be considered local if its headquarters is within 60 miles of the military installation.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, this is a very simple amendment. This is about local jobs for local companies.

Many of us have in our districts military facilities of large and small size. All too often those facilities and the work done on those facilities, performed by contractors, often national contractors, totally ignores and provides little or no opportunity for local subcontractors. This amendment would simply require that for prime contractors on military installations across this Nation they would be required to allow 40 percent of their contracts, by dollar value, to be available for local subcontractors.

Not a bad idea, it seems to me.

I know that, in my area of Travis Air Force Base in Solano County, there are constant—constant—complaints from local contractors that the big boys come in, hog all the work, and leave nothing behind except a few more burgers bought at McDonald's.

Not good enough.

This amendment deals with that issue by providing local contractors, often Republican contractors, the opportunity to have work in their communities, and ''local'' is defined as within 60 miles of the base. So I ask for an aye vote.

I reserve the balance of my time.

Mr. CONAWAY. I claim the time in opposition.

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

Mr. CONAWAY. Mr. Chairman, I have to oppose the gentleman from California's amendment. While it is straightforward, it is bad policy, quite frankly.

At first blush, where is the 60 miles? It just says ''military installations.'' If you go to Fort Hood, there are a lot of places around that are way further than 60 miles away from the west edge on the east side of the State. The amendment doesn't even say from the flagpole or the central location. Where do you measure the 60 miles? It's kind of a straightforward problem there.

It also doesn't provide for historically underutilized businesses. So you've got an historically underutilized business, a HUB, that is 61 miles outside whatever the measurement might be. They would be excluded under this provision from competing for that 40 percent because they would be an arbitrary 61 miles, 60.5 miles, 60 miles and 1 foot—or whatever the criterion is—which is not stated in this amendment.

You can't fence out competition. I understand that folks don't like to compete. This morning at baseball practice for the Republicans, we had a bunch of new guys out of the 87, and the coach said, Folks, all nine positions are up for competition. Well, I'm No. 2 on the depth chart. I'm not real happy about that, but it spurred me to compete better for that position.

Competition works. It works for the big guys, and it works for the little guys. To arbitrarily and capriciously set a 60-mile perimeter around a military base and say 40 percent of everything has to be provided to the folks inside that is wrong-headed, so I oppose this amendment.

I reserve the balance of my time.

□ 1650

Mr. GARAMENDI. I am shocked, absolutely shocked that my Republican friend isn't standing firm for small businesses in their communities. Would you like 61 or 60,000 miles? Whatever it is, we want the small contractors to have a shot at it. Be happy to amend to whatever mileage you would like.

I yield 1 minute to the ranking member of the committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, this may not be the best way to get at this problem, but this is a problem. There is nothing wrong with competition, but what's happening right now with a lot of DOD contracts is not competition. The DOD has gone in, in a very arbitrary way, picked large contractors from a long ways away, and not even allowed, in many instances, local contractors to compete for that work.

This is a very real problem. It's a bipartisan problem. We had a Republican Member testify before the Armed Services Committee about his concerns about this. They are driving work away from local contractors and away from local workers, not allowing them to compete for that work by showing a bias in favor of a large, one-size-fits-all contractor. Not good for the Department of Defense.

Also, with all of our bases, the local community is a critical support structure for that base. Once you take that out, once you take local workers, local contractors out of the equation, it makes it that much more difficult to get the local community to give the base the support that it deserves. This is not competition as it's currently constructed. I applaud the gentleman for offering his amendment. I urge support, and I urge that this committee look more closely at this issue.

Mr. CONAWAY. May I inquire as to how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Texas has 3½ minutes. The gentleman from California has 2¼ minutes.

Mr. CONAWAY. I yield 2 minutes to my colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from Texas, and I rise in opposition to this amendment.

We on this side of the aisle do stand with small business; but this is an arbitrary amendment, sets up arbitrary mileage, dollar amounts that is not going to get at the heart of the problem. I agree with the ranking member that the big boys, one-size-fits-all doesn't always work. But we have to figure out a process and put it in place that is going to streamline the process for small business, not set up, as I said, arbitrary mileage and dollar amounts that are going to, I believe, hurt small business.

There will be small businesses that are outside that 60-mile area that can't come in and compete. And when you reduce competition, you drive up costs. We want to see competition. This amendment, there is no waiver in it to provisions or any consideration for special needs for the DOD, including urgency of mission or direct support to the warfighter.

It adds additional steps in the contracting process. It requires the DOD to devote additional time and resources to monitoring contracts, once again driving up costs and the complexity. In addition, contractors must devote additional time to comply with the requirements and expand resources on reporting compliance, driving costs further up on these costs.

This is not going to, again, help small businesses. I believe it's going to hurt them. The requirements work against established business practices and programs and will not garner additional benefits to small business, again, driving up costs, stopping small businesses that are 61 or 62 miles outside of that circle. Drives away competition and hurts those folks that could compete that are small businesses.

But I agree with what the ranking member said, and in principle with the gentleman from California. We have got to put processes in place that support small businesses. And I intend to work with the committee, with other members of the committee to try to figure out how we put those in place in a reasonable and sound way that drive costs down and allows our small businesses to participate in the process.

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

I am delighted to hear that my colleagues on the other side of the aisle agree there is a problem. I would suggest to them that we put this amendment into the bill so that we have the opportunity in the weeks ahead, as this bill matures in the two Houses and in the conference committee, that we deal with it.

There is nothing special about 60 or 61 miles, but there is certainly something special about providing local contractors with the opportunity. As I understand, Fort Hood is a very, very big facility. Perhaps you would like 63¼ miles from the outside edge of the perimeter of the facility. Whatever. The problem remains.

I would really urge my colleagues to allow this amendment to go forward so that there is a basis for negotiations in this legislation. Otherwise, we are going to wait a year before we will be able to come back to deal with this. And in that period of time, thousands upon thousands of small businesses will be excluded. There is a problem. We know there is a problem. Move this amendment along, and then spend the next month, 2 months until this bill matures, and then we can work out the appropriate language. But let's all recognize there is a problem and we need to get to it. So let's move the bill.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Texas is recognized for 1½ minutes.

Mr. CONAWAY. Mr. Chair, if I thought there was a mileage issue that made sense, then the proponent's amendment might make sense. But I quite frankly don't believe that is the case. As my colleague from Pennsylvania said, if we need to streamline the processes within the Department of Defense acquisition to allow small businesses to compete regardless of where they are for some of this work, let's do that.

But quite frankly, there is no—and my colleague made the point by saying, well, is it 60? It could be 60, 70, I mean, went up to 60,000—that would be a bit of a stretch—miles. You can't use a miles fence. And so I am going to oppose the amendment because that's not the way. All of us are for small businesses. There is not anybody in here who is remotely going to stand up and say they are not for small business.

We want small businesses to be able to compete. If there are systemic issues and barriers to them to be able to compete, then let's fix that as opposed to some sort of an artificial cone of protection around a particular set.

The other point I would like to make is what if the subcontracting work that needs to be done is greater than—that would eat into the 40 percent is not available within the 60 miles? And so we just have that work not be done because we couldn't find a contractor. The other thing this would promote is the artificial circumstances where they will set up a shop just inside the 60 miles with a post office box or whatever in order to comply with this artificial restraint of trade, restraint of competition. If we need to fix the way the Department of Defense goes at it, fine. This one is not the way to get at it.

I would urge opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 1 minute.

Mr. GARAMENDI. I think the gentleman from Texas missed the point entirely. It is not about mileage. It is

about giving local contractors the opportunity. The offer I made to my colleagues on the right, my Republican colleagues, is put this amendment forward so that we have the opportunity in this legislation to work our way through this. We all understand there is a problem. We all want our local contractors, whatever that means, to have an opportunity at these jobs.

There is a problem. The large national contractors are taking it all. They are coming into our communities and walking away with all of it. That's a problem for all of us who represent any military facility in this Nation. So let's move forward with this, put this amendment in, and then we will work it out. Maybe mileage isn't the best way. Local, maybe that needs to be defined. Forty percent, 39 percent, we can pick a number, or maybe no number at all. But we do know there is a problem, and we ought to be addressing it in this legislation this year. I would ask for your support. If you care about small businesses, then don't wait another year to solve the problem.

I ask for an ''aye'' vote.

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

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

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

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

Mr. MCKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. MCCLINTOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 26 TO H.R. 1540

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1540 pursuant to House Resolution 276, amendment No. 26 printed in House Report 112–88 may be considered out of sequence.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 112–88 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1540.

□ 1701

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mr. MCCLINTOCK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 28 printed in House Report 112–88 by the gentleman from California (Mr. GARAMENDI) had been postponed.

AMENDMENT NO. 26 OFFERED BY MRS. MALONEY

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider amendment No. 26 printed in House Report 112–88.

Mrs. MALONEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. PUBLIC DISCLOSURE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS EMPLOYED WITH DEFENSE CONTRACTORS.

(a) AMENDMENT.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY.—Not later than 30 days after the provision of the written opinion under subsection (a)(3), the Secretary of Defense shall publish on a publicly available website the information submitted under this section, including the names of each official or former official described in subsection (a)(1) and the contractor from whom such official or former official expects to receive compensation.''.

(b) PREVIOUSLY SUBMITTED INFORMATION.—With respect to the publication of information required by subsection (e) of section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note), as added by subsection (a), for information that was submitted before the date of the enactment of this Act, the Secretary of Defense shall publish such information on a publicly available website not later than 30 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, this amendment would require public disclosure of information submitted under section 847 of this act.

This amendment is about bringing more accountability and sunshine to the $379 billion average annual defense contracting business by making a revolving door database, which already exists, publicly available. It would allow the public access to important ethics information about some DOD employees who leave to go through the resolving door to jobs in the defense contracting industry, often with companies with whom they have been negotiating billions of dollars in contracts.

Current and former public servants should not be able to use their positions for private gain, and powerful defense contractors should not be able to rig the system.

But, unfortunately, this relationship is not uncommon. One way contractors gain influence in the government is to hire away civil servants and political appointees with access to inside people and information from their government positions. In some cases, highly skilled and well-connected former senior government officials enter the private sector as executives or officers or lobbyists or on the boards of directors of government contractors, a practice known as the revolving door.

It is also widely acknowledged that there are inherent conflicts of interest in the revolving door, potential ethical problems that can lead to the wasteful spending of taxpayers' dollars and worse.

For this reason, DOD currently collects ethics opinions on certain acquisition employees who go to work for contractors within 2 years of leaving DOD. This amendment would simply require this database to be publicly available online.

This amendment would not add any requirements or change the current post-employment restrictions. The law already requires DOD employees who hold a key acquisition position to obtain a written ethics opinion from a DOD ethics counselor before taking a job with a contractor in the 2 years after leaving DOD.

The National Defense Authorization Act for fiscal year 2008 mandated that covered DOD acquisition officials, that would be certain executive schedule, Senior Executive Service, and general or flag officer positions, must obtain a post-employment ethics opinion before accepting a paid position from a DOD contractor within 2 years after they leave DOD service. It also requires that DOD contractors ensure that new hires have an ethics opinion.

The law also requires that each request for a written opinion made pursuant to this section, and each written opinion provided pursuant to such a request, shall be retained by the Department of Defense in a central database for not less than 5 years beginning on the date in which the written opinion was provided.

But these ethics opinions are not currently shared with the public. Why should this information be secret and hidden from public view?

At times the overly cozy relationships between DOD and contractors lead to cost overruns, loose ethical standards, and lack of accountability. This problem is compounded by the dramatic increase in DOD contract spending in recent years. The inability of DOD's acquisition workforce to effectively manage that dramatic growth and increasing industry consolidation have caused DOD to become too dependent on a handful of companies to provide essential goods and services.

It has become impractical or even outright impossible for DOD to bar any of these companies from contracting or impose punishment more severe than a mere slap on the wrist.

Mrs. MALONEY. Mr. Chair, the examples of lack of accountability are endless:

BAE Systems: Last year, BAE settled an international bribery case in the U.S. and UK for $450 million and pleaded guilty to criminal charges. But it was allowed to keep doing business with the federal government and has won billions of dollars in contracts since then. Even last week's run-in with the State Department, when BAE paid $79 million after State discovered they had withheld vital info while negotiating last year's settlement, hasn't hurt it.

BP: Last year, the EPA was considering debarring BP for its many environmental and workplace safety violations, but DoD pressured them to back off because BP supplies 80 percent of the fuel to U.S. forces.

KBR: Still a key DoD supplier despite a long history of misconduct, including incidents that put the lives of soldiers and employees at risk.

Charles Tiefer of the Commission on Wartime Contracting nicknamed five large companies that do business with DoD (KBR, Agility, Louis Berger Group, Tamimi, First Kuwaiti) the "Flagrant Five" for continuing to receive contracts despite claims of fraud, misconduct and poor performance.

At a time when the public is questioning the ethics and integrity of the federal government and its spending of taxpayer dollars, the very least we can do is to shine a little light on the revolving door between the government and large private contractors.

This amendment would do just that.

It would direct DoD to make the information they already collect publicly available online to increase accountability and improve the ethics in relationships between DoD acquisitions and defense contractors. Groups like the nonpartisan Project On Government Oversight have urged DoD to make the database public, to no avail. DoD is not prohibited from putting the information online, but clearly has resisted doing so.

There is no public interest in keeping this information secret or hidden from view. The only interest served by keeping this ethics information in the shadows are those of current and former public servants use their positions for private gain means powerful private corporations can rig the system in their favor. This costs taxpayers, limits or eliminates competition from businesses that may be the best for the job, and results in flawed policies and bad procurement decisions. It also harms the public trust.

Public access to the revolving door database represents the kind of open government that the public wants and deserves, especially at this time of ever-escalating spending of taxpayer dollars by the Pentagon. It will improve the integrity of the federal contracting system, shine light on the revolving door between the Pentagon and the defense industry, and act as a deterrent to overly-cozy relationship that could lead to wasted taxpayer dollars.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MCKEON. I rise in opposition to the amendment.

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

Mr. MCKEON. Mr. Chairman, I will just make three brief points.

Public disclosure of this personal information serves no purpose but to infringe on the rights and the privacy of civil servants.

The second point, the data required is already being reviewed by the DOD Inspector General. There's no oversight value in making it publicly available. This will only hamper the DOD's efforts to recruit talented acquisition personnel.

I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, in addition, I think it should be pointed out that in the FY 2010 National Defense Authorization Act, the Congress required that the Panel on Contracting Integrity review policies related to post-employment restrictions. Now that report is supposed to be delivered this summer.

□ 1710

It seems to me to be prudent that we listen to what we ordered them to tell us before we start making new restrictions and new requirements without even hearing what their report says.

So I appreciate the concerns that the gentlelady brings up on this issue. But as the chairman indicated, study after study related to our acquisition process talks about the difficulty of attracting top quality acquisition folks and yet the importance of having those very people.

I think it's very important, while we obviously must consider the ethical considerations, we also, just as obviously, have to consider whether we are attracting top quality talent or repelling top quality talent. And it would be very helpful for Congress to hold off and listen to the report that we have ordered them to give us before we start making additional legislation and additional requirements that could have severe adverse consequences in this area.

So, I think we should reject this amendment, listen to the report, see what it says, and see if and when additional action is needed after that.

Mr. MCKEON. How much time do I have remaining?

The Acting CHAIR. The gentleman from California has 2¾ minutes remaining.

Mr. MCKEON. Mr. Chair, I think one of the things that we do in this bill is look at redundancy and the things that we are trying to make simpler, not more complex. I think, as the gentleman said, we've already asked for a report on this. We will get that report back, and then there will be time to see if there is any reason to go further in this direction.

I would encourage my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 30 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 414, line 4, strike "and".

Page 414, line 20, strike the period and insert "; and".

Page 414, after line 20, insert the following:

(5) by adding at the end the following:

"(h) DIRECTION OF FUNDS.—Any savings realized under this section shall be deposited into the general fund of the Treasury and used for deficit reduction.".

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

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

Mr. Chairman, I rise today to speak on behalf of my amendment to H.R. 1540. The underlying text of the National Defense Authorization Act calls for the shift of certain inherently governmental functions, currently being performed by contractors, to civilian employees within the Department of Defense.

My amendment is simple. It requires that any cost savings achieved by this transfer be used for deficit reduction. I'm going to say that again. Any cost savings associated with shifting work from contractors to civilian employees will get used for deficit reduction.

Reaching the debt limit last week was a stark reminder of the consequences of ballooning spending throughout the Federal Government, including defense spending. Committing cost savings to deficit reduction is the first step toward returning to a fiscally sustainable budget. By reducing

the deficit with identified savings from the Department of Defense, we will help to ensure that we have enough to invest in education, infrastructure, and job-creating priorities that we all share while cutting spending to reduce the deficit.

This is a smart and fiscally responsible amendment. I urge my colleagues to adopt it.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. FORBES. First of all, I want to thank the gentleman for bringing this amendment. I know he is sincere in talking about deficit reduction, and I certainly appreciate that. All of us on this side are equally sincere. In fact, I'm one of only 17 Members of this body who voted against every single one of the bailouts and stimulus bills because we realized what it was doing to the deficit in this country.

Secondly, I share the gentleman's concern when he talks about some of DOD's decisions to change from private contractors to civilians because some of those decisions haven't been based on business models. But just because they have not all been correct doesn't mean they have all been wrong. And the problem with this approach is that it's exactly the wrong approach because it will be a disincentive to the Department of Defense to try to reach these efficiencies.

The reason that DOD has an incentive to try to make these efficiencies is so that they can reprioritize and use these dollars for programs that are absolutely vital and important for the national defense of the country. To say that every time they make those savings we are going to take off of the top line of the Department of Defense will be a disincentive for the Department of Defense to make those savings.

And here are the effects that we have. If we don't have civilians doing these jobs, we have had testimony coming before our committee from our generals and our admirals that basically what that means is they have to take military personnel to do that work, which means they don't have the time to do the training that they need to do to be prepared to fight and defend this country.

The other concern we have with some of the reductions that we would be taking out of DOD, in the budget submitted to us this year, they were actually pushing back on facility maintenance that we needed to keep our facilities updated to only 80 percent of the maintenance that was required.

So, Mr. Chairman, I think it's vitally important that we do a lot for deficit reduction. I think it's vitally important that we look at the fact, for example, that on some of our stimulus bills we're talking about $800 billion. In this, we're talking about several million dollars.

But I think the most important thing, Mr. Chairman, is that we make sure we are giving DOD the incentives they need to make sure they are prioritizing correctly the dollars that they have and that we not take money off of the top line of the defense budget, which I think would be detrimental to us at this time.

With that, Mr. Chairman, I hope we will oppose the amendment, and I reserve the balance of my time.

Mr. HIMES. Mr. Chairman, if I understand the argument of my colleague from Virginia, he is saying that by taking away money for the purposes of debt reduction from the DOD that we will be disincentivizing action, which we all know to be the right thing to do here.

So let me just toss out a couple of facts.

Fact No. 1, Admiral Mullen, Chairman of the Joint Chiefs of Staff, has identified the debt of this country as perhaps the single largest strategic threat to the security of the country.

Fact No. 2, in DOD, we are talking about people who, if anywhere in the government are dedicated to doing the right thing by all of us, sacrificing for the good of this Nation, and their leader said that the single largest strategic threat to this country is our debt, how can you make an argument against this amendment? Think about the words of Admiral Mullen.

The argument seems to me to be an insider Washington argument, which is if you take away their cheese, they're going to be angry. They won't do the right thing because you're taking away their cheese.

I will stop speaking, but I will just ask my colleague from Virginia whether he believes in the context of what Admiral Mullen said about deficit reduction and the debt and whether he really believes that the DOD will do the wrong thing here.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. FORBES. Mr. Chairman, I would be glad to answer my good friend's question by saying I absolutely believe what Admiral Mullen said. When you look at the efficiencies that the Department of Defense has been talking about, we're talking about roughly $179 million. But I would suggest my friend look at comparing that to the $800 billion that we spent on a stimulus package which I voted against because I realized what it was doing to the deficit in this country, exactly what the admiral mentioned.

The other thing, Mr. Chairman, that I would suggest to the gentleman is, quite honestly, I will tell him I do not know if the Constitution mandates or gives us the authority to bail out the auto industry or the insurance industry or the banking industry or the mortgage industry or whatever else we've been bailing out, but one thing I do know is this. When some of the smartest people this Nation has ever birthed came together and agreed on one thing in our Constitution, the thing they mandated that this Congress do is to maintain strong armies and navies and to defend this country. And one of the things I unabashedly will say is that we need to stand firm and make sure the Department of Defense has the dollars that they need to defend and protect freedom and to pass it on to our children and our grandchildren. And I believe this amendment goes a step towards taking that ability away from them.

With that, Mr. Chairman, I hope we will reject the amendment, and I yield back the balance of my time.

The Acting CHAIR. The gentleman from Connecticut has 2¼ minutes remaining.

Mr. HIMES. Mr. Chairman, all I've got to say about that is, wow. Here we are talking about the DOD and what we should do with savings found in the DOD, and the gentleman from Virginia is bringing up stimulus and TARP and $800 billion, which has absolutely nothing to do with the question at hand, a mechanism that is used all too often by the other side.

The gentleman mentions the Constitution. Nobody in this room is saying that we shouldn't adequately fund the Department of Defense. That's not what this is about any more than this is about TARP or stimulus or any of the other things that my colleague spoke about.

The Constitution also says that it is this body—this body—that will determine how funds are spent. My colleague from Virginia is saying that extra money at the DOD that is saved in a mechanism that we all agree makes sense, that it should be a slush fund, if you will, that the DOD should decide how they use that. The Constitution of the United States is very clear. That's our job.

□ 1720

Nobody is saying that we should underfund defense; that is not what this is about. And I am delighted that the gentleman takes such great pride in having voted against the stimulus and the TARP, which by the way, I would say the day after Chrysler has repaid its government loan 6 years early, the gentleman might revisit his point on that, but that is not what this is about.

This is about good government and deficit reduction and abiding by the spirit of the Constitution that says we decide how money is used, not the agencies.

I yield back the balance of my time.

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

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Connecticut will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112–88.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 417, after line 7, insert the following:

SEC. 941. ASSESSMENT OF CONTRACTOR PERFORMANCE OF CERTAIN FUNCTIONS ON SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an outreach program to benefit small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I thank you very much. I see my good friend from Pennsylvania is on his feet, and I know that he is going to help me help small businesses because that is the simplicity of this amendment.

It is simple. It is engaging, embracing. It is recognizing that all of us have our good neighbors back in our district. It is also an affirmation of the importance of the work of the United States military, and the many, many small businesses who desire to be of service. And so this amendment is simply informational, but it has a basis in success; outreach, to make sure that our small businesses around the Nation have a sense of what available opportunities are there for them.

It calls for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in the increasingly globalized economy.

We also realize, and I always say to my small businesses that they are the job creators of the 21st Century, and they do so in conjunction with the United States military. It may be janitorial services, painting buildings, mowing lawns, and related activities. Our small businesses can do that.

So this amendment simply asks the Department of Defense, as it outsources its work, to make sure that it reaches out to the small business community so that they will be, if I might use the vernacular, in the mix. They will have the understanding and the opportunity to get jobs, to get business based on their qualifications and based upon their ability to do work.

In addition, might I say that many of us have come across situations where our base leadership is trying to be fiscally responsible and has taken in business that they had heretofore outsourced. My point is that it is important to assess that impact on small businesses.

I heard a discussion earlier on the floor that we want to equalize the playing field for our small businesses. We know that the larger companies, they have got the roadmap. This is simply an opportunity to say to Americans, all of you are taxpayers, all of you have the opportunity to do something for the United States military, and that may be using your talents as a small business to have the opportunity.

Let's outreach so they have the information. Let's make sure that we are engaged. Let's make sure that we create jobs.

Mr. Chair, I rise today in support of my amendment #31 to H.R. 1540, "National Defense Authorization Act For Fiscal Year 2011," which requires the Secretary of Defense to utilize an outreach program to attract small and minority owned businesses prior to the outsourcing of military contracts related to local military bases.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy. This amendment will require the Department of Defense to consider the impact that changes to current outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses. Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

As a practical matter the Department of Defense has the discretion to choose whether a contract should be in-sourced or out-source. Since March of 2009 it is understood that certain federal contracts that were formerly completed by civilian employees would be returned to federal employees. It is important to find balance between contracts that should be conducted by the federal government versus civilian contractors. As it stands the policies implemented by the DOD has the unintended consequence of harming small minority and women owned businesses by taking away civilian contracts that are not inherently serving a federal government purpose such as janitorial services, painting building, mowing lawns and related activities. These service contracts which tend to be the bread and butter for minority and women owned business are slowly being withdrawn and returned to the federal government.

JOHN FREEMAN, PRESIDENT OF HALLMARK

Take for example my constituent John Freeman.

Mr. Freeman operates Hallmark Capitol group, a Houston based small women and veteran owned business which specializes in providing transportation services, vehicle repair, and preventive vehicle maintenance.

Mr. Freeman currently has 14 Department of Defense contracts across the US.

One of Mr. Freeman's contracts is at Patrick Air force base in Florida. The Department of Defense decided to in- source VOM (Vehicle Operation Maintenance). The value of this contract is approximately $4 million a year and Hallmark employees nearly 40 people on this contract. The government has decided to insource this contract effective which will result in the loss of nearly 40 jobs. They will be out of a job by the end of the year and will not receive any preferential hiring treatment from the federal government.

Hallmark filed a lawsuit in the court of federal claims to prevent the Air Force from insourcing this federal contract. The Court of Federal claims ruled on May 15th that contractors lack any standing or jurisdiction to question the government's decision to in source contracts. Shortly thereafter, Hallmark filed an Appeal of the Court of Federal claims decision. They are currently awaiting the outcome of the appeal.

We must take a closer look at the impact changes in the new Department of Defense out sourcing and in-sourcing policies are having on small minority, veteran and women owned businesses. The Department of Defense must review their policies to fairly balance the need to return inherently federal operations from those that can be done by civilian contractors.

Frankly, we can all agree that painting the side of a building is not an inherently government function. These service type contracts are mainly conducted by small business who will be at a distinct disadvantage if their contracts are suspended.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration (SBA), a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. My amendment would require the Department of Defense to utilize a similar outreach program prior to outsourcing. The Department of Defense should investigate what impact changes

to current outsourcing guidelines will have on minority and women owned small businesses. Outreach is key to developing healthy and diverse small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated $1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to the Council on Foreign Relations, there has been an average of between 15,000 and 20,000 private contractors working in Iraq providing a variety of services for the military. These private contractors are hired for everything, from supplying translators, and maintaining surveillance systems to preparing meals and washing uniforms.

The Department of Defense (DOD) estimates that during the Vietnam War, the ratio of contractors to soldiers was 1 in 10. This rate increases to about 1 contractor for every soldier during Operation Iraqi Freedom. These contracts generate billions of dollars in revenue for the companies to which they are awarded.

Women owned businesses were awarded 3.4% of DOD prime contracts in Fiscal Year 2009. Small Disadvantaged Businesses were awarded 7.2%, while Historically Underutilized Businesses got 3.3%.

According to a 2009 report published by the Economic Policy Institute, ''Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts.

It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses.''

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

I offered two additional amendments that were not made in order that would have required the Department of Defense to conduct an assessment on the impact changes in their outsource guidelines would have on small minority owned business. The Department of Defense must consider the potential negative impact proposed outsourcing changes would have on small and minority owned businesses.

We need to help small businesses keep up with their big business competition. Right now, the federal marketplace favors big businesses and corporations. Small businesses have lost an estimated $13.8 billion in business opportunity because they could not fairly compete for federal contracts because larger companies are allowed to bundle contracts—the practice of accepting ''mega-contracts'' for large jobs that only they have the resources to handle on the condition that they receive smaller contracts that could have been given out to small businesses. For every 100 bundled contracts, 106 individual contracts are no longer available to small businesses. For every $100 awarded on a ''bundled'' contract, there is a $33 decrease to small businesses.

Small businesses deserve a fair shot at federal contracts. They have a chance to compete for overseas contracts with the Department of Defense as well as access to international contracts with the United States Agency for International Development. In addition, I believe that work needs to be done to modernize key contracting developmental programs designed to increase opportunities for women, minorities and low-income individuals. Programs like the Outreach Program that I support through my amendment. These actions will reduce the current barriers and ensure small businesses have access to perform federal contracts. This can save taxpayer dollars, because the increased competition for government contracts will lead to better prices and better quality.

Currently companies that ship jobs to other countries receive federal tax breaks to give them an edge against foreign competition. This means that the current tax code encourages companies to move their production centers out of the U.S. to save money. It also gives them an unfair advantage in competing against small businesses that employ American workers and make their goods here.

I am committed to providing the technical assistance and necessary tools small businesses need to break into new markets and sell their products abroad. By pursuing fair trade strategies that open markets we will ensure a level playing field for American workers and businesses, and strengthen critical domestic industries, such as our manufacturing, intellectual property, and technology sectors. We want fair trade policies that keep jobs here and provide opportunities for American small businesses and their employees.

The vibrancy of our economic prosperity depends on the ability of our nation's small business community to adapt to opportunities at home and abroad. The skill required to navigate the many regulations imposed by the Federal government is essential to maximize any business plan. Alliances made between the private sector and government allows small business owners to be empowered by the Federal regulatory process and not the victim of it. The hearing today will allow for the constructive dialogue needed to ensure that all Americans continue to prosper in the age of low unemployment and Federal budget surpluses.

Out Reach programs that are properly designed and implemented, strengthen the national community, promote its economic well being, and maximize the benefits of our great diversity. The Department of Defense should be required to reach out to small minority and women owned business to hear their concern and to recognize the important role they play in revitalizing our economy.

I reserve the balance of my time.

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

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

Mr. SHUSTER. I appreciate the gentlelady from Texas offering this amendment, and I want to restate what it attempts to do.

It will prohibit outsourcing of DOD functions until the Secretary of Defense conducts an outreach program to benefit women- and minority-owned small businesses. Well, in fact, it is a duplication of what is already in the law. It duplicates section 891 of the fiscal year 2011 National Defense Authorization Act which requires the establishment of an outreach program to firms near DOD installations. This act simply delays allowing for outsourcing to come back in and be part of the benefits that it provides to this Nation, reducing cost, streamlining the process.

So again, this is already in law. As I said, this is nothing more than a delay tactic to stop outsourcing. We need to use outsourcing where it makes sense, to utilize the benefits of reducing cost, which has the potential to help our small businesses, which I think we all support. Whether they are women-owned or minority-owned businesses, small businesses are important, and I think outsourcing does that.

In fact, in my district, Letterkenny Army Depot has public-private partnerships today through outsourcing with small businesses and large alike. The Heritage Foundation did a study commending what is going on at Letterkenny Army Depot utilizing DOD civilians as well as the private sector, coming together where it makes sense, where we can have a tremendously positive impact on the work that goes there. So there is a model out there, and outsourcing is important.

Again, I urge my colleagues to vote ''no'' on this amendment because again, it already is established in last year's defense authorization bill exactly what the gentlelady from Texas wants to be established.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. How much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would like to yield 1 minute to the distinguished ranking member.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of this amendment. I think it is a very reasonable request. I think making sure that minority-and women-owned businesses are protected is an important part of building a strong economy and a strong country, and it is reflected in many different aspects of Federal law, to try and make sure that opportunities are made available for women- and minority-owned businesses.

I will also add that this amendment does not presume that outsourcing is harmful to women and minority-owned businesses; it simply wants to gauge the effect. It is quite possible the effect is positive, and it is going to create an opportunity for them that would not

otherwise be created. But in making those decisions, the impact on women- and minority-owned businesses is an important part of that decision, and I believe should be reflected.

So this amendment is not meant in any way to restrict outsourcing. There are a lot of different decisions that have to be made in doing that. It just says that when you do that, keep this important consideration in mind.

I urge support for the amendment. I thank the gentlelady from Texas for bringing it to the committee's attention.

Mr. SHUSTER. I agree with the distinguished ranking member, and I believe that he supported last year in the National Defense Authorization Act section 891, which in fact does what the gentlelady from Texas wants to do.

So again, this is a delay tactic to put outsourcing back on the table, back in play, back in part of our toolbox.

Again, I urge all of my colleagues to vote ''no'' on this amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I hope my good friend from Pennsylvania listens to both the distinguished ranking member and myself. This is not an amendment that opposes outsourcing. In fact, it is an amendment that affirms that outsourcing occurs, and to ask that that playing field be even more even by attention being given to our small, minority- and women-owned businesses.

It has been documented that small businesses have lost an estimated $13.8 billion in business opportunity because they cannot fairly compete for Federal contracts because larger companies are allowed to bundle the contracts, the practice of accepting mega-contracts for large jobs that only they have the resources to handle—under the condition that they receive smaller contracts that could have been given out to small businesses.

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I want our small businesses and minority-owned businesses and women-owned businesses to be in the mix, have an outreach program. There's nothing wrong with added leverage of outreach for all our small businesses.

And let me say something else, Mr. Chairman. It is also to say that if a small business has a contract and it's hauled back in, it's pulled back in, let us assess how that is impacting the loss of jobs. Forty jobs, a constituent that came to our attention, Hallmark, lost by bringing in the business.

So by no means is this an opportunity to block outsourcing, and I call it contracting out. It is the business of supporting our small businesses.

Mr. Chairman, I ask my colleagues to support this very evenhanded, very vigorous amendment to support the hard-working Americans—small, women-owned, and minority-owned businesses. I ask my colleagues to support the amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 32 OFFERED BY MR. ANDREWS

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 417, after line 7, insert the following (and conform the table of contents accordingly):

SEC. 941. TEMPORARY SUSPENSION OF IMPLEMENTATION AND ENFORCEMENT OF WORKFORCE MANAGEMENT AND SOURCING POLICES PURSUANT TO "EFFICIENCY INITIATIVE".

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of enactment of this Act and ending on the date that is 60 days after the first date on which the Secretary of Defense has submitted to the congressional defense committees both the report required in subsection (b) and the certification required under subsection (c), no workforce management and sourcing policies, directives, guidance, or memoranda issued pursuant to the Department of Defense's ''Efficiency Initiative'' may be announced, carried out, continued, implemented, or enforced.

(b) REPORT REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall undertake a comprehensive review of the workforce management and sourcing policies announced by the Department of Defense pursuant to the ''Efficiency Initiative'' and submit to the congressional defense committees a report that describes alternative policies that—

(1) ensure performance decisions are based on law, risk, policy, and cost;

(2) reflect a total force policy that takes into account the strengths and capacities of active and reserve components, civil servants, contractors, and retired military personnel in achieving national security objectives and missions; and

(3) are consistent with the statutory framework for workforce management and sourcing, including sections 129 and 129a of title 10, United States Code.

(c) CERTIFICATION REQUIRED.—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees a certification that—

(1) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the first date on which both the report required under subsection (b) and the certification required under subsection (c) have been submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the report required under subsection (b), determine whether the Department of Defense is compliant with the certification requirement in subsection (c), and submit to the congressional defense committees a report on the findings resulting from those activities.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. One of the questions, Mr. Chairman, that this body and the administration often face is whether a certain task is best performed by employees of the Department of Defense or whether that task is best performed by those working for contractors competing for the right to do that business.

There are two things I know about this issue. The first is that it is one we always debate because it's a very difficult one to resolve. And the second is that I don't think either answer is always the right one. I think any strategy that presupposes that having employees do a job isn't right and a strategy that presupposes having contractors do a job isn't right.

I think we've built a bipartisan consensus around the proposition that, on a case-by-case basis over time, we should collect evidence and decide whether or not a certain function is best performed by employees of the Department of Defense or whether it is best performed on a competitive contracted-out basis.

The purpose of my amendment is to address what I believe is an imbalance in this evidence-gathering process that goes under the name of an efficiency initiative.

I don't think there's a Member on this floor who would oppose an efficiency initiative. But efficiency is not something that presupposes that one answer is always better than the others. And I think the record shows that we're presently living under an initiative that presupposes that contracting out is better than having Federal employees perform that function.

Here's the evidence:

Between fiscal year 2001 and fiscal year 2010, Department of Defense services performed by contracting agencies—that is to say companies—increased from $73 billion in fiscal 2001 to $181 billion in fiscal 2010. This is an increase of 147 percent, or about 15 percent per year. During the same period of time, the cost of compensating Department of Defense civilian employees

grew from $41 billion in fiscal 2001 to $69 billion in fiscal 2010, a 68 percent increase, or just under 7 percent per year.

Now, I am not prejudging as to whether the decisions that make up those aggregate numbers were all right or all wrong. That would be certainly beyond anyone's capability to do. But I think that kind of imbalance shows that we're not conducting the kind of careful, fact-driven, merit-driven evidentiary process that we ought to be following.

So here's what my amendment does. It says that when our bill is signed by the President, that there will be a 60-day period where there will just be a timeout, where we will stop the contracting-out process. We'll ask the Department of Defense, we'll direct the Department of Defense to do two things: to answer the question of whether the decisions it has been taking are truly based on the merits and cost benefit or whether there are other factors involved. It will then ask the Department of Defense to certify that the laws and procedures that we set up in the past to make such decisions have, in fact, been followed. At the conclusion of that 60-day period, reports will be given to the Armed Services Committee and the other defense committees of the Congress, and we will collectively review those reports and make a decision, in time for next year's bill, what to do.

So this is an amendment that does not favor contracting out or keeping work in the hands of Federal employees. This is an amendment that says that we should reflect on the fact that we've had a 147 percent increase in contracted-out services at the time we've had a 68 percent increase in the compensation of civilian employees. We should pause for 60 days after the bill is enacted, reflect the accuracy of that record, and then collectively make a decision for the future as to what's best for the country.

I think this is a reasonable approach to this issue. I would urge a ''yes'' vote from both Republicans and Democrats.

The Acting CHAIR. The time of the gentleman has expired.

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

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

Mr. FORBES. Mr. Chairman, first of all, I appreciate the gentleman's amendment and I appreciate his work on the Armed Services Committee. He's always very thoughtful and always committed to the national defense of our country.

As I listened to him over and over again, I was agreeing with many of the things that he said. I think oftentimes the decisions that the Department of Defense has made under the guise of efficiencies have not been efficiencies at all. They could have actually cost us more. I think, secondly, they have been made without being well thought out. I think sometimes they have backfilled their analyses after they made those decisions.

But as I read the gentleman's amendment, basically it would suspend all the sourcing and workforce management policies based on all of DOD's efficiency initiatives, which is a wide gamut. Mr. Chairman, I think that, even though, as I mentioned before, I think oftentimes the Department of Defense has been wrong in some of its efficiencies, that doesn't mean they've been wrong in every situation. And one of the things that I think is a vital flaw in the gentleman's amendment is that there's no offset for the amendment to cover the reverse on the planned savings. In fact, according to the information I have been given, the cost of not implementing these efficiencies could be as much as $3 billion. That is off of the top line of the Defense budget. And I know the gentleman would agree with me that, at this particular point in time, such a huge hit to the Department of Defense would not be in the best interest of the national defense of the country.

So, with that, Mr. Chairman, I hope we will oppose the amendment. I hope that I can work with the gentleman and other members of the committee so we can make sure DOD gets this right as they move down the road. But certainly we don't want to put this kind of impact on our men and women in uniform at this time.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 33 OFFERED BY MS. LEE

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title X of division A, add the following new section:

SEC. 10____. LIMITATION IN FUNDING LEVEL TO FISCAL YEAR 2008 FUNDING LEVEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds are authorized to be made available under this division for any account of the Department of Defense (other than accounts listed in subsection (b)) in excess of the amount made available for such account for fiscal year 2008.

(b) EXEMPTED ACCOUNTS.—The accounts exempted pursuant to this subsection are the following accounts:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I do intend to withdraw this amendment, but I'd like to just say why I offered it and why I think this debate is so important.

We're talking about now trying to address a deficit, which we all want to address. We do not want to leave this debt to our children and our grandchildren. That's a given. The big issue I think for many of us is how do we get there and what do we do? And how do we ensure that we have a budget that reflects, yes, our national security priorities, but also a budget that protects the most vulnerable in our country and a budget that ensures that we have priorities to create jobs and to turn this economy around?

And so I believe that we have to talk about not only discretionary spending and entitlement cuts, which the other side is talking about and making such an issue of. We have not really talked about the Pentagon budget. We have not talked about looking at what it would mean if we cut the defense budget back to 2008 as the Republicans want to do with regard to our domestic discretionary spending.

And so what this amendment basically does is just say that if we are going to do this, we need to engage in a debate that is honest and we need to put everything on the table, and that includes the Pentagon. And in fact, we need to begin to look at how we cut back to 2008 levels.

We all know that there is waste, fraud and abuse in the Pentagon. We still haven't been able to come up with a way to audit the Pentagon funds, and so we need to do that. I think we should actually put a freeze on defense spending until we know where our tax dollars are going and until we know that our tax dollars are being spent in a prudent way. We don't even know that because we can't even get an audit of the Pentagon.

We also need to recognize that there are weapons systems that do not need to be built because they have nothing to do with our national security interests now. I mean, we are out of the Cold War. We are looking at asymmetrical warfare. We need to have a research and development program and a defense budget that reflects this new world that we're in, rather than going back to the Cold War and developing these Cold War-era weapons systems. So there are billions of dollars in those accounts.

And so it is just prudent, I think, upon us to really begin to look at why, if we're going to start cutting food stamps and Community Development Block Grants and housing, and if we start cutting workforce training and

Head Start and health care and all of the areas which the majority of the American people rely on as taxpayers, then we need to really look at where a huge portion of our budget falls, and that's within the Pentagon's budget.

Also, we again want to talk about reducing the deficit, cutting the deficit. There is no way we will even touch this unless we begin to look at the defense budget and the Pentagon's budget.

And so basically, once again, this amendment, what it does is it forces us to pause; it forces us to look at what type of savings there would be if we go back to 2008 as we want to do with domestic discretionary spending.

Again, I hope that we can discuss this amendment, have this debate. I know there are not enough votes to get this passed, but I do know that we need to begin this process of looking at and examining the defense budget so that the American people can know where their tax dollars are going and to recognize that there are billions of dollars in waste, fraud and abuse that we need to look at in the Pentagon budget.

And we need to put all of this on hold and go back to 2008 levels, be honest with the American people, and begin to have some real debate about deficit reduction, job creation, and the reduction of spending.

With that, Mr. Chairman, I will withdraw my amendment. Thank you for the time, and let's hope that we can have a debate on the Pentagon budget at some point, a real debate.

The Acting CHAIR. The gentlewoman from California begs leave to withdraw her amendment.

Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 37 OFFERED BY MR. RICHMOND

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 438, after the matter after line 2, insert the following:

SEC. 1022. PROHIBITION ON PAYMENT OF FUNDS RELATED TO CLOSURE OF CERTAIN SHIPYARD FACILITY.

The Secretary of Defense may not make any payments pursuant to section 2325 of title 10, United States Code, to a contractor related to the restructuring or closure of the shipyard manufacturing complex located in Avondale, Louisiana.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Louisiana (Mr. RICHMOND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

Mr. Chairman, I rise to ask my colleagues to support an amendment and restore fiscal common sense back to government.

This amendment would save the U.S. taxpayers up to $310 million, which would be paid to a private company in Avondale, Louisiana for what? For closing. And before we get too far into policy and other things, I want to actually read the language of the amendment so that the American people can understand exactly what we're doing, Mr. Chairman.

The amendment simply says that the Secretary of Defense may not make any payments pursuant to section 2325 of title 10, United States Code, to a contractor related to the restructuring or closure of a shipyard manufacturing complex located in Avondale, Louisiana.

Now, many people may say, well, what am I attempting to stop? Let me just take a minute and say what's going on here. We have a business in Avondale, Louisiana that employs almost 5,000 shipbuilders. They were spun off this year. Northrop Grumman received $1.4 billion for this company. By the way, Northrop Grumman made $530 million this quarter. So the new company, Huntington Ingalls, is closing the shipyard. And because they're closing the shipyard, the U.S. Government—the taxpayers of this country—will pay them up to $310 million for closing.

That's insanity, Mr. Chairman. And as I met with those employees last week, they said, Congressman, we don't know if you can stop it, but the offensive part, the part that makes this very hard for us, is the fact that our tax dollars are being used to pay our employer who is giving us all pink slips.

So I would just implore my colleagues to save the Federal Government $310 million in a time when we're cutting Medicare, in a time when we're cutting our children's future, cutting their education, and we're not feeding the hungry. So this is an attempt to save $310 million.

And I would also add to all of my colleagues who have great ideas and are looking for a pay-for, I am volunteering $310 million out of my district so that we can put back into the Federal Government so that we can pay down the debt and do other things. But we do not need this $310 million going to a private company who made $45 million just this quarter for closing.

Mr. Chairman, I reserve the balance of my time.

Mr. AKIN. I rise in opposition to the amendment.

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

Mr. AKIN. Mr. Chairman, the question involves the Avondale shipyard—which used to be Northrop Grumman, it is now a part of Huntington—and there are essentially three possibilities of what might happen to the shipyard. One possibility is that we leave the shipyard there to build ships for the Navy. The trouble is that we don't have enough demand or we don't have enough money to buy the ships that we would need to keep that shipyard busy, which then means that we are trying to build ships at a lot of locations where we don't have enough ships to get any economic benefits.

The result of that is it is going to cost the taxpayer and the Navy a whole lot more money to keep a shipyard open when we don't really have work for the shipyard. So that's one possibility. You could force it to stay open; it's going to cost the most to the taxpayer.

Another possibility is that the shipyard, because of the many people that work there, could be retooled and redesigned to use it for building other kinds of things other than Navy ships. That would preserve the jobs. And the Navy is willing to invest some money—as long as it is less than what it would cost to keep the thing open. They're willing to invest some money to help with that transition so those people won't be unemployed.

The other thing that could be done is you could just close the shipyard down. Now, what this amendment does is it says, well, we're not going to allow the Navy to invest in retooling. So it's sort of like a dare because it's really begging to have the whole shipyard close down and not used for anything else. So it's kind of a gamble to try to say, well, we're going to save $310 million and gamble that that shipyard is going to stay open. Because the possibility is if you say the Navy is not going to invest the money, they may just say, well, close it down. Then you would lose all those jobs. So this amendment may do the exact opposite of what you are trying to do.

I would now yield 1½ minutes to the gentleman from Virginia (Mr. WITTMAN).

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Mr. WITTMAN. Thank you, Mr. Chairman, and I want to also rise in opposition to this amendment.

Passage of this amendment may result in the government being liable for the costs of maintaining these idle facilities. If we're looking at the total picture here, we want to make sure we are making the most efficient decision in right-sizing this industry. And after a thorough review and endorsement by the Department of Defense, the contractor's plans to wind down ship construction were approved back in 2010.

This amendment seeks to prohibit payments under existing Federal law for restructuring costs associated with the transition of the Avondale shipyard. And I want to emphasize ''transition'' is the key word here because as the law is currently written, it allows the facility in Louisiana to potentially be reconfigured to an alternate use in the future.

So if we want to transition, make sure we are using that yard, using the employees there, if we don't have the capacity needed to build ships, we want to make sure we can transition.

If this amendment were to become law, there is no chance of transitioning the Avondale facility to something other than shipbuilding, and the government may be held liable for the costs of maintaining an idle shipyard. We don't want that. We want to make sure that capacity is used in a productive way.

So simply put, this amendment will not prevent the closure of Avondale. And I urge my colleagues to oppose the amendment.

Mr. AKIN. How much time do I have remaining?

The Acting CHAIR. The gentleman from Missouri has 1½ minutes remaining.

Mr. AKIN. The basic point is that the fact that this is going to save $310 million is not true. What this in fact is going to do is to force a solution that will be more expensive for the government and not very good for the employees down at Avondale either.

So I have to say along with the Navy and the leadership on the committee that we cannot really support this amendment. I think that the gentleman had very good intentions of what he's trying to accomplish, but I don't believe it's going to work the way he thinks it's going to. It's going to probably force a closure and a whole lot of layoffs that unnecessarily would not have to happen if we don't pass this amendment. So I'm going to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. RICHMOND. Thank you, Mr. Chairman.

I just want to clear up some things.

I don't want this shipyard to close, but I want to be crystal clear about this. The Huntington Eagles just christened a ship a couple of weeks ago; and while they christened the ship with all of their employees there, they took the time to announce to their employees that we are closing. The 3,000 employees that are here, you will no longer be here. We are shutting down. We're closing. It's not personal. It's business.

As much as I don't like it, this is a private business that has decided that they are going to close. What I don't want to do is take those taxpayer dollars and reward them for closing in the process.

So when you talk about they can retool or do something in the future, Mr. Chairman, I don't want to pretend or mislead the American people. They have yet to bid on a shipbuilding contract since they have acquired the yard. They have no intentions to build ships there in the future.

As we talk about what they could do with the yard and this may force a closure, they have decided that they are going to close. They made $45 million in the first quarter of this year. They announced that they're not going to bid on ships, they're not going to do anything. They're not going to stay open. Why would we give them $310 million of taxpayer dollars and then pretend that we're fiscally responsible? It's not fiscally responsible.

The good thing for me is I don't have to go back to my district, whether it's Virginia or Missouri, and explain to my constituents why I'm fighting to give a company in Louisiana $310 million while I'm cutting Medicare, Medicaid, Social Security and all of these other things.

I just wanted to clear up the fact that it's not an assumption that they're going to close. They already have informed their employees that we're closing. Hey, it's been a good ride. Thirty-five hundred employees. See you later. Six thousand indirect jobs. We wish we could stay, but we've made another decision.

It is a private company's right to decide when they want to close. And I disagree with their decision, but I respect that this is America and they have a right to do that. But I have a right to be upset and to try to block Federal dollars going to them, and that's $310 million going to a company for quitting. That's not the American way, Mr. Chairman.

And I would just ask my colleagues to support the amendment and not give $310 million to a company who just made $45 million in 3 months that's quitting on the American people.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 38 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 112–88.

Mr. MICA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X, add the following new section:

SEC. 1085. RULES OF ENGAGEMENT FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN DESIGNATED HOSTILE FIRE AREAS.

The Secretary of Defense shall ensure that the rules of engagement applicable to members of the Armed Forces assigned to duty in any hostile fire area designated for purposes of section 310 or 351(a)(1) of title 37, United States Code—

(1) fully protect the members' right to bear arms; and

(2) authorize the members to fully defend themselves from hostile actions.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Thank you, Mr. Chairman.

First I want to thank the members of the committee for allowing me to bring forth this amendment, also the Rules Committee for allowing me to have it considered by the House.

This is a simple amendment, and this is an amendment that I almost think I'm offering not on behalf of myself but on behalf of our troops. I usually don't get involved in armed services matters, but I did have the opportunity to visit our troops in Afghanistan in March of some weeks past. And I was out in some of the forward operating positions in Afghanistan, and I asked the troops a question—you know, sometimes you get a few minutes of quiet time with our troops that are serving us out there in those dangerous areas out there. And I said, When I return to Congress, what could I do to help you do a better job? What would assist you?

And every one of them said to me, Mr. MICA, could you change the rules of engagement?

So I'm offering this amendment on their behalf and on behalf of all the servicemen and -women who should be able to defend themselves in hostile areas. I'm not trying to micromanage the military, but I have just a basic provision that says—and let me read it: ''The Secretary of Defense shall ensure that the rules of engagement applicable to members of the armed services assigned to duty in any hostile fire area''—and we have a definition for that—''shall,'' and then ''one, fully protect the members' rights to bear arms; and, two, to authorize the members to fully defend themselves from hostile actions.'' The Secretary would set those parameters.

This is my amendment. I believe that implementing a successful calendar insurgency strategy should not come at the cost of needlessly increasing American or coalition military casualties.

If we ask members of our Armed Forces to risk their lives to protect the home front, we must do all we can to help them with the material and the options and the ability to preserve their lives to fight on our behalf in hostile areas.

Please help me in arming our Armed Forces and also providing them with what I believe is the opportunity to adequately defend themselves in hostile theaters.

I reserve the balance of my time.

Mr. SMITH of Washington. I claim the time in opposition.

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

Mr. SMITH of Washington. I will begin by yielding 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

My objection, respectfully, to this amendment is it supplants the decision of the commander in the field with the judgment of the Congress. I frankly agree that there are very, very few circumstances I could imagine where we would not want our troops in the field to be fully armed to their complete comfort and satisfaction level. And so it's hard for me to imagine a circumstance where that's not the case.

But it's easy for me to understand a circumstance where the person in the field who is charged with the responsibility of achieving the mission and achieving maximum protection of his or her troops should have the authority to make that decision.

So my objection to this is not the intent. I think we share it. My objection is the fact that the amendment supplants the judgment of that commander in the field and replaces it with the judgment we are making here thousands of miles away based on facts that we could not possibly foresee.

So although I share the gentleman's intent, for that reason I would respectfully encourage the Members to vote ''no'' on the amendment.

□ 1800

The Acting CHAIR. The gentleman from Florida has 2½ minutes remaining.

Mr. MICA. I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself the balance of my time.

Mr. Chair, I rise in opposition for a very simple reason.

As the gentleman said in his opening remarks in favor of the amendment, he does not wish to micromanage what goes on in the field. I think there can be no more blatant micromanaging than this. Having Congress insert itself into the debate about what the rules of engagement should be in the field of operations for the military is micromanaging in the absolute worst way. We should trust our commanders in the field to make those decisions, and those decisions are and always will be controversial, both ways, in terms of what the rules of engagement should be.

I will simply make the very clear statement that I want our trained commanders in the field to make the decision on what the rules of engagement should be in any given environment, not the United States Congress. This is not a debate that we should insert ourselves into, and I believe that we should defeat this amendment and leave the authority with the commanders, where it belongs.

I yield back the balance of my time.

Mr. MICA. Let me say that the United States Congress does set the policy for engaging in war and hostile actions. The Secretary of Defense has clearly given the authority here to provide, again, applicable provisions for how this would apply.

In closing, our troops, our servicemen and -women, should not be used at target practice in any hostile theater. They should be given the basic right to bear arms and defend themselves.

I yield back the balance of my time.

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

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

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

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

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. BISHOP of Utah) assumed the chair.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, repoted and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1893. An Act to amend the Internal Revenue Code of 1986 to extend the the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The Committee resumed its sitting.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–88 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. WOOLSEY of California.

Amendment No. 12 by Mr. HUNTER of California.

Amendment No. 24 by Mr. SARBANES of Maryland.

Amendment No. 25 by Mr. MURPHY of Connecticut.

Amendment No. 27 by Mr. COLE of Oklahoma.

Amendment No. 28 by Mr. GARAMENDI of California.

Amendment No. 26 by Mrs. MALONEY of New York.

Amendment No. 30 by Mr. HIMES of Connecticut.

Amendment No. 31 by Ms. JACKSON LEE of Texas.

Amendment No. 32 by Mr. ANDREWS of New Jersey.

Amendment No. 37 by Mr. RICHMOND of Louisiana.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 334, not voting 14, as follows:

[Roll No. 343]

AYES—83

Amash
Baldwin
Bass (CA)
Becerra
Berman
Blumenauer
Campbell
Capuano
Clarke (MI)
Clarke (NY)
Cohen
Conyers
Cooper
DeGette
Deutch
Dingell
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Frank (MA)
Garamendi
Gutierrez
Hastings (FL)
Hirono
Holt
Honda
Keating
Kind
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCollum
McGovern
Michaud
Miller, George
Moore
Nadler
Neal
Olver
Pallone
Paul
Payne
Pingree (ME)
Polis
Quigley
Rangel
Ribble
Richmond
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Serrano
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Upton
Velázquez
Walden
Walz (MN)
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—334

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa

Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Van Hollen
Visclosky
Walberg
Walsh (IL)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Berkley
Braley (IA)
Costa
Filner
Frelinghuysen
Giffords
Grijalva
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Miller (NC)
Sewell
Waters

□ 1830

Messrs. McDERMOTT, JONES, CLAY, Ms. FUDGE, Mr. McNERNEY, Ms. WASSERMAN SCHULTZ and Mr. FATTAH changed their vote from ''aye'' to ''no.''

Messrs. WU, WALDEN, DINGELL and Ms. CLARKE of New York changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 343, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

Stated against:

Mr. LARSON of Connecticut. Mr. Chair, on Wednesday, May 25, 2011, my vote on rollcall vote No. 343 was incorrectly recorded as "aye", when I intended to vote "no."

AMENDMENT NO. 12 OFFERED BY MR. HUNTER

The Acting CHAIR (Mr. BISHOP of Utah). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 213, not voting 15, as follows:

[Roll No. 344]

AYES—203

Adams
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Clay
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Granger
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pence
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stivers
Thompson (PA)
Thornberry
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—213

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Fleming
Frank (MA)
Fudge
Garamendi
Gerlach
Gingrey (GA)
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (FL)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schmidt
Schock
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
Whitfield
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—15

Clarke (MI)
Conyers
Filner
Frelinghuysen
Giffords
Grimm
Hall
Hastings (WA)
Jackson (IL)
Long
Maloney
McCarthy (NY)
Miller (NC)
Schakowsky
Schrader

□ 1834

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 344, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary

Celebration. Had I been present, I would have voted "no."

Ms. SCHAKOWSKY. Mr. Chair, on rollcall No. 344, had I been present, I would have voted, "no."

AMENDMENT NO. 24 OFFERED BY MR. SARBANES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. SARBANES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 225, not voting 8, as follows:

[Roll No. 345]

AYES—198

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rogers (AL)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth

NOES—225

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Johnson (OH)
Long
McCarthy (NY)

□ 1838

Ms. JACKSON LEE of Texas changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 345, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "aye."

AMENDMENT NO. 25 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 11, as follows:

[Roll No. 346]

AYES—208

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Goodlatte
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hurt
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Renacci
Reyes
Richardson
Richmond
Rogers (KY)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler

Sires
Slaughter
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—212

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Conaway
Conyers
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Clarke (MI)
Coffman (CO)
Diaz-Balart
Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Smith (NJ)

□ 1842

Mr. HOLT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 346, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, ''aye.''

AMENDMENT NO. 27 OFFERED BY MR. COLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 163, not voting 7, as follows:

[Roll No. 347]

AYES—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—163

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1848

Mr. CLEAVER changed his vote from ''aye'' to ''no.''

Ms. WATERS and Ms. SPEIER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 347, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "no."

AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 256, not voting 7, as follows:

[Roll No. 348]

AYES—168

Ackerman
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott, David
Serrano
Sewell
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—256

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1853

Ms. LORETTA SANCHEZ of California and Ms. PELOSI changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 348, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 26 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 248, not voting 7, as follows:

[Roll No. 349]

AYES—176

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richmond
Rohrabacher
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1857

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 349, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, ''aye.''

AMENDMENT NO. 30 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 7, as follows:

[Roll No. 350]

AYES—184

Ackerman
Adams
Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bartlett
Barton (TX)
Bass (CA)
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Broun (GA)
Brown (FL)
Burgess
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Cicilline
Clarke (MI)
Clay
Coble
Cohen
Cooper
Costa
Costello
Courtney
Cravaack
Critz
Crowley
Cuellar
Cummings
DeGette
DeLauro
Dent
DesJarlais
Dingell
Doggett
Donnelly (IN)
Doyle
Duffy
Duncan (TN)
Ellison
Ellmers
Eshoo
Farr
Fattah
Fitzpatrick
Fortenberry
Frank (MA)
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Green, Al
Griffith (VA)
Grijalva
Hastings (FL)
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Holden
Huizenga (MI)
Hurt
Inslee
Israel
Jackson Lee (TX)
Johnson (IL)
Johnson (OH)
Jones
Kildee
Kind
Kissell
Lance
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lummis
Lynch
Maloney
Markey
Matheson
McClintock
McCollum
McGovern
McIntyre
McNerney
Meehan
Mica
Michaud
Miller, George
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Paul
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Renacci
Ribble
Richardson
Richmond
Roe (TN)
Rohrabacher
Rooney
Rothman (NJ)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Smith (NJ)
Smith (WA)
Speier
Stivers
Thompson (MS)
Tierney
Tipton
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Waxman
Weiner
Welch
West
Wilson (FL)
Yarmuth
Yoder
Young (FL)

NOES—240

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carter
Chabot
Chaffetz
Chandler
Chu
Clarke (NY)
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Crawford
Crenshaw
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
Denham
Deutch
Diaz-Balart
Dicks
Dold
Dreier
Duncan (SC)
Edwards
Emerson
Engel
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Fudge
Gallegly
Garamendi
Garrett
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Heinrich
Hensarling
Herger
Hirono
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
Loebsack
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCaul
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris Rodgers
Meeks
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Pastor (AZ)
Pearce
Pence
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rangel
Reichert
Reyes
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (TX)
Southerland
Stark
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tonko
Turner
Upton
Walberg
Walsh (IL)
Watt
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Young (AK)
Young (IN)

NOT VOTING—7

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1903

Messrs. HUNTER, CONNOLLY of Virginia, CHANDLER and STARK, Ms. CLARKE of New York and Mrs. SCHMIDT changed their vote from ''aye'' to ''no.''

Messrs. JOHNSON of Ohio, BROUN of Georgia, DOGGETT and DUFFY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 350, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 31 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 232, not voting 8, as follows:

[Roll No. 351]

AYES—191

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Renacci
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—232

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Smith (TX)

□ 1908

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair on rollcall 351, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "aye."

AMENDMENT NO. 32 OFFERED BY MR. ANDREWS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 246, not voting 7, as follows:

[Roll No. 352]

AYES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—246

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Filner
Frelinghuysen
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1911

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 352, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 37 OFFERED BY MR. RICHMOND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. RICHMOND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 8, as follows:

[Roll No. 353]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Ellison
Engel
Eshoo
Farr
Fattah
Fortenberry
Frank (MA)
Fudge
Garamendi
Gohmert
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Landry
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Paulsen
Payne
Pelosi
Peters
Peterson
Petri
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Renacci
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schwartz
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Stearns
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Walden
Wasserman Schultz
Waters
Watt
Weiner
Welch
Whitfield
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—246

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Courtney
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Pearce
Pence
Perlmutter
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott (VA)
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Visclosky
Walberg
Walsh (IL)
Walz (MN)
Waxman
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Filner
Frelinghuysen
Giffords
Hastings (WA)
Hirono
Jackson (IL)
Long
McCarthy (NY)

□ 1915

Mr. LIPINSKI changed his vote from "aye" to "no."

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 353, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 39 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 112–88.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X, add the following:

SEC. 1085. SENSE OF CONGRESS REGARDING DEPLOYMENT OF NATIONAL GUARD TO SOUTHWESTERN BORDER OF UNITED STATES.

It is the sense of the Congress that the deployment of National Guard personnel (as defined in section 101(c) of title 10, United States Code) along the southwestern border of the United States for the purposes of assisting United States Customs and Border Protection in securing the international border between the United States and Mexico, should continue through the end of fiscal year 2011.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would simply include sense of Congress language in the bill that would express that Congress supports extending the current deployment of National Guard troops on the border through the rest of the fiscal year.

As many are aware, in October of last year about 1,200 National Guard troops were deployed along the southwestern border. According to the Department of Homeland Security, the presence of National Guard troops is helping to bridge the gap until we train enough border agents to patrol the rest of the border as authorized by Congress.

To be more specific, the Governor of Arizona recently indicated that under this deployment, the Arizona National Guard has been involved in approximately 19,000 observations, 10,000 apprehension assists, 235 drug seizure assists involving about 18 tons of marijuana.

However, unless action is taken, this deployment will end at the end of next month when troops will be coming off the border; they will be coming off the border likely before that as well.

In Arizona, those in the Yuma sector will tell you that the presence of National Guard troops has been instrumental in us achieving actually operational control, which means that if an illegal alien crosses the border in the Yuma sector, you have a reasonable expectation of catching him or her.

So we need that there to maintain operational control, and we also need that presence in the Tucson sector where we have something far from operational control. It would be a step backwards in the Tucson sector which continues to deal with human smuggling and drug smuggling.

Whether we like it or not, the southwestern border is not secure. In February of this year, the GAO testified that "the Border Patrol reported achieving varying levels of operational control—873, 44 percent, of nearly 2,000 southwest border miles by the end of fiscal year 2010."

□ 1920

So we have a long ways to go, and we certainly need these National Guard troops there. It is not the time to do that. When you talk particularly with the local ranchers, farmers and residents along the border who regularly come in contact with groups coming across the border, many times armed and many times carrying drugs, they certainly support the stay of the National Guard. When I talk to the ranchers, they have particular praise for the actions of the National Guard there. They've done a good job. So, until we can have operational control of more of the border, we've got to ensure that these National Guard troops stay.

My understanding is that the President now supports keeping them there if we can find the resources to do so.

I yield back the balance of my time.

Mr. SMITH of Washington. I rise to claim time in opposition, although I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I just want to express my support for the amendment.

Certainly, border security continues to be a challenge and a priority. The National Guard troops are helping. Now, in a bipartisan way, there is agreement on that, so I support Mr. FLAKE's amendment, and I urge the body to support it as well.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 112–88.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle I of title X, insert the following:

SEC. 1099C. CLOSING OF NATIONAL DRUG INTELLIGENCE CENTER.

Section 9078 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1919) is amended by striking "There is established" and all that follows through "That section 8083" and inserting "Section 8083".

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It simply seeks to repeal the authorization for the National Drug Intelligence Center which was included in the 1993 Defense Appropriations Act.

The NDIC is an entity that has received hundreds of millions of taxpayer dollars over the years. This is despite steady criticism that it has been ineffective at accomplishing its mission. This is a mission that has been described as duplicative and ought to be realigned elsewhere.

The Wall Street Journal noted on January 31, "Conservatives have argued the center is a waste of taxpayer money, and critics argue it has never fulfilled its promise to provide high-quality analysis of drug networks."

I have come to this floor many times, seeking to eliminate funding or to otherwise close the NDIC. However, reducing funding or ending funding for the NDIC has been far from a solo mission. Earlier this year, we voted in the CR debate to end funding for the NDIC.

According to Citizens Against Government Waste, President Bush proposed the termination of the NDIC in budget requests for fiscal years 2006, 2007 and 2008.

In 2006, a spokesman for the Department of Justice asserted that the resources of the NDIC should be "realigned to support priority counterterrorism and national security initiatives."

Even the current administration's Deputy Attorney General James Cole said that many of the center's functions can be performed elsewhere, as reported in "CQ Today" on February 14 of this year.

As I mentioned, during consideration of H.R. 1, 262 Members of this body voiced their opposition to the NDIC when they voted in favor of an amendment that I offered to strike funding in its entirety for fiscal year 2011. Yet the NDIC still received more than $34 million in fiscal year 2011, and stands to receive more in fiscal year 2012 unless we do something to stop it.

I reserve the balance of my time.

Mr. CRITZ. I rise in opposition to the amendment.

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

Mr. CRITZ. Mr. Chairman, right now, as we discuss the NDIC once again, I am concerned for the folks who are working at the NDIC, doing the great work, and am worried about them as their work and their jobs are, again, turned into a political football.

As the gentleman from Arizona has said, this is obviously not the first time that he has offered amendments or has offered legislation to close the NDIC. I am a reasonable human being, and at the vote that he referenced earlier this year, I sent Mr. FLAKE a note on February 22, asking him for the information that he was just citing. I want to do good things for this country, and if there had been duplicative functions and if the NDIC had not been doing the job that they tell me, I wanted to see that information. I did not receive any response to that February 22 information, so I then had my staff do research.

I found that some of the information being referenced was from a GAO report from April 1993. Some of the personal testimonies against the NDIC were from a gentleman who was fired and from another man who hadn't worked there for 16 years.

I then quantified/qualified what NDIC does, and noted that they are the only strategic drug threat assessment organization in the country. Many times, they're compared to the El Paso Intelligence Center, EPIC, which does tactical, ''tactical'' meaning that they have a 24-hour watch system that is prepared to respond quickly to requests from law enforcement. Many times, they're talked about as the ''fusion centers.'' Well, the fusion centers are operational. They support multi-jurisdictional investigations.

The NDIC is the only strategic drug intelligence center in the country. They offer strategic drug threat assessments, money laundering reporting, issue-based intelligence reports, support to the intelligence community and senior policymakers. They also have a product called DOMEX, Document and Media Exploitation Support.

What's interesting is that the prior amendment talked about the borders of Arizona and how important it was to secure them. DOMEX and the NDIC also have operations in Arizona, and according to the Phoenix DEA, they are doing an incredible job assisting and enhancing the Strike Force investigations being conducted here in Arizona.

The Arizona Attorney General's Office recently sent a letter to NDIC, stating, ''I wish to take this opportunity to express the appreciation of this office for all of the work NDIC has done in connection with the investigation of money laundering.''

Now, when talking about money laundering and the work the NDIC is doing, the money that is made illicitly through drugs also finds its way into illicit activity and terrorism as well, so the NDIC serves as the center where all the information comes in. They produce the reports and then ship them out to all the agencies. They eliminate redundancy. That's their whole mission.

In fact, on March 31 of this year, Donna Bucella, Assistant Commissioner of Office of Intelligence and Operations Coordination, testified before a Senate committee, and cited NDIC's participation in a weekly briefing, which includes over 290 participants, talking about the illicit drug trafficking across the world. They produce eight analytical mapping products each week that are a key centerpiece of the briefings in the teleconference.

In their budget request, the Department of Justice says that the NDIC ''facilitates the development of sound strategies, initiatives, policies, and regulations to counter threats, and promotes effective, intelligence-driven decision-making in support of the Attorney General's priorities.''

The NDIC is not duplicative. They've proven it time and time again. It is time we stopped rehashing information from the mid-1990s to eliminate this center.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. NADLER), a member of the Judiciary Committee.

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. NADLER. Mr. Chairman, nowhere in this bill is the National Drug Intelligence Center either authorized or funded at all. That was changed a few years ago. It used to be funded from DOD. It's now entirely funded and authorized in the Department of Justice. This amendment has no business in this bill. It ought to be in the authorization or in, perhaps, the appropriations bill for the Department of Justice.

The only reason that the parliamentarian might rule this germane is that the rule waives all points of order. Yet this should not be voted on. This should not be considered in this bill. It has nothing to do with this bill. It's authorized and appropriated in the Department of Justice bill.

□ 1930

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. FLAKE. I yield myself the balance of my time.

Let me just say that two successive administrations, one Republican, one Democrat, have either called for eliminating or severely reducing the funding that goes to the NDIC because, as we have heard before, the programs are duplicative, wasteful. And there is no doubt that some good work goes on there. Nobody is disputing that. But there is also good work that goes on at the ONDCP or the DEA or other drug enforcement agencies or other agencies that have that as part of their portfolio.

That's the problem here. For years and years, we have been funding programs just because a particular powerful Member of this body or somebody sought an earmark or several earmarks or earmarks over a series of years to fund particular institutions or programs. That's what we have here. That's the legacy we are left with here. And we are simply trying to say enough is enough. We have got to save money somewhere. And if we can't do it with a program like this, where can we do it? When are we going to get serious about this debt and deficit that we have?

So that's what we're doing here. The reason we're doing it on this is because we're seeking to strike authorization. As we know, if we don't have authorization for a program, it's more difficult for that program to be funded. Believe me, we will be back in the appropriations process to go after this funding as well, but we thought we ought to go here. This was ruled in order. It is germane to the bill. And that's why we are here.

Let me just stress again, we have to get serious about this fiscal situation we are in. If we can't get serious about a program like this that's been called duplicative and wasteful, and two successive administrations, one Republican, one Democratic, have urged to either eliminate or severely reduce funding for, and yet Congress keeps coming back and providing far more money than the administration even wants for this because they know there are other programs, other agencies, other institutions that are doing this same work, if we can't save money here, I don't know where we're going to save it, Mr. Chairman.

So I would urge adoption of the amendment. Let's do something here for the taxpayer and something for our defense and intelligence and our anti-drug efforts by making sure that programs that are not effective end and that funding be placed elsewhere.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 41 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in House Report 112–88.

Ms. SCHAKOWSKY. I would like to speak in favor of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title X, add the following new section:

SEC. 1068. FREEZE IN BUDGET OF DEPARTMENT OF DEFENSE UNTIL UNQUALIFIED AUDIT OPINIONS ACHIEVED.

(a) FREEZE.—

(1) IN GENERAL.—Unless and until the requirement specified in paragraph (2) is met for the entire Department of Defense, except as provided in subsection (b), the aggregate

amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other than the functions excluded by subsection (c)) for a fiscal year may not exceed—

(A) in the case of fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other than the functions excluded by subsection (b)) for fiscal year 2011; and

(B) in each fiscal year after fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for such functions for the previous fiscal year.

(2) REQUIREMENT FOR UNQUALIFIED AUDIT OPINION.—The requirement of this paragraph is that the Department of Defense (including every major Pentagon component and every major defense acquisition program of the Department) is certified by the Inspector General of the Department of Defense or an independent public accountant as achieving an unqualified audit opinion.

(b) WAIVER.—The President may waive subsection (a) with respect to a component or program of the Department if the President certifies that applying the subsection to that component or program would harm national security or members of the Armed Forces who are in combat.

(c) EXCLUSION OF OVERSEAS CONTINGENCY OPERATIONS AND MILITARY PERSONNEL PAY AND BENEFITS.—In determining the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense for fiscal year 2012 or any subsequent fiscal year for purposes of subsection (a), there shall be excluded all amounts appropriated or otherwise made available—

(1) in any supplemental appropriations Act; or

(2) in any general appropriations Acts for—

(A) overseas contingency operations;

(B) military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense, generally title I of the annual Department of Defense appropriations Act; and

(C) wounded warrior programs of the Department of Defense.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself as much time as I may consume.

For those who are interested in fiscal responsibility, this amendment would freeze Department of Defense spending until the Pentagon is able to pass an audit—able to pass an audit. This freeze could be waived by the President if it would harm our national security. And my amendment excludes spending for Wounded Warriors and defense personnel accounts as well as for overseas contingency operations.

Though defense spending currently accounts for over 20 percent of our Federal budget, DOD remains one of the few Federal agencies unable to pass an independent audit. This leaves the Pentagon vulnerable to serious waste and fraud. A recent GAO review of selected major weapons systems found that $70 billion had been lost through waste, mainly due to ''poor management and execution problems.'' Tens of billions more have been paid to fraudulent contractors.

I remember back in 2002, then-Secretary of Defense Rumsfeld admitted that he could not account for $2.3 trillion in Pentagon expenditures. For over two decades, the Pentagon has been under obligation to face an audit, and currently it must be auditable by September 2017. But recent status reports have raised serious concerns that this goal will not be met.

Waste and fraud in the Pentagon have serious consequences, both for our fiscal stability and our national security. My amendment provides a real incentive for the Pentagon finally to pass an audit. It is irresponsible to continue what Secretary Gates has called the gusher of defense spending without ensuring that we know where taxpayer dollars are going.

I believe this is a commonsense idea. It is also a bipartisan one. My amendment is very similar to a proposal that Senator COBURN made to the National Commission on Fiscal Responsibility and Reform on which I also served last year. It is a constitutional requirement that ''a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.'' Well, these are very difficult financial times, and we're faced with difficult choices and the prospect of cutting critical government programs. This accounting of funds has become more important than ever, including the Pentagon.

I yield 1 minute of my remaining time to the gentlewoman from California, BARBARA LEE.

Ms. LEE. Mr. Chair, I rise in strong support of this very commonsense amendment. And I want to thank my colleague, Congresswoman JAN SCHAKOWSKY, who has been such a strong leader on sensible and serious deficit reduction efforts.

This amendment is very similar to an amendment that I submitted to Rules. And I want to thank Congresswoman SCHAKOWSKY for continuing to move this forward, because it is just extremely important that the financial statements of the Defense Department be audited.

Where are our defense dollars going? We have no idea. Sadly, the Department of Defense Inspector General and the GAO have documented time and time again the Department's inability to answer this very basic question. Some of my colleagues may make the argument the Department of Defense is making so much progress on this issue in response to congressional engagement requiring the records to be audited by September 2017, but this is too late. Billions of dollars are going out of the door each month.

The American people deserve to know where our defense dollars are going. There can be no more blank checks and certainly no blank checkbook to be handed over to any President.

I thank the gentlelady for yielding and for this very commonsense amendment.

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

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

Mr. FORBES. Mr. Chairman, first of all, I want to applaud the gentleladies for the amendment they have brought forward because they have hit a true problem with the Department of Defense. There is a statute requiring that the Department of Defense audit their financial records, and they have failed do that. They didn't do it in 2007, didn't do it in 2008, didn't do it in 2009, didn't do it in 2010. They are not going to do it this year. But this is part of a bigger problem.

Mr. Chairman, one of the things that we have got to do for the national defense of this country, first of all, is determine what the true threat assessment is without having budgetary influences. The independent panel that reviewed our QDR has said that they are very, very concerned that our QDR, our defense strategies, are dictated more by the budget than they are by risk assessments. And I am proud of the fact that the chairman and the ranking member have fought very hard to make sure in this bill they have moved us in that direction.

Secondly, we've got to determine the true cost of defending the country based on those risk assessments. And thirdly, we've got to determine what the risks are if we don't do it. And the fourth thing, as the gentlelady mentioned, we've got to know where our money is going, and right now we do not know that. But the unfortunate thing is this bill is just a bridge too far. It is a risky situation to begin cutting all of the funding from many of these operations and we are not cutting the missions.

While I agree with the gentlelady's concern and think we need to work towards it, I am proud of the work that we have done in this committee this year to move that forward. I can assure the gentlelady we are going to continue to work to hold DOD's feet to the fire and to make sure they're accountable for the dollars they spend. The American taxpayers deserve that.

But I hope we will reject this amendment because our men and women in uniform and the people of the United States also deserve to make sure we're doing everything possible to defend and protect this country, and I'm afraid this amendment would put that defense in jeopardy. For that reason, Mr. Chairman, I hope we will reject the amendment.

I reserve the balance of my time.

□ 1940

The Acting CHAIR. The gentlewoman from Illinois has 1½ minutes remaining.

Ms. SCHAKOWSKY. Mr. Chairman, it seems to me, since we agree, that the

problem is that the Pentagon has never explained where its money is going, and because there are waivers within this, that anything declared in need of national defense, and we certainly take care of our troops, will be excluded from the legislation, that it is time, finally. It's not just the last year, the year before, the year before that. It's been about 20 years before the Pentagon itself has explained where all the money goes.

And being such a huge part of our budget, it seems like now would be a good time, particularly because there are so many open doors left in this so that our national security and our troops are in no way jeopardized by my bill. I would really appreciate all of us being able to work together to make sure that the taxpayers know where this huge amount of money is going. The time is long overdue.

I reserve the balance of my time.

Mr. FORBES. May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 3 minutes remaining.

Mr. FORBES. Mr. Chairman, the gentlelady makes a good point, it is past time this happened, but this is a very risky thing to do.

One of the things, these waivers are limited. The second thing is, it's very difficult for the President to come in and make sure he is making all the appropriate waivers. This could jeopardize monies that we are spending for training, money that we are spending for modeling and simulation to forecast risk assessments that may hit the United States and where they hit the United States.

I think we need to be very, very careful before we come in with a sledge hammer and begin hitting all of this funding across the board, that we make sure that we recognize we have a problem. But the key for us, Mr. Chairman, is to make sure we are very, very deliberate and very careful about how we address that problem.

I think we have done it in this bill. I think we have done it in a bipartisan manner. It was 60–1 in the bill, and I think, Mr. Chairman, I hope that we will reject this avenue because I don't think we can afford to just go in and carte blanche cut off all the funding, as much as I may wish we could do that. I think it's dangerous for the American people and for the defense of the country. I hope, once again, we will defeat the amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. May I ask how much time remains?

The Acting CHAIR. The gentlewoman from Illinois has 30 seconds remaining.

Ms. SCHAKOWSKY. Vote ''yes.''

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The amendment was rejected.

AMENDMENT NO. 42 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 112–88.

Mr. SMITH of Washington. I have an amendment at the desk.

Mr. MCKEON. I ask unanimous consent that the debate time for consideration of amendment No. 42 be expanded by 10 minutes and that such time shall be equally divided and controlled by the gentleman from Washington (Mr. SMITH) and myself.

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

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 456, line 13, insert before the period at the end the following: '', except for the purpose of prosecuting such individual in a United States court''.

Page 456, starting on line 14, strike subsection (b) and insert the following:

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who is not a citizen of the United States or a member of the Armed Forces.

Page 456, after line 23, insert the following:

(c) TRANSFER LIMITATION.—During fiscal year 2012, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (b) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (d).

(d) COMPREHENSIVE PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (b) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum—

(1) an assessment of the risk that the individual described in subsection (b) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (e); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(e) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (d)(2) includes transfer to that State, District of Columbia, or territory or possession.

The Acting CHAIR. Pursuant to House Resolution 276, and the previous order, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment has to do with whether or not to try anyone in Guantanamo or any non-U.S. citizen captured abroad going forward in Article 3 courts in the United States. The underlying legislation prohibits anyone currently at Guantanamo or anyone who would be brought there in the future and, for that matter, any non-U.S. citizen captured abroad from being tried in Article 3 courts.

This really grew out of the larger debate over whether or not to close Guantanamo Bay. But one thing I want to make clear, you can support my amendment even if you believe that Guantanamo Bay should remain open. Now, I don't. I believe that we should close it, that we should handle those terrorists, whether we handle them by military commission, by Article 3 court, or by indefinite detention, that they should not be held at Guantanamo. But you can still hold Guantanamo Bay open and support my amendment.

What my amendment says is we want to make sure that Article 3 courts are still a possibility for trying these terrorists. The main problem I have with the underlying bill is it takes that possibility off the table and requires either a military commission or indefinite detention, and I think that is a bad and dangerous policy.

Now, we have to understand that we have already tried and convicted over 400 international terrorists in our Federal courts, in our Article 3 courts. As we sit here right now, or as I stand here right now, we have over 300 convicted terrorists being held in prisons in the United States. There is no question that we can do this, no question that we can do it safely. By going in this bill and taking off the table the option of Article 3 courts, all we are doing is we are tying the hands of our Department of Justice and our President as they seek ways to bring terrorists to justice and take them off the battlefield.

Right now we have over 170 inmates at Guantanamo Bay. We don't know what to do with a fair number of them for a variety of different reasons. That undermines our ability to fight the terrorism threat that we are trying to confront. It doesn't help it. So I ask simply that we give the President all the tools in his toolbox.

I support military commissions. I support indefinite detention. In certain instances that's going to be necessary, but I also support our Article 3 courts that have over 200 years of history, that are some of the most respected courts in the world for their ability to bring swift and fair justice to all criminals.

We should not undermine our President's ability to make use of those courts in prosecuting our fight against

the terrorists and, therefore, I urge you to support this amendment.

I will add one thing, actually. In my amendment, if the President is going to bring people from Guantanamo Bay to be tried here in Article 3 courts, he does have to notify Congress. He does have to establish that he feels that can be done in that particular case safely and fairly. It does require that. But I think more than anything it gives the President the option of Article 3 courts, which he needs in order to properly prosecute the war against terrorism.

I reserve the balance of my time.

Mr. MCKEON. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 10 minutes.

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

My good friend and colleague, Ranking Member SMITH, and I and our staffs and others have been working together for a long time to try to come to agreement, and we have come to agreement on many points of this bill, but there are a few little differences here.

His amendment would be a change and a weakening of existing law regarding restrictions relating to Guantanamo detainees. The National Defense Authorization Act of the year 2011, last year, prohibited the transfer of Guantanamo detainees to the United States, prohibited certain detainee transfers to countries overseas and prohibited the construction or modification of facilities in the United States to house Guantanamo detainees. Ranking Member Smith amendment's would relax all of these restrictions. His amendment would allow Guantanamo detainees and other detainees to be transferred to the United States to face prosecution.

I share his goal of seeking justice for victims of terrorism. However, I disagree that it's necessary to bring detainees to the United States to do so.

I feel strongly that many Guantanamo detainees and other law of war detainees overseas should be prosecuted in the military commission system instead of bringing them into the United States. We currently have multimillion-dollar facilities ready to try detainees for their war crimes at Guantanamo that are sitting empty.

Additionally, Guantanamo detainees who already have habeas protection would likely be granted further constitutional rights if brought onto U.S. soil. I strongly oppose Ranking Member SMITH's amendment. There is no need to bring Guantanamo or other law of war detainees into the United States.

And with our increasing concerns relating to the recidivist rates and activities of Guantanamo detainees, there is also no reason to loosen restrictions on transferring detainees overseas to countries where they are likely to return to the fight and threaten our men and women in uniform, U.S. citizens, or the U.S. homeland.

I strongly oppose this amendment.

I reserve the balance of my time.

□ 1950

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the amendment offered by my colleague and the ranking member, Mr. SMITH of Washington, to strike language in the bill concerning the transfer of detainees to U.S. soil for prosecution.

Mr. Chairman, simply put, this amendment does not require that detainees be transferred to U.S. soil. It simply allows a range of options for prosecution of terror suspects and supports our most sacred national values.

As currently written, this legislation ties our hands at a crucial time in Gitmo's history. It's important to note that, as of today, over 400 terrorism convictions have occurred in U.S. Federal courts since 9/11. Prosecuting terrorists in the U.S. is just one of many options, including military commissions and detainee transfers, which must be available in order to bring these terrorists to justice.

Now, a ''yes'' vote for the amendment is a vote for our national values, for due process, and for leaving all our prosecutorial options on the table when dealing with the world's most hardened terrorists.

Again, I want to thank the gentleman from Washington for his thoughtful amendment. Again, this does not require that detainees be transferred to U.S. soil. It just leaves that potential option on the table if the President so deems that that would be an option that should be exercised.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I think the bottom line here is that the American people have made their views on this subject quite clear, and their views are they do not want Guantanamo terrorists brought here to our homeland. And that view has been reflected in legislation that was passed even in an overwhelmingly Democratic Congress during the last term.

And I would suggest that there are good reasons that the American people feel that way, that they don't want terrorists brought here to our homeland. Part of that reason, I would suggest, is that the administration has not done a lot to promote confidence in its ability to handle these situations. They come up with one plan, they get criticism, and they back off. It's back and forth. And so we have had needless delays ever since this administration has been in office because, frankly, they have been inept when it comes to having a plan that deals with terrorists that the American people can trust.

Now, maybe if we had a different history there could be some greater confidence in giving greater options, as the gentleman wants to do, or to having some other possibilities. But we cannot rewrite history, and the trust is simply not there.

Instead, what we have are some rather petulant comments by the Attorney General saying that, well, they still want to close Guantanamo and they still want to try them in Article 3 courts even though the law is the other way and the opinion of the American people is clearly the other way. So I believe that the current law that we had in last year's bill should be the same policy for next year.

I do think it's important to point out that this only applies to the coming fiscal year. This is not a forever thing. But this does continue the ban on bringing terrorists here to our homeland for the coming fiscal year. If you're given the history of where we've been and where we are, that's what the American people want.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Chairman, this amendment is not about closing Guantanamo. As was said before, it does not demand the closing of Guantanamo. It does say that detainees, whether they're held at Guantanamo or held somewhere else, can come to the United States if the administration decides that they should be tried in a regular court or can be tried in the military court at Guantanamo or presumably even in a military court somewhere else.

We keep talking about terrorists. Some of these people are terrorists. Some are accused of being terrorists and are not. Some were simply picked up by some rival group in Afghanistan and sold for $5,000 for a bounty to American troops and labeled as terrorists. And it may be that the prosecuting authorities, that the military authorities decide that it will be better justice or for the convenience of the Armed Forces to have this person tried in a regular court. Now, we know that the regular courts have convicted 470, I think, terrorists; whereas, the military courts have convicted all of five or six.

We also know that the statutory underpinnings of the military courts are under challenge and will be under challenge in front of the courts and that anyone convicted there is probably going to go for years before that conviction is affirmed by the Supreme Court. So it may very well be that in some or many cases or a few cases it makes sense from justice and from operational efficiency to try people in a regular court as we have done since the Declaration of Independence.

That's what the gentleman's amendment does. It gives the executive

branch the power, the discretion, and the authority to make intelligent decisions. We can all agree or disagree whether the current or next administration makes intelligent decisions. That's what political debate is about. But we shouldn't tie their hands. We should let them use military tribunals; although, I hope they do that very sparingly. We should let them use Article 3 courts as American tradition and justice would normally dictate, and we should stand on our Constitution and our traditions of due process. And, therefore, I support the amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Thank you, Chairman.

I oppose this amendment for a very simple but serious reason. This amendment seeks to loosen the prohibition on detainee transfers from Guantanamo into the United States. I must strongly oppose it.

The amendment would permit the President to commence detainee transfers merely by producing a plan and receiving certification from the Attorney General. It gives Congress no authority to alter or disapprove such a plan once submitted. This is fundamentally no different from the state of affairs that existed in 2009 when President Obama and Attorney General Holder created a fiasco by trying to bring Khalid Sheikh Mohammed to New York for trial.

By seeking to strike section 1037, this amendment would also pave the way for transfer of detainees to military bases inside of the United States prior to prosecution or civilian facilities like Thompson prison, which is in my home State of Illinois.

There is no reason to bring detainees to the United States of America. I have been to Guantanamo, and the detention facilities there are state-of-the-art facilities. They are safe and humane.

I want to thank our soldiers who stand guard day and night with the worst of the worst.

Mr. SMITH of Washington. Mr. Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I assume we universally share the view that we want those who have committed acts of terrorism against innocent people be brought to justice. And we have entrusted that responsibility to prosecutors in the military, the Justice Department, and to our intelligence community. This amendment lets those prosecutors do their job unimpeded by judgments that we are making without all the facts.

If this amendment doesn't pass, the underlying bill says to those prosecutors, even if you think, as has been the case with over 400 other suspects convicted in Article 3 courts, that an Article 3 trial is the right thing to do, you may not do it. It says to those prosecutors, even if you think live testimony from a Guantanamo detainee in a criminal court in this country in someone else's trial will help you win a conviction, you may not do it. Even if you think that we could gain standing with allies by having such a person tried in another jurisdiction, it would achieve a better result for our country and for an alliance against terrorism, you may not make that choice.

Congress should set broad policy for our country. We should not Monday morning quarterback or backseat drive. By limiting the options of our prosecutors, I believe that's what we're doing, and we are risking the undesired and ironic result that will make it more difficult for those with whom we've entrusted this task to achieve the goal of bringing these people to justice.

Mr. SMITH's amendment is well considered. It broadens the options of those prosecutors and, I think, hastens the day when those who deserve to be brought to justice will, in fact, be brought to justice.

I urge a ''yes'' vote on Mr. SMITH's amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Virginia (Mr. WITTMAN).

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1673. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners [Docket Number: EERE-2007-BT-STD-0010] (RIN: 1904-AA89) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1674. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Hemorrhoid Prevention Pressure Wedge [Docket No.: FDA-2011-N-0118] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1675. A letter from the Chairman, Broadcasting Board of Governors, transmitting a report providing information on U.S.-funded international broadcasting efforts in Iran pursuant to the requirements of Section 1264 of the National Defense Authorization Act; to the Committee on Foreign Affairs.

1676. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2010 through January 31, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

1677. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning proposed amendments to parts 120 and 124 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. Section 2778 et seq; to the Committee on Foreign Affairs.

1678. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act [Docket No.: 070821475-91169-02] (RIN: 0648-AV15) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA301) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA319) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1681. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30776; Amdt. No. 3420] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1682. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Creighton, NE [Docket No.: FAA-2010-1170; Airspace Docket No. 10-ACE-13] received May, 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1683. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule —

Amendment of Class E Airspace; West Yellowstone, MT [Docket No.: FAA-2010-1209; Airspace Docket No. 10-ANM-10] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1684. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kahului, HI [Docket No.: FAA-2010-1233; Airspace Docket No. 10-AWP-21] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1685. A letter from the Administrator, Environmental Protection Agency, transmitting the Environmental Protection Agency (EPA)'s Report on the Great Lakes Ecosystem to Congress as required by Section 118 of the Clean Water Act; to the Committee on Transportation and Infrastructure.

1686. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Fiscal Year 2012 General and Legislative Annual Report pursuant to Section 24315(b) of Title 49 U.S. Code and the ''Consolidated Appropriations Act, 2010'' (P.L. 111-117); to the Committee on Transportation and Infrastructure.

1687. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — Reporting of Security Issues [Docket No.: TSA-2009-0014; Amendment No. 1503-4] (RIN: 1652-AA66) received April 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 1315. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer financial Protection, with an amendment (Rept. 112–89). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. COURTNEY, Mr. PAULSEN, Mr. TIBERI, Mr. CROWLEY, Mr. MCDERMOTT, Mr. RANGEL, Mr. HERGER, and Mr. REICHERT):

H.R. 1978. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1979. A bill to amend title 10, United States Code, to expand eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include additional chapter 61 disability retirees, to coordinate eligibility for combat-related special compensation and concurrent receipt, to eliminate the reduction of SBP survivor annuities by dependency and indemnity compensation, and to enhance the ability of members of the reserve components who serve on active duty or perform active service to receive credit for such service in determining eligibility for early receipt of nonregular service retired pay; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUNYAN (for himself, Mr. WALZ of Minnesota, Mr. GUINTA, Mr. LOBIONDO, Mr. LANCE, Mr. GRIMM, Ms. RICHARDSON, Mr. BACHUS, Mrs. DAVIS of California, Mrs. ELLMERS, Mr. FLORES, Mr. KING of New York, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. BARTLETT, Mr. KISSELL, Mr. GARAMENDI, Mr. TURNER, Mr. CRITZ, Mr. GARRETT, Mr. YOUNG of Indiana, Mr. ISRAEL, Mr. PALLONE, Mr. MCKEON, Mr. GRIFFIN of Arkansas, Mr. ROE of Tennessee, Mr. WILSON of South Carolina, and Mr. MCCOTTER):

H.R. 1980. A bill to authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 1981. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. THOMPSON of California):

H.R. 1982. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. ROHRABACHER, Mr. STARK, and Mr. POLIS):

H.R. 1983. A bill to provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. STARK, Mr. PAUL, and Mr. FRANK of Massachusetts):

H.R. 1984. A bill to amend title 31, United States Code, to allow States to certify a business as legitimate for purposes of a financial institution's suspicious activity reporting requirements, facilitate unambiguous compliance of such businesses with State law, and provide regulatory relief for financial institutions; to the Committee on Financial Services.

By Mr. STARK (for himself, Mr. ROHRABACHER, Mr. POLIS, Mr. PAUL, and Mr. FRANK of Massachusetts):

H.R. 1985. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses in connection with the trade or business of selling marijuana intended for patients for medical purposes pursuant to State law; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky (for himself, Mr. CHANDLER, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. YARMUTH, Mr. GUTHRIE, Mr. BOUSTANY, and Mr. SCALISE):

H.R. 1986. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1987. A bill to amend the Securities Investor Protection Act of 1970 to provide insurance coverage for certain indirect investors caught in Ponzi schemes, and for other purposes; to the Committee on Financial Services.

By Mrs. DAVIS of California (for herself and Ms. SCHWARTZ):

H.R. 1988. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying therapeutic discovery project credit; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1989. A bill to withdraw certain Federal lands and interests located in Pima and Santa Cruz counties, Arizona, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1990. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1991. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1992. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Ms. BERKLEY, and Mr. MCKINLEY):

H.R. 1993. A bill to amend the Internal Revenue Code of 1986 to modify timing rules for determining gross income with respect to certain construction contracts; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. WU, and Mr. TONKO):

H.R. 1994. A bill to improve foreign language instruction; to the Committee on Education and the Workforce.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. WAXMAN, Mr. BRALEY of Iowa, and Mr. COURTNEY):

H.R. 1995. A bill to establish an Office of Specialized Instructional Support in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and the Workforce.

By Mrs. LUMMIS (for herself, Mr. BISHOP of Utah, Mr. THOMPSON of Pennsylvania, Mr. SIMPSON, Mr. CHAFFETZ, Mr. YOUNG of Alaska, Mr. TIPTON, Mr. DENHAM, Mr. CONAWAY, Mr. REHBERG, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. NUNES, Mrs. NOEM, Mr. LAMBORN, Mr. DUNCAN of Tennessee, Mr. PEARCE, Mr. HERGER, and Mr. FLAKE):

H.R. 1996. A bill to amend titles 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of Florida (for himself, Mr. ROSS of Arkansas, Mr. LATTA, and Mr. SHULER):

H.R. 1997. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure that amounts are made available for

projects to provide recreational public access, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 1998. A bill to amend the District of Columbia Home Rule Act to permit the District of Columbia to impose a tax on income earned as a professional athlete by nonresidents of the District; to the Committee on Oversight and Government Reform.

By Mr. TURNER:

H.R. 1999. A bill to provide procedures for the selection of the Commandant of the Air Force Institute of Technology, and for other purposes; to the Committee on Armed Services.

By Mrs. McMORRIS RODGERS:

H. Con. Res. 55. Concurrent resolution disapproving of the participation of the United States in the provision by the International Monetary Fund of a multibillion dollar funding package for the European Union, until the member states of the European Union comply with the economic requirements of membership in the European Union; to the Committee on Financial Services.

By Mr. DREIER:

H. Res. 278. A resolution electing Chaplain of the House of Representatives; considered and agreed to.

By Mr. CHANDLER:

H. Res. 279. A resolution raising awareness of the risk of internal bleeding for patients taking anti-coagulant drugs; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

24. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 2002 urging the United States Congress to take immediate action to delist the gray wolf from the Endangered Species Act; to the Committee on Natural Resources.

25. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1007 urging the Secretary of the United States Department of the Interior to refrain from withdrawing Arizona lands from new mining claims and exploration; to the Committee on Natural Resources.

26. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1005 urging the United States Congress to pass on October 1, 2011, an amendment to the United States Constitution requiring a balanced budget; to the Committee on the Judiciary.

27. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1024 urging that the Members of the Legislature support the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and oppose any attempt by the federal government to diminish this jurisdiction unnecessarily; to the Committee on Transportation and Infrastructure.

28. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1008 urging the United States Congress and appropriate federal government agencies to fully support and fund a federal flood control project for the Lower Santa Cruz River watershed in Pinal County, Arizona; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STARK:

H.R. 1978.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. ANDREWS:

H.R. 1979.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.''

By Mr. RUNYAN:

H.R. 1980.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the Constitution

By Mr. SMITH of Texas:

H.R. 1981.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. REICHERT:

H.R. 1982.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

By Mr. FRANK of Massachusetts:

H.R. 1983.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. POLIS:

H.R. 1984.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STARK:

H.R. 1985.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. DAVIS of Kentucky:

H.R. 1986.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. ACKERMAN:

H.R. 1987.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause

Art. 1

Sec. 8

Clause 3

By Mrs. DAVIS of California:

H.R. 1988.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GRIJALVA:

H.R. 1989.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1990.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1991.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1992.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. HERGER:

H.R. 1993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. HOLT:

H.R. 1994.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. LOEBSACK:

H.R. 1995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mrs. LUMMIS:

H.R. 1996.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Article 4, Section 3: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. MILLER of Florida:

H.R. 1997.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8.

By Ms. NORTON:

H.R. 1998.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Mr. TURNER:

H.R. 1999.

Congress has the power to enact this legislation pursuant to the following:

Military Regulation: Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Necessary and Proper Regulations to Effectuate Powers: Article I, Section 8, Clause 18 The Congress shall have Power * * * To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. ALTMIRE.
H.R. 63: Mr. ISRAEL.
H.R. 64: Mr. GRIJALVA, Mr. COSTELLO, Mr. FILNER, Ms. SCHAKOWSKY, and Mr. SHERMAN.
H.R. 66: Mr. MILLER of North Carolina and Mr. SIRES.
H.R. 328: Ms. LEE of California.
H.R. 373: Mr. SCHOCK.
H.R. 402: Mr. LIPINSKI, Mr. HOLT, and Mr. SIRES.
H.R. 420: Mr. TIPTON, Mr. AUSTRIA, Mr. WALBERG, Mr. RUNYAN, Mr. NUNES, and Mr. BOUSTANY.
H.R. 432: Mr. BLUMENAUER.
H.R. 440: Mr. JOHNSON of Ohio and Mr. KILDEE.
H.R. 452: Mr. GUINTA, Mr. WHITFIELD, Ms. LINDA T. SÁNCHEZ of California, and Mr. SOUTHERLAND.
H.R. 459: Mr. TIBERI.
H.R. 595: Mr. JOHNSON of Ohio.
H.R. 603: Mr. PAYNE.
H.R. 604: Mr. PAYNE.
H.R. 607: Mr. DOGGETT.
H.R. 645: Mr. BOUSTANY and Mr. AUSTRIA.
H.R. 672: Mr. COFFMAN of Colorado.
H.R. 679: Mr. SIRES.
H.R. 680: Mr. GIBBS.
H.R. 683: Mr. RUSH.
H.R. 706: Mrs. LOWEY.
H.R. 709: Ms. ROYBAL-ALLARD and Mr. LUJÁN.
H.R. 718: Mr. KINZINGER of Illinois, Mr. GIBSON, Ms. CLARKE of New York, Mr. BACHUS, Mr. ALTMIRE, Mr. HEINRICH, Mr. SESSIONS, and Mr. LOEBSACK.
H.R. 719: Mr. WITTMAN and Mr. CRAVAACK.
H.R. 725: Mr. JOHNSON of Ohio, Mr. KUCINICH, Mr. LATTA, Mr. TIBERI, Mr. JORDAN, Mr. CHABOT, and Mr. STIVERS.
H.R. 733: Ms. CLARKE of New York.
H.R. 735: Mr. LABRADOR and Ms. JENKINS.
H.R. 805: Mr. JONES.
H.R. 812: Mr. CONNOLLY of Virginia, Ms. HIRONO, Mr. ALTMIRE, and Mr. MCNERNEY.
H.R. 814: Mr. BISHOP of New York.
H.R. 822: Mr. SCHRADER and Mr. FINCHER.
H.R. 855: Mr. HIMES.
H.R. 860: Mr. WILSON of South Carolina, Mr. ISRAEL, Mr. LARSEN of Washington, and Mr. WITTMAN.
H.R. 886: Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOHMERT, and Mr. PITTS.
H.R. 890: Mr. COBLE, Ms. SCHWARTZ, Mr. MCCOTTER, Mr. WEINER, Ms. BROWN of Florida, Mr. TOWNS, Mr. ENGEL, Mrs. BLACKBURN, and Mr. CANSECO.
H.R. 894: Mr. TIERNEY.
H.R. 895: Mr. GRIFFIN of Arkansas.
H.R. 949: Mr. MORAN.
H.R. 972: Mr. COBLE.
H.R. 1041: Mr. ROKITA, Mr. ROGERS of Alabama, Mr. LYNCH, and Ms. PINGREE of Maine.
H. R. 1058: Mr. KING of Iowa, Mr. DANIEL E. LUNGREN of California, Ms. HERRERA Beutler, Mr. CULBERSON, and Mr. LUETKEMEYER.
H.R. 1075: Mr. CULBERSON, Mr. LAMBORN, and Mr. FLEMING.
H.R. 1090: Mr. LOEBSACK.
H.R. 1106: Ms. ZOE LOFGREN of California.
H.R. 1121: Mr. KLINE.
H.R. 1173: Mr. ROSS of Florida.
H.R. 1181: Mr. WITTMAN.
H.R. 1182: Mr. HERGER, Mr. SENSENBRENNER, Mr. CANSECO, and Mr. MCHENRY.
H.R. 1186: Mr. GRIFFIN of Arkansas.
H.R. 1204: Mr. SARBANES, Ms. NORTON, Ms. HIRONO, and Ms. ZOE LOFGREN of California.
H.R. 1206: Mr. JOHNSON of Ohio.
H.R. 1211: Mr. BROUN of Georgia.
H.R. 1236: Mr. MICHAUD, Mr. UPTON, and Ms. PINGREE of Maine.
H.R. 1259: Mr. CARTER, Mr. WITTMAN, Mr. GINGREY of Georgia, and Mr. PAUL.
H.R. 1262: Mr. ELLISON and Mr. QUIGLEY.
H.R. 1265: Mr. LUJÁN.
H.R. 1269: Mr. CONNOLLY of Virginia, Ms. FUDGE, Ms. WASSERMAN SCHULTZ, and Mr. BERMAN.
H.R. 1283: Mr. HECK.
H.R. 1288: Mr. Bartlett, Mr. ANDREWS, Ms. ROYBAL-ALLARD, Mr. ROHRABACHER, Mr. KISSELL, and Mr. NEAL.
H.R. 1297: Mrs. MCCARTHY of New York.
H.R. 1327: Mr. ROSS of Arkansas.
H.R. 1330: Mr. KING of New York.
H.R. 1351: Mr. REYES, Mr. RANGEL, and Ms. BERKLEY.
H.R. 1354: Mr. SIRES.
H.R. 1370: Mrs. BLACK.
H.R. 1386: Mr. RYAN of Ohio, Mr. SARBANES, Mr. JACKSON of Illinois, Mr. BACA, Mr. BARROW, Ms. MOORE, Mr. DOYLE, Mr. RUNYAN, Mr. LUJÁN, Ms. MCCOLLUM, Mr. CARSON of Indiana, and Mr. FILNER.
H.R. 1391: Mr. SCHOCK, Mr. CUELLAR, Mr. AUSTRIA, and Mr. CAMP.
H.R. 1417: Mr. FARR, Mr. HIMES, and Ms. PINGREE of Maine.
H.R. 1418: Mr. LATOURETTE.
H.R. 1459: Mr. COBLE.
H.R. 1462: Mr. PAYNE.
H.R. 1465: Ms. FUDGE.
H.R. 1475: Mr. QUIGLEY.
H.R. 1479: Mr. MCKINLEY and Mr. LARSON of Connecticut.
H.R. 1485: Mrs. LUMMIS.
H.R. 1489: Ms. WATERS and Ms. FUDGE.
H.R. 1498: Mrs. LOWEY, Mr. RIVERA, and Mrs. NOEM.
H.R. 1499: Mr. LUETKEMEYER.
H.R. 1546: Mr. ALTMIRE and Ms. LORETTA SANCHEZ of California.
H.R. 1578: Mr. CRITZ.
H.R. 1639: Mr. WITTMAN.
H.R. 1656: Mr. PASCRELL, Mr. RUNYAN, and Mr. COURTNEY.
H.R. 1683: Mr. CASSIDY.
H.R. 1723: Mr. BURTON of Indiana, Mr. HARRIS, and Ms. GRANGER.
H.R. 1732: Mr. SIRES.
H.R. 1735: Mr. BLUMENAUER and Mr. FARR.
H.R. 1736: Mr. HOLDEN, Ms. NORTON, and Mrs. MILLER of Michigan.
H.R. 1741: Mr. BILBRAY.
H.R. 1744: Mr. DAVIS of Kentucky and Mrs. BLACK.
H.R. 1748: Mr. MICHAUD.
H.R. 1754: Ms. ESHOO and Mr. GALLEGLY.
H.R. 1755: Mr. GRAVES of Missouri, Mr. WALBERG, Mr. NEUGEBAUER, and Mr. ROGERS of Michigan.
H.R. 1805: Mr. POLIS, Ms. SCHAKOWSKY, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, and Ms. RICHARDSON.
H.R. 1815: Mr. COOPER.
H.R. 1817: Mr. POLIS.
H.R. 1839: Mr. ROSS of Arkansas and Mr. WELCH.
H.R. 1842: Ms. ESHOO and Ms. CASTOR of Florida.
H.R. 1848: Mr. WESTMORELAND.
H.R. 1852: Mr. TIBERI, Ms. ESHOO, Mr. RANGEL, and Mr. CRENSHAW.
H.R. 1856: Mr. GOWDY and Mr. POE of Texas.
H.R. 1864: Mr. GOWDY, Mr. CHAFFETZ, and Mr. SESSIONS.
H.R. 1878: Mr. TOWNS.
H.R. 1897: Ms. LORETTA SANCHEZ of California, Mr. ROSS of Arkansas, Mr. FRANK of Massachusetts, Mr. RYAN of Ohio, Mrs. MALONEY, Mr. BARROW, Ms. MOORE, Mr. GERLACH, Mr. RUNYAN, and Mr. FILNER.
H.R. 1901: Mr. LEWIS of Georgia, Mr. SIRES, and Ms. BROWN of Florida.
H.R. 1906: Mr. KLINE and Mr. ROE of Tennessee.
H.R. 1912: Mr. FILNER and Ms. SEWELL.
H.R. 1917: Mr.YOUNG of Alaska.
H.R. 1936: Mr. ROSS of Arkansas.
H.R. 1939: Mr. BARTON of Texas.
H.R. 1941: Mr. KIND, Mrs. MALONEY, Mr. CRITZ, and Mr. WEST.
H.R. 1964: Mr. FORTENBERRY, Mr. HUIZENGA of Michigan, and Mr. WITTMAN.
H.J. Res. 42: Mr. AUSTRIA and Mr. MCCAUL.
H. Con. Res. 25: Mr. SHUSTER.
H. Res. 19: Mr. ELLISON.
H. Res. 25: Mr. ENGEL and Mr. PERLMUTTER.
H. Res. 134: Mr. DANIEL E. LUNGREN of California.
H. Res. 137: Mr. TERRY.
H. Res. 241: Mr. LABRADOR.
H. Res. 254: Mr. MCCOTTER.
H. Res. 256: Mr. HONDA.
H. Res. 262: Ms. SPEIER and Mr. HONDA.
H. Res. 270: Mr. ROONEY, Mr. LANCE, Mr. NUNNELEE, and Mr. MCKINLEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1194, to renew the authority of the Secretary of

Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, MAY 25, 2011 No. 73

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Shepherd of our souls, You enable us to lie down in green pastures, as You restore our hopes. Let Your love fill and rule our Senators as they seek to serve You by serving this land we love. May they be willing to pray for one another with the awareness that they are wrapped in a blanket of mutuality and are the heirs of a common destiny. Lord, empower them to live such exemplary lives that people will see their good works and glorify Your name. Relieve their necessities, lighten their burdens, as they cheerfully submit to Your gracious will.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business for an hour, with the majority controlling the first half, Republicans controlling the final half. Following morning business, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension.

I filed cloture on the motion to concur with respect to the PATRIOT Act extension last night. Under the rule, the cloture vote will occur 1 hour after we convene tomorrow. Additionally, we are working to reach an agreement to vote on the House Republican budget. We will notify Senators when an agreement is reached and votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S. 1057

Mr. REID. Madam President, S. 1057 is at the desk. It is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1057) to repeal the Volumetric Ethanol Excise Tax Credit.

Mr. REID. I would object to any further proceedings with regard to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

MEDICARE

Mr. REID. Madam President, for weeks Americans old and young have been speaking out against the Republican plan to kill Medicare. It is not just Democrats. Republicans have been speaking out against it too.

Newt Gingrich called it a radical plan and ''right-wing social engineering.'' Several Republican Senators have similarly spoken out, calling it what it really is, a plan that would shatter a cornerstone of our society and break our promise to the elderly and to the sick.

Last night, though, the most important voices were heard. American voters had their first chance to do something about it. They went to the polls and resoundingly rejected that plan and the candidate who ran on that plan's promise to dismantle Medicare.

In a special congressional election in upstate New York, the Republican plan to kill Medicare was the No. 1 issue. It was the No. 2 issue. It was the No. 3 issue. It is what the voters most cared about and were most scared about, as well they should be.

Here is what it would do: It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their health care in exchange for fewer benefits. That is a bad deal all around.

What is telling is not just that the voters rejected this plan, it is that the Republican candidate pushing the Republican plan to kill Medicare was rejected in a very Republican district.

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

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The district, which stretches from Buffalo to Rochester, has been in Republican hands for four decades. It produced influential Republicans such as Jack Kemp, whom I served in Congress with. He served in the Cabinet. He ran on the Presidential ticket as a vice presidential candidate.

Last night's special election was held to replace a Republican Congressman who won that seat by a 3-to-1 margin. JOHN MCCAIN won the district in 2008. George W. Bush won the district 4 years earlier. Last year's Republican candidate for Governor in New York lost in a landslide. But he won big in that district. That is how conservative it is.

Democrats in Congress and even some candid Republicans know the Republican plan to kill Medicare is irresponsible and indefensible. Last night voters showed the country and the Congress that they know it too.

RECOGNITION OF THE MINORITY LEADER

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

LACK OF A BUDGET

Mr. MCCONNELL. Madam President, sometime today or tomorrow, Senate Democrats will have an opportunity to show what kind of future they believe in. They can vote for one of the Republican plans to get our Nation's finances under control, each of which involves the kind of tough choices we will need to make to bring down our deficits and debt, or they can vote on the President's plan, which continues the unsustainable status quo. A vote to preserve our very way of life or throw it in jeopardy.

It is interesting; when the President first announced his budget, most people panned it as tepid and irresponsible. The Washington Post summed it up pretty well by saying the President punted. Yet Senate Democrats embraced it.

The senior Senator from New York said the President's budget should have bipartisan support.

The chairman of the Budget Committee gave the President, ''good grades for a beginning.''

Other Democrat Senators called the President's budget ''a step in the right direction'' . . . ''an important step forward''. . . ''a good start'' . . . and ''a credible blueprint.''

One even described it as ''wise.''

That was then. How about today? Well, if we are to believe the news reports, every single Democrat in the Senate now plans to vote against the President's budget. They do not even want to use it as a starting point. Why? We got the answer earlier this week from Senator SCHUMER, when he indicated that Democrats now believe avoiding this debate altogether helps them in the next election.

In other words, they think it is better not to keep track of our Nation's finances at all than to support any plan that does. So much so that they are about to reject a budget that even they embraced a few months ago. They will vote against every budget that comes to the floor, including the President's.

Six weeks after the Democrat cochairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, Democrats are ready to call it a work period without supporting any of the proposals that have been made, without producing anything of their own.

Nothing. That is their answer to this crisis.

Their focus is on an election that is still almost 2 years away.

I think it is a mistake. At a moment when our debts and deficits threaten the very future of our Nation, Democrats have no excuse for proposing no vision of their own. There is no defense.

Washington is currently on pace to spend about $1.6 trillion more than it takes in this year, three times the biggest deficit we ever had before President Obama took office.

Members of the President's own Cabinet admitted last week that Medicare is in need of urgent reform if we want to preserve it for future generations.

Congressman RYAN has shown courage by proposing a budget that would tackle these problems.

Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week. More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities. And there is no excuse for it. We have an obligation to come up with a plan. Democrats are officially abdicating that responsibility this week.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

REMEMBERING EDWARD LAWRENCE O'BRIEN

Mr. KERRY. Madam President, in the course of our lives, one of the most difficult moments we face is to say goodbye to a parent. No matter how old we are or how old they are or even how long they've struggled with illness and infirmity, when you lose your mother or father, you are reminded again what it means to be someone's child, and it hits you right in the gut just how much you depend on your mother and father. It is difficult, and it has been particularly difficult for the O'Brien family of Marshfield Hills, MA, which just this month lost their patriarch, Edward Lawrence O'Brien, who was an extraordinary blessing to his family, and his friends, but also to the country he loved, which he served in the U.S. Navy. And his passing is a profound loss to us all.

Ed leaves behind his loving wife Marge, his brother Gene, 6 devoted children and 17 adoring grandchildren. His son Drew has served the people of Massachusetts as my State director for almost a decade, living the spirit of public service that Ed instilled and inspired in all of his family. Ed was, to borrow a phrase Tip O'Neill liked so much, ''a beautiful person,'' and I enjoyed meeting him on several occasions. Our last meeting will be with me forever, when I had the privilege of presenting him with his World War II medals for his service in the Pacific. He was so content and had such a great smile on his face, a twinkle in his eye which never deserted him even as he bravely battled and accepted the illness that would take him from his family after 86 years extraordinarily well-lived.

Ed served proudly in the Navy during World War II, including the invasion of Okinawa. He embodied what we now know as ''The Greatest Generation'' of Americans who defended America and saved democracy for the world. He earned numerous decorations, including the Combat Action Ribbon, the Asiatic Pacific Campaign Medal with a silver star and a bronze star, and the European-African-Middle Eastern Campaign Medal.

Ed was a patriot who stood by his country and his family with equal measures of devotion. Indeed, the mass lovingly put together by his family told the story of a man who loved his friends, who loved his family, who loved his God—the God who, in the words of the old Irish hymn he enjoyed so, was his vision, his battle shield, his sword for the fight, his dignity and his delight. In his eulogy for his father, Drew O'Brien offered great comfort to all who mourned with him, especially Ed and Marge's 17 grandchildren. ''For the rest of your life,'' Drew told them, ''carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him.''

Drew's eulogy is a wonderful tribute to a father's legacy and a son's enduring love and today I would like to share it with my colleagues in the U.S. Senate by having it printed in the CONGRESSIONAL RECORD. And with that request, I would also like to—on behalf of

my entire office and all those who know and love Drew—again extend our deepest sympathies and condolences to the entire O'Brien family: Michael O'Brien, his wife Kathryn and their children, Michael, Caroline and Elizabeth; Jim O'Brien, his wife Irene and their children, Johanna and Theresa; Kevin O'Brien, his wife Rozilyn and their children, Daniel, Christopher, Sean and Julia; Joanne O'Brien Hudson, her husband Richard and their children, Mary, Anne and Meaghan; Lawrence O'Brien, his wife Patty Roper and their children, Siobhan, Rachel and Kate; and Drew O'Brien, wife Michelle Consalvo and their children, Natalie and Matthew.

And to Drew, I would also like to say that, having lost my own father now 11 years ago this summer, please know that while the hurt of the loss never goes away, with the passage of time you remember the good moments and the best lessons more and more. You'll always look up and see your Dad proudly looking over you. And because Drew is such a gift to all of us, I also wish to thank Ed and Margaret, his dearest ''Margie,'' for the extraordinary family they created, nurtured and loved. And to Ed O'Brien, this great Navy man now at rest on still waters in heaven, I bid you ''fair winds and following seas.''

Madam President, I ask unanimous consent that the eulogy by Drew O'Brien be printed in the RECORD.

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

IN REMEMBRANCE OF DAD

(By Drew O'Brien, May 16, 2011)

My family and I want to thank everyone who is here with us this morning, and all who came through MacDonald's yesterday for participating in these celebrations of Dad's life. I think I speak for everybody when I say it was overwhelming in its comfort. Thank you so much.

For my brothers—Michael, Kevin, Jim, Lawrence, our sister Joanne and me—a special thank you has to go out to each of our spouses and our families. Kim, Lyn, Irene, Rick, Patty and Michelle. You were all so patient and supportive when we had to stop the clock of our everyday lives to help Dad. Dad loved and cherished each of you, and I know he recognized and appreciated the sacrifice you made.

There are people, too many to list, who have helped us and Dad over the past few months, in hospitals all around Massachusetts. They are owed a personal debt of gratitude that simply cannot be repaid. But they deserve our recognition this morning. Thank you to all of them.

We are here this morning to celebrate and honor the long and blessed life of Edward Lawrence O'Brien, just eight days shy of his 85th birthday.

How to do that with brevity, simplicity and accuracy?

In a word: love.

He was all about the love.

He loved his garden. He loved to take a ride in the car with Mom on a nice Sunday afternoon, usually after an early Sunday dinner—which he also loved. He loved his Irish heritage deeply and he loved his still-ongoing genealogy project. He loved to go flounder fishing right off the South Shore here. He loved to go camping—loved a good campfire and loved it when we were all around it. He loved to travel—and he and Mom traveled a lot in his long retirement. He loved a nice hot cup of tea, and he loved a glass of cold beer. Sometimes two. He loved newspapers, especially his Patriot Ledger. He loved crossword puzzles. He loved a good spy novel—Robert Ludlum and John LeCarre. He loved jazz and big band music. He loved Brooklyn, his hometown. He loved Bishop Loughlin High School there. He loved the University of Missouri. He loved the United States Navy. He loved Liberty Mutual, where he spent so much of his life. He loved to watch TV shows and movies, and was one of the first people I knew to get a TiVo. He amassed a video collection that would make most production houses either envious, or initiate a lawsuit. He loved to get underneath a car and change the oil or fix the brakes. He loved to watch a good basketball game and, back in the day, he played a pretty good one too. He loved his yard, his grass and his flowers—and he knew that a rainy day in May was good for them, and we need to remember that on this rainy day in May. Inside that yard on Idylwilde Circle was a house he loved. For a kid from Brooklyn, it was almost a dream come true.

I say ''almost'' because it's what he put in that house that made the dream come true. His two big loves: his family and his faith.

We can't talk about family without talking about Mom. He called her Marge, sometimes Margie. He loved her so much and was so devoted to her. For nearly 57 years, they were side by side in marriage, and they were rarely apart. Together they made a home for us that, despite the occasional adolescent chaos, inspired a love and devotion that we all hold for each other still and have extended to our own families. Together they are the best examples of parents you could ever ask for or imagine. Thank you, Mom and Dad.

My brothers and sister know that the finest way to honor Dad's life is to bring comfort and love to Mom in the days ahead. I know we will all do that and do that together.

All six of us know how much Dad loved us and how devoted he was to us and he showed it in many different ways. He was the one who taught you how to throw the ball, ride the bike or shoot the basket. He fixed the dollhouses, ''fine tuned'' the science projects—usually long after we had gone to sleep, and quietly replaced the windows broken by either a stray elbow or a stray basketball. He pushed us in school, steered us towards college, was always there to talk about issues at work and shaped us into the men and woman we all are today. We are all blessed and fortunate to call him our Dad.

For almost twenty-six years he was Grandpa—his favorite role in life. All seventeen of his grandchildren are here this morning—he loved you, found excitement and joy in you and the things you did and thought you were the greatest things to walk the earth. Take comfort today in the fact that he knew how much you loved him. For the rest of your life, carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him.

Dad's brother, our Uncle Gene, is here today with us, along with his family. Uncle Gene knew Dad longer than anyone and his sense of loss is profound and sad in ways that many of us simply might not understand. Thank you Uncle Gene for loving Dad so much and for so long.

And thank you to all our cousins and relatives who came—many from long distances—to be with us to honor Dad today.

Dad's other big love in life is the reason we are all gathered together this morning at Saint Christine's: his faith. This church was a very important part of our lives growing up—in many ways an extension of our own home. All of us here this morning can draw comfort and strength in the fact that Dad believed very deeply in God, and that he practiced that belief every day—not just in attending daily Mass, but in everything he did. He believed deeply in the Rite of the Eucharist—the very Mass we celebrate this morning. Most important of all, he believed deeply in the Resurrection and in Eternal Life. His faith was a special gift. That gift is still here and all of us can find comfort and solace and inspiration in it.

I'd like to leave you with one final thought this morning.

In addition to being all about the love, many of you know that Dad was all about the conversation. We've all heard it so much these past days—how friendly he was, how nice he was to talk to. He had what the Irish call the ''gift of gab.'' And he was well-known and beloved for it.

He'd smile at and talk to people anywhere he was—the post office, the bank, the grocery store, the waiting room at the dentist's office, South Station, outside of church, inside of church—did not matter if you were a neighbor, or a complete stranger. It is an amazing attribute and it is not lost on me that perhaps the wrong person in the family got involved in politics.

Admittedly, it could get a little exasperating. You'd be on your way with him somewhere, usually under some timeline, you'd turn around and he wouldn't be there. He was back at the last intersection asking the bike courier where he went to school and what he was going to do with his life. And questions were not the end of it, there was always an ''advice-dispensing'' component as well—''you should go to UMass'' or ''you should try Harvard Extension'' or ''you should try and get yourself some office experience.'' It was classic Dad.

One gray morning last December, I arrived at work early and decided to run some Christmas errands. We knew Dad was sick, and I was worried and sad. As I walked down Washington Street in Boston, I found myself saying hello to the morning commuters, hurrying in the cold to get from the T station to their offices. Complete strangers. A few looked at me like I was insane, but most of them smiled back, said ''good morning'' and I even got an occasional ''Merry Christmas.'' It felt good. It lifted my spirits. And I understood.

It was Dad. It was his spirit. It was his love. It was his faith.

And that same spirit and love and faith of his—they are all here with us today and will be every day.

In the days ahead, take a moment to say hello to someone you don't know. And when you do, think of my Dad—his spirit, his love, his faith.

God Bless you Dad. We love you and we miss you and we will never forget you. Rest in peace.

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

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PATRIOT ACT

Mr. UDALL of New Mexico. Madam President, I know Senator BLUMENTHAL is coming to speak and Senator KERRY ended a little bit early. I wish to get up for a couple minutes now, and when Senator BLUMENTHAL comes in I will yield to him because he has some time reserved.

I wish to talk this morning a little bit about the procedure and what we have gone through, in terms of the PATRIOT Act.

I am very discouraged to see the path we are headed down in terms of the PATRIOT Act. I was in the Congress, as the Presiding Officer knows, when we voted almost 10 years ago on the PATRIOT Act. It was a sad occasion then because it was right after 9/11 and that horrible tragedy had happened to our country. But we rushed, in a very big way, to move forward with a piece of legislation, the so-called PATRIOT Act. That act ended up being something I think many of us regret.

I wish to read a short passage from the Washington Post at the time, which I think showed the haste in which we acted, where we infringed on our constitutional rights, and I think the Post says it all. They noted:

> Members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.

I can tell you that, at the time, that is the way it was. We were on the floor, we had the vote, and nobody knew what was in the bill. I remember one Congressman waiving a copy of the bill, saying there is only one copy on the floor and it is hot off the Xerox machine. So it is unfortunate we moved so quickly, with so much haste.

Almost 10 years later, we have not had the debate we need to have on this piece of legislation. The greatest deliberative body has not weighed in with amendments. We have not moved forward in a serious way to try to tackle this piece of legislation that is so important to our country, important to our freedom, and important to our liberty.

What are the problems we should be dealing with? Just very quickly—I know my colleague, Senator BLUMENTHAL, is here, so I will quickly move on. But two things have happened that indicate we have some serious problems with the PATRIOT Act. No. 1, in March of 2007, the inspector general of the Department of Justice, in a report concluded that ''the FBI engaged in serious misuse of national security letter authority.'' The report also said that ''in many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI's own internal policies.''

So there we have an inspector general telling us that the executive branch, with the piece of legislation, moved way beyond where they should. That is something we should take a hard look at. I have an amendment, and I know others do, on that.

There have also been courts that have looked at parts of the PATRIOT Act and found that act to be unconstitutional. It is incumbent upon us, when we have a ruling such as that, to look at it and offer amendments and try to make changes.

I harken back to what I remember reflecting on, on that day when we passed the act. Benjamin Franklin—talking about our precious freedom and liberty—said this, and I will paraphrase. He said something along these lines: Those who would sacrifice liberty for security deserve neither. So that is where we are today.

The so-called PATRIOT Act was enacted nearly a decade ago. Hastily passed by a Congress left reeling in the wake of a devastating terrorist attack on our Nation. Its supporters described it as a way to protect our Nation from similar attacks in the future. But this far-reaching piece of legislation went much farther than that. The PATRIOT Act's most enduring legacy is this: It gave the Federal Government the power to undermine the constitutional right to privacy of law-abiding citizens.

I was a Member of the House of Representatives at the time. One of only 66 Members to vote against passing the PATRIOT Act. It was an unpopular vote at the time. But when the details of the new law were examined, its breaches on our civil liberties became clearer. And the truth came out. As I have said, the Washington Post noted, ''members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.''

I also voted against the reauthorization of the PATRIOT Act in 2006, as well as the FISA Amendments Act of 2008. In February, I once again opposed the extension of three controversial provisions of the PATRIOT Act: roving wiretaps . . . government access to ''any tangible items'' such as library and business records . . . and the surveillance of targets who are not connected to an identified terrorist group.

Back in 2001, I said on the House floor that I was ''unable to support this bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.''

I went on to explain that ''the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.''

And that is exactly what we should do. To govern in a post-9/11 world, we have to strike a delicate balance: We must prevent the terrorist actions of some, without infringing on the constitutional guarantees of the vast many. We are failing to strike that balance today by forcing reauthorizations of the PATRIOT Act without scrutinizing the long-term ramifications of the law.

Voting for the PATRIOT Act in the shadow of the 9/11 attacks was justifiable for many; that horrific day created an unparalleled sense of urgency. Today, we are once again up against a sense of urgency to renew the controversial provisions of the law set to expire this week.

But it's no longer due to a recent attack. Instead, the urgency has been created by the false argument that our Nation will be more vulnerable to attack if we dare to let the provisions expire.

Let's be honest in this debate—not act hastily out of false fears. Even if the provisions expire, the sunsets contain an exception for ongoing investigations. And the government can continue to use those provisions beyond this week.

Perhaps the real fear is that the time it would take for real debate might postpone our Memorial Day recess. We were promised a real debate on this reauthorization, and we should have it!

With a decade of hindsight, more voices from very different places on the political spectrum agree—the entire law bears scrutiny and debate. We can no longer neglect our duty. It is our responsibility to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

I have filed two amendments that I hope the Senate will consider and vote on.

The first is very simple. It extends the expiring provisions until September so that we can have a real, substantive debate and an open amendment process. This is what we thought the 3-month extension passed in February was intended to do, but adequate floor time was never scheduled and we have been extremely limited in our ability to offer amendments.

This is by no means an ideal solution. In fact, I voted against the short-term extension in February. But if our options are an extension until September and an extension until 2015, I am willing to accept the lesser of two evils. I thank Senator MERKLEY for cosponsoring this amendment.

The second amendment I have filed would reinstate a sunset provision for national security letters. This provision was in Senator LEAHY's bill that was reported out of his committee and is in his amendment, but I feel strongly that it should also be considered as a stand-alone because of the importance of this issue.

National security letters do not require a court order. They are a form of administrative subpoena issued by FBI agents and other officials. A March 2007 report by the Department of Justice inspector general ''concluded that the FBI engaged in serious misuse of NSL authority.''

It also said that ''in many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI's own internal policies.''

I believe that there must be a sunset provision for NSLs to ensure that Congress periodically reevaluates this

power and is certain that it is not being abused.

I have also signed on as a cosponsor to several of my colleagues' amendments. Let me just comment briefly about some of these.

In addition to my NSL amendment, I cosponsored Senator PAUL'S amendment that prohibits any officer or employee of the United States from issuing an NSL unless a FISA court judge finds that probable cause exists to issue the NSL. This would bring NSLs into compliance with the plain text of fourth amendment.

I am pleased to join Senators MARK UDALL and PAUL on an amendment that would eliminate the possibility of ''John Doe'' roving wiretaps that identify neither the person nor the phone to be wiretapped. This would protect innocent Americans from unnecessary surveillance and was part of the JUSTICE Act that I cosponsored in the last Congress.

I have also cosponsored MARK UDALL's amendment that would direct the attorney general to only delegate the authority for approving ''lone wolf'' surveillance to the deputy attorney general. It would also require the attorney general to provide notice to Congress of applications for ''lone wolf'' surveillance.

Finally, with Senator SANDERS, I have cosponsored an amendment that exempts libraries and bookstores from section 215 orders and NSLs. A similar amendment passed the House 287–238 in the 2005 PATRIOT Act debate, but was later dropped in conference.

The ACLU, the American Booksellers Association, the American Library Association, and the Campaign for Reader Privacy all support this amendment.

All of these amendments are designed to protect the civil liberties of all Americans and each deserves a full debate on the floor and an up-or-down vote by the Members of this body. Failing to do so is once again failing to provide the adequate time and consideration of this far-reaching legislation.

As a former Federal prosecutor and New Mexico's attorney general, I am familiar with the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. But I also believe that our Constitution must be guarded against encroachment, even in the name of security.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent to extend my remarks to 15 minutes, if necessary.

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

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 1060 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BLUMENTHAL. Madam President, I yield the floor.

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

ENTITLEMENT SPENDING

Mr. THUNE. Madam President, last week I came to the Senate floor to talk about the crushing burden of debt that will soon be coming our way because of government spending, mainly driven by entitlement programs. I noted that our unfunded liabilities in Medicare and Social Security are over $40 trillion. In fact, last week we received the reports from the Medicare and Social Security trustees which noted that Medicare is already running a cash deficit of about $46 billion. Social Security is running a cash deficit of about $32 billion.

For those who think we do not need to do anything because the so-called trust funds are not going to be in trouble until some point into the future, I think the important point to remember is that the trust funds and the IOUs that are the trust funds are not an economic asset that can pay cash benefits. At some point there is either going to have to be a massive tax increase, a huge reduction in benefits, or an incredible amount of additional borrowing.

What we project will happen with Social Security at some point in the future is that there will be about a 20, 25 percent reduction in benefits when we hit that wall, which suggests we ought to be taking steps right now to avoid that. The important point is, when we start seeing cash deficits where the payroll taxes that are coming in no longer exceed the amount of benefits they are paying out but, rather, are running deficits, that also adds to the overall deficit we are dealing with as a country.

We do not have the luxury of time. We cannot afford to wait. This is an issue that is upon us. Social Security and Medicare reforms are issues that need to be undertaken. If we do not do that, as I mentioned last week as well, we will see enormous increases in the amount of debt and the amount of deficits as a percentage of our GDP.

In fact, in the year 2035, if we do not change our ways, the amount of government spending—and this is under the current projection, which I believe is very conservative, and probably these numbers could be much worse—would comprise 35.2 percent of GDP. Government spending would comprise 35.2 percent of GDP, which is 60 percent higher than the historical average. The historical average of what the Federal Government spent as a percentage of our entire economic output for the last 40 years has been 20.6 percent. This year it is over 24 percent. If we stay on this current trajectory, as I said, in the year 2035, based on what I believe are very conservative assumptions—and this could be much worse than that—we would be looking at over 35 percent of our entire economy spent just on the Federal Government.

As I said, that is 60 percent higher than the historical average. In the same year, deficits would be about 16 percent of GDP, and debt to GDP would be 185 percent. We would actually have a cumulative debt that is almost twice the size of our entire economic output, our entire GDP for that year.

These are more than just numbers for economists to look at; these have real impacts in real time. They affect people across the country today. I wanted to point out again, as I have mentioned in the past, the study done by economists Rhinehardt and Rogoff, which took a good look at countries, and particularly developed countries, that have acquired or accumulated the sort of debt level we are looking at in this country and the impact that has had on their economies. And in their analysis and their study, they came to the conclusion that when you reach a certain level of debt to GDP—in this case, 90 percent debt to GDP—you lose 1 percentage point of economic growth. In other words, economic growth will be 1 percentage point less than it would otherwise be because of that high GDP debt level the country is sustaining. They say that is at 90 percent. If we look at where we are today debt to GDP, we are about 93 to 94 percent. According to the White House's own economist, every time you lose a percentage point of economic growth, it costs you about 1 million jobs.

So having the kind of debt level we are carrying today creates a cloud over our economy, reduces economic growth, and reduces jobs. It is costing us job creation in our economy, which I think is what most of us believe we should be focused on, and if we are going to focus on jobs, we have to say there is a correlation between spending, debt, and jobs. I believe the sooner we acknowledge that, the quicker we address that, the better off we will all be and the sooner we will see the economy start to recover and expand and create jobs again. That is the impact that is happening now, and it only gets worse if changes aren't made.

When the government borrows money, obviously there is an impact in the private economy: there is less money for private companies and individuals to invest in equipment, plants, housing, and training. It crowds out these investments and instead allocates money—spends money—on less efficient, less necessary, duplicative, and oftentimes downright wasteful programs and projects.

If we don't get our arms around this level of spending and debt, it also means higher interest rates for individuals who want to borrow to buy a home.

It is clear to individuals and businesses across the country—even if it isn't clear to everyone here in Congress—that the government cannot continue to spend ever-increasing amounts of money without raising taxes. That creates uncertainty among individuals and businesses across this country and acts as a disincentive for them to invest. So because you have

uncertainty about what the impact of all this spending and debt will have on future taxes, a lot of capital continues to sit on the side lines not being deployed, not being put to work. That is happening simply because there is this uncertainty about what is going to happen and whether Washington is serious about getting this spending and debt issue under control and focusing on the fiscal problems we have as a nation.

I mentioned last week that Social Security benefits would automatically be cut by over 20 percent if that program is not reformed. This is not the result of the House-passed budget, contrary to what many are saying. This is the result of the current situation we face today with Social Security. Likewise, according to the alternative scenario of Medicare's own actuaries, the health care bill that was passed last year would lead to significant numbers of providers becoming unprofitable and who would, presumably, stop providing services if health care costs are not contained.

This assumes we don't have a debt crisis. The former Chairman of the Federal Reserve, Alan Greenspan, said recently that the odds of a debt crisis happening in the next 2 to 3 years are about 50 percent. So if you take that analysis and you take what Standard & Poor's has said about America's credit rating—they have warned of a possible downgrade in the U.S. credit rating in the next 2 to 3 years if serious changes aren't made—I think you can see why there is such a cloud hanging over our economy right now.

Some believe this debt crisis may not occur for a few years down the road. But I think one thing we know for sure is that it is coming. It is predictable. We don't know exactly when, but we know it is coming because you cannot continue to have these types of signals, this kind of not only anecdotal information but hard data describing the current state of our economy, the current state of Federal spending, the amount of debt to GDP we are continuing to increase year over year, and not believe we will have some significant and measurable impacts on our economy.

That is why it is so important that we take the steps necessary to avert this crisis. If we don't, we know what will happen. As our debt burden increases, investors from around the world are going to increasingly demand higher yields to lend us money, and that will further exacerbate our deficits. Interest alone will consume increasing amounts of our revenue until we can no longer pay our bills.

We have seen this happen in countries around the world. We know the magnitude of the actions those governments have had to take in response to debt crises in other places around the world.

Greece, for example, was forced to take loans out from the International Monetary Fund and has had to impose a variety of austerity measures. These austerity measures have included laying off public sector employees, cutting their pay, freezing their pay for many years at a time, a 2-percent increase in their VAT tax—they have a value-added tax in that country—and a 10-percent increase in other taxes. They have also made dramatic cuts to pension programs and reforms to entitlement programs as well. Yet they are still paying, after all of that, very high interest rates. The yield on 2-year debt is over 24 percent in Greece.

In Ireland, they had to implement austerity measures of more than 9 percent of GDP—9 percent of their entire economy. In the United States, if you were to translate that into the impact it would have on our economy, that is the equivalent of raising taxes and cutting spending by $1.3 trillion in 1 year—an astounding amount. But that wasn't enough. They are looking to implement another austerity plan of tax increases and spending cuts. That one is estimated to cost the average family in Ireland $5,800 a year.

Those are the types of measures that have been forced upon, imposed upon some of these other countries around the world because they have seen the debt crisis we are trying to avoid in this country. At the same time, after having taken all these austerity measures, they have seen massive contractions in their economy, because we all know what happens when you start raising taxes and you create the amount of economic uncertainty I described earlier. It becomes very difficult for small businesses to invest and to create jobs. So, not surprisingly, you see these austerity measures leading to violence, protests, and general discontent. It appears now that Greece is seriously considering at least a technical default on some of their debt.

So that is, I guess, a picture of what our future will look like absent changes. We will have a shrinking economy, fewer government services, and dramatically higher taxes. That is what the experiences have been in some of these countries I just mentioned, and that is what we are headed toward absent serious, meaningful action in getting our spending and debt and our entitlement programs under control.

There is no reason to go down this path. The Senate will have the opportunity over the course of the next few months, at least, I hope, to vote on legislation that will start to address not only the near-term issues of discretionary spending and capping that and capping it into the future, in the near term and midterm, but also address the issue of entitlement reform. As I mentioned earlier, we cannot solve the debt problem, the fiscal problem, and the crisis our country faces without taking on the issue of entitlement programs. If we don't, our future will look like that of Greece and Ireland.

Today, we will vote—today or tomorrow; I am not sure exactly when—on a series of budget proposals which are, in each and every case somebody's attempt to address this issue. We saw the House of Representatives act on a budget earlier this year—the so-called Ryan Budget—which they passed. We will get a chance to vote on that in the Senate. We have a couple of our colleagues on the Republican side who have come up with their own ideas about budgets and what we might do to address this fiscal crisis. We are going to vote on the proposal the President put forward, which is completely inadequate to the challenge. In fact, it increases spending over 10 years, dramatically increases debt, and dramatically increases taxes, which would have an incredibly detrimental impact on the economy. That is what the President put forward. We will vote on that today as well. Having said that, all these votes—although they are, I suppose you could argue, important in some respects—are going to end up being more symbolic votes because I don't think any of them will get the necessary votes in the Senate to pass.

What is ironic about the debate on budgets this week is that the only budget we are not voting on is a Senate budget. We have not had a budget now in the Senate for 756 days. This government spends $3.8 trillion a year, and yet it has been 756 days since the Senate has passed a budget. So we have a couple of our Republican colleagues who are putting forward alternatives, we have the House that has put forward an alternative, but the Democratic majority here in the Senate has not, for 756 days, moved to bring a budget to the floor so we can have a debate and vote upon the fiscal priorities for this country and how we are going to spend $3.8 trillion of the American people's tax money. That is a stunning development. I am on the Budget Committee in the Senate, and we have yet to even have a markup, and I don't anticipate we will in the near future.

Having said that, we cannot afford to wait to take on this Nation's fiscal challenges. I hope that, absent action on a budget here in the Senate, these discussions that are occurring right now between the Vice President and Senate leaders will yield a result that will enable us to at least move forward and address these fiscal issues, but it doesn't negate the responsibility we have as Senators to put forward a budget and to debate that budget.

Ironically, we are going to vote on the budget passed by the House of Representatives. I don't know this for a fact, but I have heard this is the case, that it will be the first time ever that the Senate will vote on a budget passed by the other body—in particular, by the other body when it is controlled by the other political party. This will be the first time in history. I think the Democratic leader wants to do that to make some political point, but I think we all know that our not passing a budget or at least debating a budget here in the Senate is a complete abdication of the responsibilities we have

as Senators to be good fiscal stewards of American tax dollars.

I would just close again today by saying we have seen our future. You can look at what is happening in Greece, you can look at what is happening in Ireland, and you can look at the types of austerity measures imposed by outside entities who have said: You make these changes or you are not going to continue to get IMF funding, for example. And even after all that, you are still looking at these interest rates in the 20-percent range, you are looking at economies that continue to contract rather than expand and grow. We need to create the conditions here that will enable our economy to grow and to create jobs, and it starts with getting Federal spending and debt under control.

One final point I will make, and this has to do with an issue that pertains to my State of South Dakota, but I think it ties into the broader point I am making about the economic uncertainty that is being created out there today for businesses.

There was a piece of legislation that passed a little over a year ago here—the Credit CARD Act—which put in statute a number of changes with regard to subprime credit card companies. That is all fine and good. I voted against it. We have companies in South Dakota that play by the rules, they have abided by the laws, and they are a heavily regulated industry. Yet Congress decided—over my objections—to move forward with legislation that would change the rules by which they play.

Well, that was all fine and good, but when it came time to implement those regulations, the Federal Reserve decided the statutory framework that was created wasn't quite good enough. So the initial regulations that were out there—this company reacted to those and tried to adapt its business model, but the Fed decided that wasn't good enough, so they took regulatory steps that went beyond what the statute had called for and made it even more difficult.

We predicted this at the time—we said: This is going to cost jobs in our State of South Dakota. Well, just this last week that particular company announced they are closing their operation in Spearfish, SD. That will impact 330 jobs in a town of about 10,000 people. Incidentally, the mayor of that city worked for this company. And there is a story here from the Rapid City Journal which describes the economic impact of these job losses and what it will mean to that community and to the entire area.

I can't help but think this is just another example of regulatory overreach, of regulatory agencies deciding they know best and going above and beyond what Congress called for in terms of legislative requirements and the legislative intent and taking regulations beyond that. So we have real-world impacts on people out there as a result of decisions made here in Washington, DC, and when we tried to make these arguments to the regulators, they couldn't have been less concerned about jobs. We said this is going to cost us jobs.

This is just the beginning, by the way. There is another location in Huron, SD; Dakota Dunes, SD; and Sioux Falls, SD, and I think this is just the tip of the iceberg of what we will see in terms of job losses caused by regulatory overreach because a Federal agency decided they knew best and went above and beyond what even the U.S. Congress said with regard to this particular issue.

These are, again, real-life examples of decisions made here in Washington, DC, and the impacts they have in the real world. I hope we can put policies in place here that will encourage economic growth and job creation, not hinder it, not inhibit it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

MEDICARE REFORM

Mr. JOHANNS. Madam President, I rise today to talk about the proposed Medicare reform. I have found the debate to be fascinating because it is proceeding as if there had been no changes to Medicare recently. Anyone telling you that there have been no changes is not being straightforward. Sweeping changes to our Medicare system were debated and they were passed in the most partisan way possible—only Democrats voted for them—and they were signed into law by President Obama. The President's new law already puts this fundamental health care program in significant jeopardy.

Some may come down to the floor, some may rise and say: MIKE, you are all wrong about this. They will want you to believe that the $½ trillion in cuts to Medicare in the new health care law will actually extend the Medicare program. But in reality the health care law is not giving new life to this program at all. The Congressional Budget Office reports that Medicare will be insolvent in 2020, 9 years from now. Yes, that is right, complete insolvency in 9 years. That is the current plan voted on and signed into law by the President.

That analysis does not even account for the $½ trillion cuts in Medicare to fund the health care law.

Don't believe me? We have consulted the experts. The experts say the health care law counts, or attempts to count, the same dollar twice. The Medicare Actuary says these cuts ''cannot be simultaneously used to finance other Federal outlays (such as the coverage expansions under the health care law) and to extend the trust fund.''

This can only mean either the new health care law does not have enough funding, to the tune of $½ trillion or, in the alternative, Medicare is in more serious jeopardy than even the trustees' report points out, in jeopardy of becoming insolvent much sooner than the experts predict.

So I stand here today and I tell you if you are 56 years old or younger and you are thinking about the day when you apply for your Medicare benefits, the experts say—sorry, you are out of luck. Under the current law of the land, that is the case. Again I point out that the President's health care reform was passed on the most partisan of votes—it did not get a single Republican vote—and every Medicare beneficiary will be impacted by the cuts to this program.

If you are out there saying: MIKE, I want to protect the poor, all I can tell you is the President's plan does not do that. If you are saying: But, MIKE, I want to protect the middle class, all I can tell you is that the President's plan does not do that.

What do we get out of that? According to the Congressional Budget Office, complete insolvency in 9 years. You see, the President's reform is founded upon the unrealistic assumption that doctors will continue providing the same services to patients with a 30-percent cut in a Medicare Program that is not covering their costs today. I just had doctors in my office saying: MIKE, we cannot continue to provide Medicare services if that cut occurs. Yet that is the current law of the land.

By comparison, one of the plans we may vote on this week protects Medicare beneficiaries over 55 by saying: Look, we are going to hold you harmless. Your benefits will not be changed at all. The plan says let's fix this physician payment formula so they do not have the 30-percent cut so access for Medicare patients can continue. The plan says let's protect those who are especially deserving of our support, those who are below 150 percent of the poverty level and truly cannot afford the health care they need.

You are probably saying: MIKE, what plan is that? The plan I am talking about is PAUL RYAN's plan. You tell me which sounds more severe in its approach, a plan that puts government bureaucrats in charge of controlling health care costs, robs Medicare of any potential savings to start a new entitlement, and in 9 years brings bankruptcy to Medicare, or a plan that empowers patients to choose their own unique plan, ensures Medicare savings are reinvested into the Medicare Program, and preserves Medicare by bringing costs back to sustainable levels, which is the Ryan plan?

I want to be clear that there are some things about this plan I would love to debate and change. For example, perhaps we could devise an incremental transition within the Medicare proposal. Maybe we need to evaluate if the medical savings accounts for those most in need should be indexed to something better than the general inflation rate. Maybe those below a severe poverty line should be exempted entirely. Perhaps some of the tax reform, including elimination of certain tax deductions, needs to be revisited.

We will have the opportunity to debate and make improvements, but only if we vote to proceed to the bill. But you know what, arms are going to be broken all over the place here this week to make sure that does not happen, because this is not a serious attempt to try to fix the problem. This is all about messaging for campaigns and political consequences. The reality is no plan is going to get enough votes. I will stand here and I will observe those arms getting broken. We will need orthopedic surgeons on the Senate floor to fix them.

Sadly, passage was never the intention here. These plans were scheduled for votes purely for the sake of messaging an important program that provides health care for seniors that by the Congressional Budget Office's definition will be insolvent in 9 short years. These votes are not designed to fix this problem. These votes, I guarantee, are all about political fodder for next year's election season.

I believe this is not what we were elected to do on the Senate floor. These antics are what rightfully embolden those who say Congress is incapable of solving these very hard problems. As the Senator from South Dakota indicated, today we mark 756 days since the Senate passed a budget. As a former Governor I cannot imagine going to the people of the great State of Nebraska and saying: You know, I have been thinking about it, we will not be doing a budget this year. I would be looking for a new State to live in.

Well, 756 days, and this week we are not even making a serious attempt to deal with it. With a deficit exceeding $14 trillion, our Nation needs something greater than political symbolic votes which we all know will fail. Maybe, just maybe, we can muster the courage to take seriously our responsibility to seniors and to all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak to my colleagues as in morning business for 30 minutes.

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

THE BUDGET

Mr. GRASSLEY. Madam President, on February 14 President Obama delivered his budget to the Congress. I often describe to my constituents that Washington is an island surrounded by reality. Nowhere is this more apparent than with President Obama's February 14 budget. In presenting and defending his budget, President Obama and his staff have said his budget ''lives within our means'' and that ''it will not add to the debt,'' and that ''we are not going to spend any more money than we are taking in.''

Obviously all you have to do is study the budget and you come to the conclusion that these astonishing statements do not equal the facts. The Congressional Budget Office recently projected the deficit for fiscal year 2011, the year we are in, will exceed $1.5 trillion. This is on top of a $1 trillion-plus deficit in 2009 and 2010. Today, of every dollar spent, more than 40 cents is borrowed. Our country is on an unsustainable path. But you would not realize that by looking at the President's budget proposal. It does not recognize the serious fiscal crisis our country faces. What it represents is the status quo.

Over the 10-year period, President Obama's budget adds more than $10 trillion in publicly held debt and $14 trillion in gross debt. Does that sound like on February 14 he put before us a budget such that we are going to live within our means and not spend any more than we take in?

During this period of time, going up to 2021, debt held by the public would reach 87 percent of GDP, compared to a 50-year average of 35 percent. According to the Congressional Budget Office, ''If those trends were continued beyond 2021, the resulting path of the Federal debt would be unsustainable.''

In fact, CBO estimated that by the year 2040, under President Obama's budget, debt held by the public would be 117 percent. Is this the budget the Senate Democrats will support? Is this the fiscal path we are going to endorse? While President Obama claims we are living within our means, the smallest annual deficit will be $748 billion. His budget does not even begin to put our country on the right path. The final 3 years of his budget have annual deficits totaling over $1 trillion.

As former Comptroller General David Walker has stated, our country was founded on principles such as limited government, individual liberty, and fiscal responsibility.

The President's budget falls short on each of these three principles. It increases spending. It grows government as a percentage of our economy. It is clearly fiscally irresponsible, and because of the legacy of deficits and debt it creates, it will undoubtedly infringe upon the liberties of future generations.

In 2006, then-Senator Obama argued against raising the debt limit. He believed, at that time, the very need to raise the debt limit was a sign of leadership failure. By his own standard then, President Obama is not living up to his standard. So is that leadership failure? Would he admit that today? His ''no'' vote in that year was to make a point about needing to get serious about fiscal discipline. We are in the third year of President Obama's Presidency. We are in the midst of the third consecutive year of $1 trillion of annual deficit. Deficits have gotten larger, not smaller.

Of course, I recognize many of my Democratic colleagues will come to the floor and argue they support the policies President Obama put forth in a speech later on—I guess in April—at George Washington University. Unfortunately, for the Democrats, the leader of their party doesn't deliver speeches in legislative text. Speeches alone aren't going to solve the big problems we face in this Nation. We need serious solutions to our country's very serious problems. We need real leadership. The future generations of this country deserve no less, and that is what House budget Chairman RYAN has offered. That is what our colleagues on our side of the aisle, such as Senator TOOMEY and Senator PAUL, are going to offer to the Senate.

What have the Democrats offered to address the looming fiscal crisis? The answer is no resolution at all. So I have a blank page, representing the fact that they have no plan whatsoever. Are they going to allow a debate so they can offer their ideas to address our fiscal calamities? We just heard the Senator from Nebraska postulate that is not going to happen; that we are having a series of votes, but they are for show, not for real. The American people have sent 53 Democratic Senators to Washington. A budget can pass the Senate with just 51 votes. It doesn't take the supermajority 60 votes that so many issues on the floor require if we are going to get to finality. So far, we can see they have shirked their responsibility—nothing.

It has been more than 750 days since Senate Democrats offered a budget. What is the delay? I want to ask them: Where is your budget? I suppose they will argue that our Nation's fiscal situation doesn't require a budget or, perhaps, they have simply run out of ideas to address our deficits and our debt.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, said earlier this year that our debt—meaning our national debt, our accumulative debt—is the greatest threat to our national security. Surely, the Senate Democratic leadership would want to put an honest plan forward to address that threat. They don't even want to debate a budget.

This exercise is on a motion to proceed to a number of budgets, none of which were written by the Democratic majority. I guess they intend to vote against proceeding. They don't even want to debate a budget. Well, by this time, most of the time in the last 35 years, we have had a budget through the Senate. Instead of leading, they would rather demagogue the serious efforts put forth by Republicans. They are not going to stand and defend the defenseless budget their President submitted to Congress just 3 months ago. They are not going to write their own budget. It is still blank. They are not even going to vote to allow debate on budgets that were drafted by others. So are we witnessing a leadership failure similar to the one Senator Obama referred to in 2006, in his speech on the Senate floor? The Democratic majority would rather demagogue Medicare than produce and defend their own budget.

I presume there will be a lot of speeches in this town today, with

Democrats hitting their chests saying: We ran an election in New York State yesterday based upon the fact that Republicans want to kill Medicare. Well, I wish to put forth the fact that if we do nothing, as the trustees have said recently, there isn't going to be any Medicare in 9 years. I can put forth ample evidence that ObamaCare puts Medicare on a path to the rationing of care and reducing the number of doctors who are going to take Medicare patients. Already, Medicare is on a path to destruction if we don't intervene and do something about it. The sooner we intervene, the better. We ought to be intervening now in a bipartisan way instead of all the talk about partisanship and destroying it. There are some people in this Congress who know Medicare is a problem and the sooner we deal with it, the easier it will be to deal with it.

Medicare is a very important part of America's social fabric. It was intended to be that in 1966, and it is still that today. I intend to work to make sure it stays as a part of our social fabric. It is a commitment made to seniors today, and it is a commitment made to people who are not yet seniors today. It is a commitment made to all for the future. So it is very important that we, as stewards of the Medicare Program, take serious our charge to make sure it remains for future seniors.

With that in mind, I come to the floor to call out the most dangerous threat to the Medicare Program we face on the floor this week. Let's be clear. It is not the budget resolution authored by Congressman PAUL RYAN and passed by the House of Representatives. The most serious threat to the Medicare Program this week is those who propose to do nothing or offer no plan whatsoever for saving Medicare. Doing nothing is the most serious threat to Medicare. For all the talk about killing Medicare as we know it, the Democrats' do-nothing budget I have held up so often—the do-nothing budget—is the surest way to kill Medicare as we know it.

The folks coming to the Senate floor with nothing in their hands but criticism of these budget resolutions are irresponsible. By attacking the House budget resolution while proposing absolutely nothing, the Democrats are plunging their collective heads into the sand such as these ostriches sometimes are described as doing—ostriches acting as though everything with Medicare is fine and that doing nothing is a viable option.

Let's look at the facts. Last week, the CMS Actuary—and this is a professional person. He is not a political person but the President's Actuary—submitted his annual report on the fiscal health of the Medicare Program. Frankly, his conclusions are very disturbing. The Actuary confirms that the Medicare Program is already contributing to the Federal deficit. It is spending more than it takes in, and it will continue to do so throughout the coming decade. The Actuary found—this professional person, this person that is the President's Actuary—found that Medicare will run out of money by the year 2024—5 years faster than his projection last year. For the sixth straight year, the report issued a funding warning showing that the Medicare Program is taking a disproportionate share of its funding from general revenue, thus crowding out programs such as defense and education. The situation is only going to get worse.

In 1965, when Medicare was created, baby boomers retiring today were then just teenagers. Today, we have 10,000 baby boomers retiring every day, with fewer and fewer workers paying into Medicare to support these additional retirees. The average couple turning 65 today paid over $109,000 into Medicare over their lifetime but will receive over $343,000 in benefits. Stop to think of that. Everybody wonders why Medicare might be in trouble today. The average person retiring today has paid in $109,000 but will receive about $343,000 in benefits. That just does not add up as a sustainable program. Anybody who says we don't have to do anything about Medicare and it will take care of itself—well, we can see how misleading that is.

When Medicare was created in 1966, the average American lived to be age 70. Today, thanks to incredible advances in medical care, the average American lives to be 79. These are the facts. So now, knowing these facts, is the time for Congress to recognize the reality of Medicare's fiscal crisis—and not just recognize it but recognize it and then do something about it.

Put simply, Medicare is unsustainable without serious, thoughtful action. This blank sheet of paper, a budget not being offered, is not a serious, thoughtful action. To say otherwise is to ignore the facts and to stick your head in the sand.

The Ryan budget, as it relates to Medicare, has had much discussion lately. It is simply a blueprint. Even if this page were filled in, a budget never becomes law; it never goes to the President of the United States. It is a discipline for the Congress of the United States. It does not become law. So anybody who says voting for a budget is voting to do something to Medicare is crazy. Actual policy, as we know, is going to be determined by other committees, other than the Budget Committee. In the House, it is most often the Ways and Means Committee. In the Senate, it is the Senate Finance Committee. Those are the committees that write the bill and that can say what is happening or not happening to Medicare. Anyone telling the public that if this budget blueprint is adopted, it will be a law doesn't understand how the legislative process works.

But this vote isn't even about a budget blueprint. The debate we are having is about a simple motion on whether we ought to even debate a budget. If the Democrats were willing to proceed to an honest and open debate, we could talk about where we want to go with the Medicare Program at that time. If the Democrats were willing to proceed to an honest and open debate, we could debate steps to save the program. If the Democrats were willing to proceed to an honest and open debate, we could have amendments to improve the resolution as offered. Of course, the Democrats are not willing to proceed to an open and honest debate.

I agree that changing the nature of Medicare is a significant step. Requiring people who are 10 years away from retirement to expect to pay more for their health care in retirement is a significant change in policy. It should be thoughtfully considered, however, in the context of Medicare's serious fiscal difficulties. They aren't going to go away.

Describing this policy as ending Medicare for seniors is irresponsible and factually false. People who engage in this type of demagoguery are endangering coverage for the very people whom they claim to support because they continue to propose nothing. Where is the Democrats' bill? So far, this is it: a blank piece of paper, producing nothing.

I have great respect for the chairman of the Senate Budget Committee. I know he has tried to produce a budget. But, apparently, his leadership thinks that demagoguing Republican budgets is far more politically profitable than standing behind one of their own plans, so they have squashed all his efforts to produce a budget. Even though we know the Democrats have turned into ostriches when it comes to saving Medicare, we are fortunate to have a record over the past several years to examine.

So let's look at ObamaCare, passed solely in a partisan vote in 2010. It took a little more than $500 billion right out of the Medicare Program to fund a new entitlement. So Medicare is in trouble. Take away $500 billion from it, and start up a new program. Does that sound fiscally responsible? I have no doubt some folks may come to the floor to argue that the Medicare savings extended the life of the Medicare Program. But every reputable source that has analyzed that claim has appropriately tagged it as double counting.

The CMS Actuary, whom I referred to in the past, today continues to call some of the productivity cuts made by the Democrats in their health care reform bill unsustainable and unrealistic. And I say—he does not say it—I say it is going to bring rationing. So down the road, what sort of health care are seniors going to have? It is not going to be what they know today.

Of course, we all know the Democrats failed to resolve the sustainable growth rate problem, which is a formula for doctors' reimbursement, so the problem of physician payments continues to haunt the fiscal future of Medicare. If we do not do anything this year,

Medicare physicians will face a 30-percent pay cut. Imagine that. Today many Medicare patients already are being denied the care and personal choice they deserve because the AMA, the American Medical Association, has said one in three primary doctors is limiting Medicare patients, and more than one in eight of those doctors is forced to deny Medicare patients altogether.

Our seniors already face the pain of a broken Medicare system. Yet the Democrats remain ostriches with their heads in the sand because they have no Medicare solutions they want to offer.

Perhaps I am being too hard on the Democrats. President Obama—perhaps speaking for the Democrats or perhaps not—has put an option on the table for addressing Medicare spending. He did it in a speech at George Washington University on December 13. Of course, we will not be able to vote on that here today because, as Senator MCCONNELL said yesterday, you cannot vote for a speech. But at least we should consider the option the President put on the table.

In his speech, President Obama suggested we should control costs in Medicare by tasking the Independent Payment Advisory Board that was set up under ObamaCare to do even more than what we proposed a year and a half ago when the bill was passed.

You might ask, What is the Independent Payment Advisory Board in ObamaCare? Well, it was created by the Democrats' health care bill. It is a 15-member panel of unelected advisers who would make binding recommendations on how to reduce Medicare spending when spending is projected to exceed a certain level. Effectively, their recommendations have the force of law without congressional intervention to replace the cuts they might suggest and that under the law would take a 60-percent majority. And you know it is very difficult to get 60 votes in this body for any one thing.

That law says the board cannot make decisions that directly relate to premiums, deductibles, or copayments that Medicare beneficiaries pay. It says the board cannot change the eligibility criteria for Medicare benefits. So then, what can the board do, you may ask? Well, it is going to zero in on provider payments, doctor payments.

I want to repeat a statistic I quoted earlier because after the payment review board gets done, you are going to have more than the one in three primary doctors not taking Medicare patients that presently is the situation. We have one out of eight doctors denying Medicare patients altogether. In other words, they are not going to see Medicare patients; and that is today. It is going to get worse when this payment review board gets done.

According to the Joint Economic Committee, today Medicare allows medical providers to collect 89 percent of the cost of services provided to seniors. Under the President's proposal, by 2022, Medicare providers will only be allowed to collect 66 percent of the cost of services provided to seniors. Reductions will clearly restrict seniors' access to quality health care.

Let me sum up what we do know about the Democrats' actions on Medicare because it is already on a path to destruction. So, of course, I get a little bit upset when I hear people on the other side of the aisle saying Republicans want to do away with Medicare, when it is part of the social fabric of America and we want to keep it as part of the social fabric of America and we want to do it not only because it is a Federal program, but we want to do it because it is tied in with a lot of corporate retirement health plans where it becomes a primary payer and the corporate health plan becomes a secondary or additional payer.

I sum up by saying, they have enacted already $500 billion worth of cuts to fund a new entitlement called ObamaCare. Many of those cuts are described by the independent CMS Actuary as unsustainable. They have yet to find a way to fix the doctor reimbursement formula called the sustainable growth rate. And still, the President has proposed further reducing payments to providers.

Of course, what is that going to do for seniors in America? It is going to reduce access. This will make it harder for seniors to find providers willing to treat them. This will drive some providers out of the business of providing services to seniors. In other words, they cannot afford it.

There is one simple word to describe this approach, and it is a word I do not take lightly. The word is ''rationing'' of health care for seniors in America. It may not be direct overt rationing, but you have to have your head buried very deeply in the sand not to realize that is going to be the outcome of policies already put in place by this President through ObamaCare. And then they want to accuse us of destroying Medicare?

So I get back to what today's debate is all about. I think we ought to seriously be having a legitimate floor debate rather than a series of political show votes today. I will vote for the Senate to begin debate on the Ryan budget and the other Republican budgets as they are offered because I do not have a chance to vote on anything from that side of the aisle because, see, it is a blank sheet of paper. There is nothing there that the majority party—not the minority party; they are the majority party—has suggested. I will vote to begin debate, not that I support any of their budgets in their entirety. I will vote to begin debate because our fiscal situation demands serious efforts or giving serious considerations, and in no area, as I have made clear in my remarks today, is this more critical than in Medicare because Medicare is on a path to bankruptcy.

People who support the Medicare Program and care about those who will count on that program today and for many years to come are willing to put serious plans on the table for debate. It is our responsibility to ensure Medicare's survival for future seniors. Doing nothing is worse for Medicare. The surest way to kill Medicare as we know it is the Democrats' do-nothing plan. Demagoguery is irresponsible. So I would suggest: Pull your head out of the sand and join a real debate to save Medicare for the future.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that following my remarks, Senator MCCASKILL be recognized to speak for up to 15 minutes, and following her remarks Senator SESSIONS be recognized to speak for up to 20 minutes.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to S. 990, an Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to (the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, 50 years ago on this day, President John F. Kennedy addressed a joint session of Congress, and he presented to our Nation a bold challenge. He said:

> I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

It was and remains a memorable challenge. To meet it would require long-term commitment and unprecedented resources. It had great risk, and it had no simple solution. But President Kennedy put his faith in the talent and dedication and discipline of America. He believed his challenge could mobilize our country to meet this challenge and succeed. And he was right.

President Kennedy's goal to put a man on the Moon and return him safely in 10 years was clear, was direct, and was accountable. The result was a vast mobilization of public and private resources that collaborated in innovative ways to achieve that singular purpose. And we did.

I come to the floor today to call for a similar challenge to reform our health care delivery system. While the goal now is different, the urgency and the need to mobilize both public and private sectors toward a common and vital purpose is the same. Our massive budget deficit poses a real threat to our economic and national security. The Chairman of the Joint Chiefs of Staff identified it the other day as the single greatest threat to our national security, our Nation's debt.

There is also common ground that the skyrocketing costs in our health care system are at the heart of our Nation's fiscal problem. I do not agree much with Congressman PAUL RYAN, but we do agree on that point. He has said if we are to be honest about our debt and deficit, at its heart is a health care problem. So now is the time for our country to set out a clear challenge, as President Kennedy did, that will address our health care cost problem.

That challenge must stand on two facts: One fact is that our health care cost problem is a system-wide problem. Republican proposals to end Medicare as we know it fundamentally misdiagnose the problem. Most everybody in America knows it does not matter who our insurer is, whether we are insured by Medicare or Medicaid, the VA or TRICARE, United or Blue Cross, in the last decade, costs across all insurers have gone through the roof. Indeed, just today in the news, Secretary Gates is reported to have said—about his Defense Department budget—everybody knows we are being eaten alive by health care. We have a system-wide health care cost problem, not a Medicare problem.

Health care expenditures are nearly 18 percent of our gross domestic product. The next least efficient country in the world spends only 12 percent of its GDP on health care. We would have to go far down the list of our competitor nations before we find a country that has as poor health outcomes as America has, even though we spend vastly more for our care. We have a system-wide health care cost problem and a system-wide health care quality problem.

The second fact is, the health care cost problem and the health care quality problem are related. We have at our disposal an array of health care reforms that will reduce the cost of health care while improving the quality of health care. These types of reforms—new models of care coordination, quality improvements in hospitals, paying for quality not quantity to our physicians, and reducing overhead costs in the system—all have one liability; that is, they do not lend themselves easily to estimates of cost savings. Because of this, there is less attention than there should be to the great potential of these reforms. Bowles and Simpson, Domenici and Rivlin have all conceded this in our Budget Committee hearings.

The promise of these reforms is immense. The President's own Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the quality of care. That is about $700 billion a year. The New England Health Care Institute said it is $850 billion a year. The Lewin Group has estimated the potential savings at $1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill. The savings are there, and they are considerable.

The question is, How do we get at them? Well, let's first look at the affordable care act that we passed. The affordable care act's delivery system reforms provide many of the tools that we need to drive down costs and improve the quality of care.

As we were working on that bill, I had a regular meeting in my office of experts from around the country, from the business community, from the labor community, from the NGO community, who really were dialed in to the delivery system reform problem in this country.

We met regularly, we met early in the morning, and every time we asked the same question: What more can we put in this bill to make sure it has the tools to get these reforms done? By the time that bill passed, we were in agreement that everything we could want was in that bill.

It provides a tool box with five major strategies we need to deploy. The first is quality improvement, which will save the cost of medical errors, of misdiagnosis, of disjointed and uncoordinated care.

The clearest and simplest example is reducing hospital-acquired infections which affect nearly 1 in every 20 hospitalized patients in the United States. They cost us about $2.5 billion in unnecessary health costs every year.

The tens of thousands of deaths that are associated with these hospital-acquired infections are tragic. It is made all the more so by the fact that they are essentially preventable. Simple reforms, such as following a checklist of basic instructions—washing hands with soap, cleaning a patient's skin with antiseptic, placing sterile drapes over the patient—result in huge reductions in rates of infection and in costs.

So, first, quality improvement. The second strategy is prevention. The most inexpensive way to deal with disease is to prevent it in the first place. More than 90 percent of cervical cancer, for instance, is curable if the disease is detected early through Pap smears.

The third strategy is payment reform. We must pay doctors for better outcomes, not for how many tests and procedures they order. Rhode Island has a promising ''medical home'' primary care payment strategy already underway.

The fourth strategy is simplifying administrative processes to reduce overhead costs. The insurance industry in this country has developed a massive bureaucracy dedicated to delaying and denying payments to doctors and to hospitals.

So to fight back, the doctors and the hospitals have had to hire their own billing departments and expensive consultants. All of that, the entire war over payments between insurers and hospitals and doctors, adds zero health care value. It only drives up costs.

Finally, the fifth strategy is a robust, secure health information infrastructure. Health information technology was, years ago, estimated by the Rand Corporation to save $81 billion a year. Savings may very well be higher as the system builds itself out. Not only is a robust health information infrastructure a good end in itself, but those four other delivery system strategies are empowered and advanced and expanded by robust health information infrastructure.

These five delivery system reform strategies hold the promise to deliver the enormous savings we need to extract from our health care system, and to do so in the most humane way, by improving the quality of care. The debate we need to have on our health care cost problem must focus on delivery system reform, on how we can implement these delivery system reforms from the recent health care reform bill as quickly and as effectively as possible.

This is what brings me back to President Kennedy's speech on space exploration. President Kennedy did not say: I am going to see to it that America bends the curve of space exploration. Had he said that, the speech would have been consigned to oblivion, and we would likely not have put a man on the Moon on time. Instead, he made a memorable challenge with a clear objective: Put a man on the Moon, bring

him back safely, within a decade. Everybody could know whether that had been done. It was a clear and accountable purpose, and it galvanized the entire Federal bureaucracy toward that common purpose.

We can and must do the same with health care delivery system reform. We can and must have a clear challenge to strive toward.

It is not enough to talk about bending some health care cost curve. Our country has the talent and discipline to accomplish extraordinary things. We can significantly bring down costs in our health care system. I notice that the junior Senator from Minnesota has just taken the chair in the Chamber. Minnesota knows well what can be accomplished through these kinds of delivery system reforms because companies such as Mayo, Gundersen Lutheran in Wisconsin, Intermountain in Utah, and Kaiser in California are all doing this kind of work effectively already. We can significantly bring down costs in our health care system. We don't have to be last or the least efficient country in the world in providing health care to our people. We can do this while improving the quality and the experience of health care for Americans.

I will conclude by saying that tackling these issues won't be easy. But to go back to President Kennedy's speech, he said:

> We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard. . . .

I urge my colleagues and the administration—we cannot afford to fail. Let's raise the stakes. Set a hard challenge. The future of our Nation's fiscal health certainly depends on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

MISSOURI DISASTER

Mrs. MCCASKILL. Mr. President, this is a place that runs on words. The Senate is a place where there is always a great deal of speeches given and words spoken. Every once in a while, something comes along in life when words are completely inadequate. What happened in my State in the last few days is very difficult to express in words. I did want to take a few moments to recognize an incredible occurrence in the southwest portion of my State.

Having been there all day yesterday and arriving very early in the morning and spending time with the people of Joplin—with Missourians who have come to Joplin from every corner of our State, with Federal officials, I do want to take a short amount of time to recognize the tragedy and to rejoice in the response.

So many parts of this response, in fact, are the kinds of things we should celebrate. But the loss of life is staggering. An F–5 tornado, we now know, is the strongest tornado classification—in fact, this is the most devastating tornado we have had in this country in almost 60 years. The loss of life is staggering—122 lives. It is, unfortunately, a reality that that toll will probably continue to rise—I hope only slightly—in the coming days. But yesterday, there were another five or six confirmed deaths.

The loss of property—over 8,000 buildings were damaged; 2,000 homes are gone. When I say gone, I mean gone. I have responded to many natural disasters in Missouri during my time as a public official—a lot of tornadoes and flooding. I have never observed a scene that even comes close to what I observed yesterday. Walking among the rubble, you realize that what you are walking through is people's lives that have been spread far and wide, and that, in many ways, cannot be recovered, cannot be made exactly as they were before. From the air, the swathe of damage was incredible. We were able to get up there—because the weather finally cooperated—to look at the damage from the air. Governor Nixon and Mr. Fugate, the Administrator of FEMA, and I, with other officials, went up in helicopters yesterday morning. As you look down upon Joplin, from the air it looks like a stave mill. Through the middle of Joplin, miles and miles long and wide, surrounded by green, it looks like a massive amount of toothpicks. The trees are all gone. Many hundred-year-old trees are lying on their sides. The trees—what is left standing of them—have most of the bark ripped off by the force of the wind that swept through Joplin shortly before 6 p.m. on Sunday evening.

The emotional toll of this devastation is one you can't calculate. But you see it on people's faces. What I observed yesterday was friends and neighbors who were standing by hoping for a miracle, and firefighters dug under the rubble at the Walmart hoping they would find someone there who was alive. I witnessed other people going through the rubble of their homes. In talking to them, I think the initial reaction for the people of Joplin was intense gratitude that they were alive. Now it is being replaced with the reality of their loss and what they have lost—from schools, to churches, to a hospital that employs over 2,000 people in a community of just 50,000. This is an incredible loss. But the pain is palpable on these people's faces, and that is why it is so important that we don't lose sight of what they are going to need over the coming weeks, months and, yes, even years.

The response I witnessed, in terms of what was on the ground, was remarkable—from Federal, State, first responders in local communities, and obviously the officials of Joplin, Missouri, all working together seamlessly as a team. The Federal Government—unlike many disasters where they wait several weeks to declare a disaster—obviously understood that the flexibility and the immediacy of the response was incredibly important in this instance, and they declared a disaster within 18 hours. FEMA had people on the ground. Within 12 hours, the National Guard deployed. They had National Guardsmen there before midnight. Since that moment on, more and more people have been responding with more and more assets to help the people of Joplin and the recovery effort.

I want to call out particularly the fire chief in Joplin and the city manager there who have done remarkable work. The fire chief lost his home. As I walked through the firehouse going to the command center, I heard barking in one of the rooms. I said, ''Is that a K–9 unit?'' They said, ''No, the fire chief is living here with his family because his home is gone. That is his dog.'' So as he lost his home, he obviously had to turn to the important job of initially fighting fires, and then, obviously, participating in an unprecedented effort of search and rescue over the following 48 hours.

I am very proud of our National Guard. We have over 200 guardsmen there as we speak. They have done, as always, remarkable work. I talked to one man who had just finished duty in Poplar Bluff, with the flooding, and immediately came over to help in Joplin with the tornado response and recovery.

The State of Missouri Governor Nixon has been on the ground for much of the last 72 hours, along with his team. He is bringing his cabinet heads to Joplin to work on various parts of this over the next 48 hours, along with subcabinet members from the Federal Government, housing, HHS, to be of assistance.

Let me take a minute to talk about the first responders. I am so proud of the police and firefighters I encountered yesterday. I am so proud of these men and women. As I looked around, I realized there were search and rescue teams from every corner of our State. Task Force 1 from central Missouri and almost 100 Kansas City firefighters were there. I had an opportunity to visit with many of them as they were attempting a rescue on the scene yesterday afternoon. At 3 o'clock in the morning—yesterday morning—a caravan from St. Louis of over 100 firefighters and all of their equipment and assets rolled down I–44 to get to Joplin to help their brothers and sisters, in terms of this effort. St. Francis County, Camden County—you name it—from all over the State, police and firefighters and public safety officials responded to Joplin.

Frankly, people need to realize that the assets spread all over Joplin today, the emergency vehicles, K–9 units, HAZMAT teams, mobile rescue units that allow people to do very difficult rescues in very difficult circumstances—the vast majority of those assets were bought with Federal dollars. The vast majority of that equipment that came to these Missouri departments came from Federal grants. A lot of these guys worked without sleep for days. As I talked to them and

thanked them, it was almost as though they resented being thanked because, to them, this is what they do.

I tell you, one thing yesterday gave me was an incredible passion to fight for these folks' pensions and salaries. These are not the people who are causing economic chaos in this country. These are not the people who deserve to be diminished in public discussions about what they receive for their work. These are the best we have, and they deserve every dime of pension they have bargained and fought for.

I am so proud of Joplin for its response. This is a community of great faith. This is a community that will come together, as a lot of Midwest communities do in circumstances when their neighbors are in trouble. Everywhere I have gone—in fact, our phones are ringing off the hook—people are saying: What do we need to do to help Missourians?

The most important thing people can do right now is give blood, donate to the Salvation Army and Red Cross, and wait to hear from the officials from Joplin about when volunteers are needed. Right now, too many volunteers swarming into Joplin could cause more problems than it could solve. People need to check with the local Red Cross in Ozarks, and they need to check in with the city Web site. When there is a call for volunteers, it will go out, and those volunteers will be needed. But for now, the most important thing people can do is give money and blood.

The other thing I think we can do for all of the people who lost their lives in this tragedy is to have a plan when there is a tornado warning. Many families—and I think we are guilty of it in the Midwest maybe more so than other places in the country because we hear sirens and tornado warnings a lot. I grew up with that in Missouri. I will be honest, I probably have never taken it seriously enough. But that will not happen again in my life. My family will have a plan. My family will know where to go and what to do if, in fact, there is a tornado warning. Don't ever assume a tornado warning is not serious. These sirens rang at approximately 5:17 in the afternoon, and the tornado touched ground at approximately 5:41. So there was 20 minutes there.

By the way, the weather people here deserve a great deal of credit. Nobody visually sighted this tornado. It was all done through radar. The fact that they were able to identify this tornado and make that warning 20 minutes ahead of time was very important. I cannot imagine the loss of life we would have had if it hadn't been for that 20-minute warning. Having said that, there were people who were not taking it seriously. There were people who didn't know exactly where to go or what to do. So, please, have a plan for your families as a tribute to all those who lost loved ones in Joplin on Sunday night.

We will survive this, with God's grace and determination. Joplin will roar back because of the values that are held so dearly in that part of our State—in fact, in our entire country.

We will come together, and we will do this. But make no mistake about it, the satellite cameras are going to pack up sometime in the next 48 hours. All those satellite trucks are going to go back from where they came. This will fade from the front pages. Just like the junior Member from Minnesota who is presiding right now, at the point in time the bridge collapsed, there was a great deal of attention, and then the attention goes away.

In this instance, we are going to need to sustain the support to this community far beyond the headlines, far beyond the satellite trucks going home. We have to get these schools open in September. We have to get this hospital rebuilt. We have to make sure this community is not left stranded without the assistance it needs.

There is no question that we have to be careful about the way we spend Federal money. But with all due respect to Congressman CANTOR, I have a hard time believing that if this were in his congressional district, he would be talking about how additional disaster relief would not be available unless we found some other program from which to take it. It must be available. This cannot be a political football. We must provide the assistance. That is what Federal tax dollars are for, to provide assistance when there is no assistance available for communities and for States because of the wrath of Mother Nature. We must be there for them. We all must stand with Joplin. All of America must stand with Joplin. And we will.

My heart goes out to the families for their losses. I congratulate the people of Joplin for their response. I say ''bless you'' to all those first responders. Through the greatest tragedy sometimes comes the greatest strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the fine remarks of my friend from Missouri. Seeing the damage that was done by the tornadoes in Alabama, they have far exceeded anything I have seen before. I appreciate more than most the damage and difficulties the people of Missouri are going through. I know there will be emergency funding for that. There is a legitimate question as to whether we ought to not find that emergency spending someplace in our budget where it can be recovered that is not so important. But I know we will process that as we go forward.

UNSUSTAINABLE BUDGET PATH

I truly believe our Nation is facing an economic crisis, but it's not so much what I believe but what every expert we have heard from believes and has testified to. Mr. Erskine Bowles, who cochaired the debt commission, who was appointed by President Obama, said, along with Senator Alan Simpson, his cochair, in a written statement to the Budget Committee, that this Nation has never faced such a predictable economic crisis. In other words, the deficit levels we are operating with are so high and they create such danger to the economy that we have to get off this path. Every expert has said we are on an unsustainable path.

Many people have thought the problem we are dealing with today places a burden on our children and our grandchildren; therefore, it has removed to some degree the immediacy of the problem. But that is not what Mr. Bowles said. In his testimony before the Budget Committee just a month or two ago, he said that we could have a financial crisis. When asked by the chairman when, he said 2 years, maybe less, maybe more. Senator Simpson said it could be 1 year.

We are taking a risk with the American economy. This has been echoed by Moody's bond ratings, and it has been echoed by S&P, which warned that our debt rating for our government debt could be downgraded. Alan Greenspan has made similar comments. Alice Rivlin, former OMB Director under President Clinton, made those comments. Pete Domenici, who cochaired a debt commission with Alice Rivlin, former chairman of the Budget Committee in the Senate, said to us with real passion: I have never been so afraid for my country. That is what Pete Domenici said.

We know we have to take action, and now we are heading today to 756 days since the Senate has passed a budget. We have not passed a budget. I say with confidence that in terms of a real, long-term threat to the American future, this Nation has never had a greater danger financially and in terms of debt because the problems we face are more severe than even in the nineties when we turned our business around and in 3 years balanced the budget. It is going to be harder to do it now.

We went through World War II. We borrowed money. But we had a vibrant, growing economy and growing population, and we promptly moved our way through that, and growth took care of us. But we cannot expect that the level of growth that according to the experts we can reasonably predict will be sufficient to get our house in order.

When you do not have enough money and the course you are on is unsustainable, you need to develop a plan that puts you on a sustainable path. How simple is that? That is grownup talk. How do you do it? What is our mechanism in the Congress?

This is a budget. This is title II, section 271 through et seq, and it has the Budget Act. We passed a Budget Act. It is law. Clever Congress did not put any penalties on it, so we can violate it and not go to jail. We do not have to personally pay fines. But it represented a serious commitment by a previous Congress that we needed a budget. They

also made as part of that budget law that it could be passed with a simple majority so it could not be filibustered. That was one of the reasons budgets sometimes failed to be passed. At a time when they were thinking about the future, they said: Let's make the budget passable by a simple majority. It also has a timeline in it. It says the Congress must pass a budget by April 15. We are long past that date—long past it. Are we going on to a third year now without a budget?

Mr. President, 1,000 days without a budget while our country is on a debt path unsustainable to a degree that threatens the future of America economically—yes, that is where we are heading.

People say: Surely, JEFF, that is not so. Surely there is some plan.

There is not any plan—not a plan to pass a budget. What there is a plan to do is not pass a budget. It is irresponsible. It is unwise. It is dangerous for our future because we are on a certain path, a predictable path, as the debt commission told us, to financial ruin. Our debt-to-GDP ratio will reach 100 percent by September 30 of this year. That is above the level that economic experts tell us puts our country at risk. Indeed, when we passed a 90 percent debt-to-GDP ratio, economists Rhinehardt and Rogoff, who completed a massive study of national defaults of economies around the world by sovereign states, warned that at that level you reduce the growth in the economy by at least 1 percent of GDP. The average was higher than that. They said on a median level, it is 1 percent of GDP, and they used that number—1 percent growth that we don't get. Well, some think we may not get 2 percent growth this year. Would we have gotten 3? If we get 1, would we have gotten 2? One percent growth in GDP is a large thing in an economy the size of ours. It increases tax revenue significantly. It increases jobs. According to experts, 1 percent of GDP growth means 1 million more jobs. A decline of 1 percent in our economy represents a loss of 1 million jobs. This is not a little-bitty matter.

On Monday, I objected. I realized what is going on in the Senate, that there is no plan to deal with this situation, that there is a gimmicked-up scheme to bring up a series of budget votes that the majority leader knows will not pass. Indeed, he intends to bring up a vote on a budget that he and all his colleagues intend to vote against—the most responsible one out there, the House budget, passed by the Republican House. That is what they want to bring up for a vote and vote against. But the Budget Act does not say bring up a House budget. It says each House—the Senate and the House—should bring up its own budget and pass it on the floor. It should go to committee. None of the budgets we will be voting on have gone through committee. We have had no markups in committee. We never even had a markup on the budget. Why? What is this? What is going on?

Let me share with my colleagues why we are not having a legitimate process to produce a budget at the most critical financial time in our history. It is about politics. Does that surprise anyone? This is what Democratic staffers were quoted as saying in a Wall Street Journal article a few days ago. What did they say about it? Did they say: We have a plan to solve America's future. Did they say: We have a plan to reduce our debt and get us on a sound path. Did they say: We understand the future of the country is endangered by unsustainable debt growth. No, they did not say that. This is what they said:

> As a political matter, Senate Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

They do not want to produce an honest budget, a budget that would make a difference, because it would have some unpopular items in it. I ask, is that responsible leadership? I suggest it is not.

It goes on:

> Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes . . .

What does that mean? It means their budget, if they produce one, would call for higher taxes, and they do not want to do it. They do not want to propose a budget that reduces spending. They do not want to produce a budget that has higher taxes. Why? Because they are playing politics rather than serving a national interest. That is just plain as day. I wish it were not so, but there is no other explanation for why this Senate preparing to go into recess Friday for Memorial Day without having even commenced hearings on a budget.

This is what they decided to do. I am quoting from the article:

> Senate Democrats plan to hold a vote on the Ryan plan—

The House budget—

> hoping to force GOP senators to cast a vote on the Medicare overhaul that could prove politically difficult.

Give me a break. Is that what it is all about? Is that what we are here for? It is not what many of my Democratic colleagues tell me. They tell me they know we are on an unsustainable path and we have to do something. But why are we going through this charade, to bring up one, two, three budgets and vote them all down and then say: Well, we tried. Maybe we will have some secret talks over here and we will plop something down right before some emergency date and demand everybody vote for it, not having a chance to read it. Is that what the process is going to be instead of an open process where the Budget Committee has open hearings, amendments are offered, a budget is voted out of committee, it comes to the floor, and there is a guaranteed 50 hours of debate? But the process comes to an end. The Budget Act states that we cannot filibuster it. There is only limited time of debate, but there is an opportunity to debate, an opportunity to offer amendments.

We are told Senator REID does not want his members to have to take tough votes. None of us like to take tough votes. None of us likes to take tough votes. Isn't that what we are paid for here? Isn't that why they send us—to vote on important, tough issues that impact the future of our Nation? I am telling you, we are so far off path it is stunning to me.

I quoted his staffer earlier, but what about Senator REID himself, the Democratic leader of the Senate? Anybody who has worked with Senator REID likes him, and I enjoy working with him. I respect him. I know he has a difficult job, but at some point one has to stand and lead. He is not leading and neither is President Obama. But this is what Senator REID said just a few days ago—I think Friday.

> There is no need to have a Democratic budget, in my opinion.

Well, there is a need, a statutory legal requirement that we send a budget out of the Senate.

Then, he said:

> It would be foolish for us to do a budget at this stage.

Why does he say it would be foolish? I think my good friend, Senator REID, has taken his eye off the national interest. He has taken his eye off the crisis our country faces, and he has his eye on politics. He means it would be foolish politically. He has a scheme, and this is what his scheme is. He is going to bring up the House budget—the Ryan plan. In all honesty, it is the only plan I have seen in my time in the Senate that comes close to providing a long-term alteration of the unsustainable fiscal path we are on. It deals with it. It makes some tough choices, but they are not unbearable and I think most of them will actually work.

It is not perfect. I don't promise that I would vote for everything in it. But it is a historic plan to put America on a sustainable financial course. I thought they could have reduced spending more in some areas, frankly. But it puts us on a sustainable course. It was produced by the House Budget Committee. They had public hearings, the committee voted on it, they brought it to the floor, and it passed in the House of Representatives, in the way the Congress of the United States is supposed to operate.

What does our leader in the Senate and his colleagues who support him do? They make a decision to do something political, not responsible. They are not putting forth the vision they have for the future, but they are going to bring up the Ryan budget so they can all vote against it. I don't think that is responsible. I don't think it is responsible at all.

I am not going to participate in this scheme to have a series of votes. Count me out. I am not supporting it. I am not going to give my consent to it.

That is the way I see it and I don't think that it makes sense. If I did, I would change my mind. But as I see it, it makes no sense for me to, in any way, consent to a process that is designed to fail. The whole process is designed to fail. With a simple majority in the Senate, our Democratic colleagues can pass any piece of legislation. They have 53 Members. They can win the vote. If they put up a good budget, they might have some Republicans—maybe all the Republicans, if we reached a bipartisan agreement. But there is nothing close to that. We have not approached this in any realistic way, and I am concerned that we are off track.

Senator SCHUMER, who once headed the Democratic Senatorial Campaign Committee—he designed all that—is a Senator who is considered to be a guru of politics around here. He is good, and there is nothing wrong with being a smart politician. But at some point politics goes too far. This is what he said on May 23 regarding the Ryan budget.

> We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It is that simple.

That is an open statement of raw politics. Where is the national interest? Where is the response to Mr. Bowles, a leading Democrat, to Alice Rivlin, a leading Democrat, and their principled cries that we do something about the debt crisis we now find ourselves in? Nowhere.

My colleagues want to go home, and they intend to go home—go home Friday. Our soldiers are out there, and they are not getting to come home from Iraq and Afghanistan. They are going down roads where bombs might be planted and they are putting their lives at risk. They do not get to come home. Their business isn't finished yet. But we plan to go home, apparently, not having done anything but having gone through a political exercise that is an embarrassment to the Senate at a critical time in our Nation's financial history—a very critical time.

President Obama utterly ignored, in his completely irresponsible budget, the fiscal commission that he himself created to seek a national consensus on funding. I have to say the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is not a JEFF SESSIONS quote. That is a quote from Erskine Bowles, who cochaired the Commission, when he saw the President's budget plan that was submitted a couple months ago. He said it is nowhere close to where the Administration will have to go to avoid our Nation's fiscal nightmare.

So that is what the President has done, and the Senate has done nothing. They will not even hold a markup and propose a plan. Why? They think it is politically unwise. They think they can gain more politically by refusing to produce a budget, by attacking the House Members who produced a budget—as they are required to by law—that is honest and would make a huge long-term difference in America. It would put us on a sustainable path, not leave us on an unsustainable path.

I will conclude with a quote from the preamble to the fiscal commission's debt report. This is what they wrote to us. Remember now, Senator REID's plan is to bring up the House budget and have all his Members vote it down so they can attack Republicans for having the audacity to propose any changes in Medicare—and not even in the 10 years of the budget. It is the outyears they are complaining about, and it is not law. Any change will not become law until it passes both Houses of Congress. But it is a vision that could work to make Medicare sound and actually save it.

They think they can scare people by saying we are going to end Medicare, so they are going to vote on it. That vote, in the minds of our Democratic politicians, shows that they are defending Medicare and that all the Republicans oppose Medicare. But the American people are getting too smart for that. I don't believe they are going to buy that story any longer. They know Medicare is on an unsustainable path and that it cannot continue.

The Medicare actuaries and trustees have reported today that it is going to go bankrupt a number of years sooner than was originally expected. But this is what the debt commission said about the need to have a plan to fix our future:

> In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from the shared sacrifice and common purpose. The national interest, not the special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

Isn't that a reasonable request—don't shoot down an idea unless you are prepared to present a better one in its place? That is exactly the opposite of what our Democratic leadership is proposing. They are proposing to bring up a budget they say they do not like. They are going to vote it down without producing anything in its place. That is not responsible leadership, it is not respectful of the budget process, which is required by law, and it is not in the national interest. It is not in the national interest.

Yes, we are going to have to deal with tough issues. We find ourselves in a fix, a deeper hole than we should ever have been in, and the American people punished Congressmen and Senators last year because they were unhappy, and they were right to be. There is no way any Member of this Congress can stand before their constituents and justify a deficit this year of $1.6 trillion and defend or justify a spending program in which 40 percent of every $1 we spend this year is borrowed. How can that possibly be called sanity? It is insanity. That is why every one of these people is telling us we have to change and why PIMCO, the largest bond company in the world, has said they are not buying any more American debt. They believe we need to get serious and make some serious changes.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. SESSIONS. I thank the Chair.

I will just wrap up by saying that is why I think the process planned for this week is unacceptable and I do not intend to support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that at 2 p.m. today, Senator PAUL be recognized for up to 1 hour for debate only; that following Senator PAUL's remarks, the Senate then proceed to a period of morning business for debate only until 5 p.m., with the time equally divided between the two leaders or their designees; further, that the final 5 minutes be reserved for the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I reserve the right to object and I will object at this time and would like to review that unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, under the unanimous consent request propounded by the Senator from Oregon, I will remove my objection. I will not object.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I and Senator CANTWELL be recognized now as in morning business.

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

OIL AND THE COMMODITY FUTURES TRADING COMMISSION

Mr. WYDEN. Mr. President, Senator CANTWELL and I were joined on May 11 by 15 other Senators who wrote to the Commodity Futures Trading Commission to request that agency, which has a key role in consumer protection, take immediate action to impose position limits on crude oil futures. We asked that they would act by Monday, May 23.

Position limits are limits on the number of contracts that a financial speculator can buy or sell at any given time. It is extremely important that consumers have this protection so we do not see these speculators increasingly dominate the market. As the Presiding Officer knows, we have a lot of folks who need gas to get to work and

get to school. We have trucking companies that depend on affordable fuel. We have restaurants that need fuel. They are all getting clobbered today.

Financial speculators who do not buy oil or consume oil are constantly pulling more of the oil out of the commodities market. What is so troubling about the approach of this key agency is they pretty much said they are not going to do anything soon. We have no sense of urgency. It is not a priority for them to try to tackle this issue. In fact, they are not even going to use their interim authority. They will not even use the interim authority they said they were going to use last year to protect the consumer at this crucial time.

This is particularly unfortunate because somehow they have reached the judgment that the only thing they ought to be moving on is to try to set limits as they relate to commodities generally. I can tell you, my phone is not ringing off the hook about the question of cocoa prices. The American people are not up in arms about what is going on in the cocoa market today. They are concerned about the fact they are getting clobbered on gas pricing. The fact is, 40 percent of the oil futures market is now dominated by financial speculators, and it is way past time for the Commodity Futures Trading Commission to act to tamp down excess speculation and its impact on higher prices.

Senator CANTWELL serves with me on the Senate Energy Committee. She has been a leader on this issue. She has constantly tried to blow the whistle on this practice of speculation. It is not the only reason gasoline prices are so high, but it clearly is a significant factor. If the financial speculators are taking so much of the oil and future oil out of the market to essentially hold this dominant position, that means there is going to be fewer opportunities for that person who is trying to get gas at the pump, the person who runs the restaurant, the trucking company, and why it is so important that we have position limits.

This is a crucial consumer issue. The Commodity Futures Trading Commission's refusal to act quickly is especially upsetting because this agency knows better. They know better. Yet they wrote to Senator CANTWELL and me and Senator COLLINS and colleagues that they were not going to do much of anything anytime soon.

In January of 2010, after holding three public meetings on fuel prices, the agency proposed to set position limits on four key energy commodities: crude oil, natural gas, gasoline, and heating oil. At the time, crude was around $75 a barrel.

Congress was so concerned about the need to control financial speculation that it expanded the agency's authority to set speculation limits last July as part of the financial reform legislation. That legislation specifically directed the agency to set limits on nonagricultural commodities such as crude oil within 180 days of enactment. That date has long passed. So rather than getting started on crucial protections for American consumers and businesses, the agency withdrew its January 2010 position limit proposal for energy commodities and basically started all over. It is inexplicable, in my view, that they would not even use their interim authority to take steps to help the consumer who is certainly going to be concerned about gasoline prices as we move into this Memorial Day weekend.

This past January, instead of issuing a final rule within the 180 days called for by the financial reform legislation, they issued another proposed rule. While it is certainly true Congress gave the agency expanded authority to set limits on multiple speculation holdings in the financial reform bill and not just future contracts, the result is there is not any limits at all. That is the bottom line for the consumer today.

Under the schedule proposed by the agency in January's recent proposed rule, final position limits are not going to be imposed until the first quarter of 2012, almost a year from now. That is what it is going to take based on the signals the agency is sending today, and at least one of the Commissioners at the agency, Bart Chilton, has pointed out that this is really contrary to the deadlines in the financial reform law.

We know most Americans walking on Main Street have not heard of the Commodity Futures Trading Commission, but that certainly does not diminish its role in overseeing the commodities markets. That is why I have been pleased to join with Senator CANTWELL and other colleagues to continue to press this agency to get out of the regulatory swamp and take steps to go to bat for the consumer and wring the excess speculation out of the oil market sooner rather than later. The agency was directed by the Congress to set speculation limits on more than two dozen commodities.

As I have indicated, I am sure setting position limits on commodities such as cocoa is important, but cocoa is not driving the American economy the way oil is every single day. Americans use about 19 million barrels of oil a day, and two-thirds of the price of a gallon of gas is the cost of the crude oil used to make it. So setting limits on speculation on crude oil is going to have an impact on the price at the pump. The American people and our economy cannot afford to pay the hundreds of millions of dollars a month in additional fuel prices that come out of their wallets while they wait for the Commodity Futures Trading Commission to act. The agency ought to get about doing what it proposed more than 16 months ago, and that is rein in speculation, the speculation that is driving up the prices at the pump. The agency ought to do it now, before more Americans face financial hardship.

The country is obviously entering into the peak summer driving season. That is why I and Senator CANTWELL and Senator COLLINS urged the agency to move, and move now. I wanted to outline the agency's history of foot dragging.

I see we are joined now by Senator CANTWELL, who has been our leader in this cause. I say to my colleague, I so appreciate her leadership. This most recent response that we received from the Commodity Futures Trading Commission shows once again no sense of urgency, no sense of priority, not even a willingness to use the interim authority that they could use to go to bat for the American consumer.

I want it understood I am going to do everything I can to be the Senator's partner in this cause until we get these position limits set and get these basic protections that our consumers deserve.

Mr. President, I yield the floor now that Senator CANTWELL is here.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Oregon for his stalwart attention to energy markets and to the concern that many west coast residents have over high energy costs. Senator WYDEN has long been a vocal critic of what's happened in some electricity markets, and trying to figure out what has happened with the oil markets and why the west coast pays higher gas prices than any place in the country. We still wanted to know why. People say we were an isolated market, and that is why we were paying the highest gas prices. Then Hurricane Katrina hit and our prices still went up, even though we were supposedly an isolated market.

So Senator WYDEN has long been a person coming to the Senate, fighting for the consumer, saying we should not be gouged by higher prices on energy.

Energy is the lifeblood of any economy. We know what manipulation looks like in the Northwest because we saw it with Enron. When our electricity markets were manipulated, everybody said it was the environmentalists not allowing us to construct new generating facilities. Well, when we finally exposed the audiotapes, we realized that it was just pure market manipulation. In fact, what we found out is that people were taking the futures market and basically making plays in the futures market while they also had the ability to affect the physical supply market and spot prices for electricity. So by combining those schemes with different things such as ''Get Shorty'' and ''Fat Boy'' and all of these names they came up with, Enron was able to convince utilities and various customers that the supply was tight and that they were going to have to pay more for electricity in the future and consequently they ought to keep paying these high prices. Well, thanks to a lot of hard work by a lot of individuals and ultimately the Department

of Justice, the Enron schemes were called for what they were—just out-and-out market manipulation.

My colleague, Senator WYDEN and I, screamed loudly about that situation and said we wished the Federal Energy Regulatory Commission would have acted a lot sooner on that issue, and if they would have acted sooner, we would have saved a lot of jobs in the Northwest. We would have saved a lot of industries. A lot of people lost their jobs, their retirement, their homes over those high electricity prices.

Thank God the result was such that we were able to pass new legislation in 2005, making it a Federal crime for anybody to manipulate natural gas or oil markets. I should say FERC has used that authority over the last several years to recoup millions of dollars from violations by industry officials who continued to perpetrate the same kind of scheme of going into the futures market and holding positions in the futures market and then taking physical supply and being able to affect the physical supply and demand.

So this is something that is amazing to us from the west coast. I know my colleagues, including Senator FEINSTEIN, Senator BOXER, Senator MURRAY, and I have all been on the same page. Senator MERKLEY has been a loud voice on this issue. We have been through this nightmare. That is why I have to say first and foremost that we find it appalling that someone would propose H.R. 1, or the Ryan budget, that would take away policing ability from the Commodity Futures Trading Commission on the type of activity that would allow them to properly regulate these markets.

We saw what happened. What we are so appalled about is it seems as though it is now happening again in the oil markets. In fact, we see today on the front page of the New York Times ''U.S. Suit Sees Manipulation of Oil Trades.'' So the commodities commission is finally saying now: Yes, we are looking at this case. And it should be no surprise what they actually see because it is the same shenanigans that happened in electricity, the same shenanigans that happened in natural gas, and, yes, the same shenanigans are happening in the oil markets.

That is the commodity agency that says in this case there was a close relationship between the physical oil price and the price of the financial futures which moved in parallel. So basically what happened is that in the oil futures market, these individual companies and traders took large positions. In fact, their positions were so big—and that is what Senator WYDEN has just described. If this agency would come in and set position limits, people wouldn't be able to come in and move the market in such a significant way. But at the same time, it is alleged that these companies actually had millions of barrels of physical crude oil and they actually had no commercial use for the oil. So here we have people buying the physical supply—again, to manipulate and help tie it into the futures market—when they don't have any commercial need for it. That is why it is so important to have the CFTC do its job and to interpret who are legitimate hedgers, such as airlines, farmers, people who actually need the physical supply, juxtaposed to these large institutions that are just coming in and moving the market.

So what is amazing is that at one point in time, what they had as far as physical supply—for somebody who didn't even have a commercial use, at least according to this New York Times article—was two-thirds of the excess barrels available at Cushing. So here is somebody who had the physical supply and was controlling two-thirds of marginal oil supply and then controlling the futures market. So they were basically making money on the upside and they were making money on the downside. That is what the CFTC is alleging in its case. I think it is one of the first cases in which a small group of traders are being charged in the potential role of manipulation of gas prices.

I don't have to tell the Presiding Officer how critically important this is. I have been home recently and paid $4 a gallon for gasoline. Many people are starting what is soon going to be the summer driving season, and they are outraged at the price of gasoline. It is hurting our economy. People who have to commute to work every day, people whose businesses depend on reasonable fuel costs are getting gouged with these prices, and we have Federal regulators who need to be more aggressive at investigating these cases.

I will say I am very happy the Obama administration and the Department of Justice appointed a task force. That is exactly what we need. We need every Federal agency that has oversight of these markets, whether it is the physical market with the FTC or the CFTC and the commodities market, to work together with the Department of Justice to make sure these schemes are not continued to be perpetrated on the American public.

Our economy is too important to have this kind of activity continue to wreak the kind of havoc it has on our system. When we think about it, it is not as if we don't know what the scheme is. We have seen it time and time again with these other energy markets. So the question is whether we are going to be aggressive and make sure the CFTC has the tools it needs, which means not cutting its funding as the Ryan budget or H.R. 1 wants to do, and that it actually takes seriously its role and responsibility and starts setting position limits, starts the day-to-day activity, because the value Senator WYDEN and I are down here talking about, instead of this case that now is going to be investigated—how many days, months, and years did we live with the potential of higher fuel costs?

If this case is correct, how many days did we live with the higher cost, and how long will the investigation take, versus if the CFTC was actually implementing the law and the rules we gave them and enforcing position limits? It would be policing the market on a day-to-day basis and preventing consumers from paying one dime or one penny more than they needed to pay for high fuel costs.

It used to be that these oil markets were for legitimate hedgers.

My colleague and I represent a very robust agricultural community. We grow lots of different products in the Northwest, probably over 200 different agricultural products. We depend on the commodities markets to hedge for the future. But that market was created, after the Dust Bowl devastated so many farmers, to give them a chance to legitimately hedge. Now, all of a sudden, it has been captured by these large financial institution players. It used to be that those who really needed to hedge, such as farmers and airlines, controlled 70 percent of the market. Now they are only 30 percent of the market. Seventy percent of the market is these large players, just as was described in this article—people who are out there basically using their financial weight to move the market in a direction that then they can sell on the futures market and benefit from it. It is outrageous. It is outrageous that our economy has to put up with this, that individuals have to put up with this.

I know my colleague from Oregon and I are going to be out here, and we are going to be loud and consistent until we have the rules and regulations in place to make sure these markets are properly policed. We don't have to wait another day. We don't have to wait 1 more day. The commodities commission could be doing this job. They don't need another legislative bill from us. They don't need another vote from anybody on the commission. They can use their emergency authority. They can implement these rules today and help consumers save on high fuel prices.

So I hope my colleagues will help us in this effort to bring up the issues and make sure the American public understands what is going on so we can bring the pressure to bear on getting proper regulation in place.

I thank the Chair.

Mr. WYDEN. Would my colleague yield for a question?

Ms. CANTWELL. Yes.

Mr. WYDEN. My colleague has made a very eloquent case with respect to how this hammers the people who need oil on a daily basis—farmers and truckers and restaurants. The Senator from Washington juxtaposed their position compared to the speculators. Those people have a lot higher tax rate, for example, than do the speculators. So there is one advantage after another that the speculators have over the people about whom my colleague and I are concerned.

Is it the understanding of my colleague that the next best step to help

those people and small businesses who need oil on a daily basis is to get the CFTC out of the regulatory swamp and to enact these position limits?

Ms. CANTWELL. Well, when we are paying $4 a gallon for gasoline, we are affecting and impacting everybody who moves a product for business or anybody who commutes to work for any kind of distance. I know my colleague has probably heard, as I have, from a lot of small businesses that when fuel costs become the second largest expense, it is hard for them to continue to do business.

So my colleague is right. The CFTC could basically address this by just implementing the authority we gave them under the financial regulatory reform legislation we passed. That is all they have to do. Now, I would say to them that they already have the emergency authority. They have so many tools at their disposal.

I am glad they are investigating this case. I think this case is illuminating of the type of scheme that might include the details which are so familiar to my colleague and me of prior schemes and how people work them. But I would say that an investigation of these schemes is only going to go so far in helping the American consumer. If they take another 6 to 8 months to investigate these schemes, a lot of people are going to lose their jobs. So why not implement the rules they have right now, put them in place so we can protect consumers, and certainly don't pass legislation here in the Senate or in the House that is going to take away the ability to stop the kinds of activities that drive up higher gas prices by manipulation.

We want enforcement, we want it now, we want protection of consumers, and we will continue to be vocal about this issue. I thank my colleague from Oregon for joining me today to talk about this issue.

Mr. WYDEN. I thank my colleague. I think it is critically important that the Senate know we are going to keep the heat on, on this issue. Senator CANTWELL and I have tried to point out that the agency is dragging its feet. They could use their existing authority. We think the kind of shellacking the American consumers and our small businesses are taking is not right. We are going to continue this fight until they get the consumer protections they deserve.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. BARRASSO. Mr. President, as you well know, I come to the floor each week with a doctor's second opinion, and it specifically relates to the health care law, the law that was passed now over a year ago, with many promises made by the President, one of which was that if you like your coverage, you can keep it. We now know that is not the case, as he had promised. He also talked about this driving down the cost of health care. We have seen the cost of health care going up.

Last week, I came to the Senate floor and talked about something that is not known very well. It is a part of this law. It is called the so-called Independent Payment Advisory Board. I gave five specifics as to problems with this board. So today I wish to give another five specifics, and I think these are things every single American needs to know about the mandates that are part of this health care law and what is going to happen to them as more and more components and parts of this health care law are implemented.

People refer to this board as ''IPAB''—not ''iPod'' but ''IPAB''—and it stands for the so-called Independent Payment Advisory Board. But I will tell you, this is a Washington board. It is not independent. I believe it is going to be very harmful in terms of the health of the American people.

This board often goes unnoticed, and one of the reasons is it actually does not become operational until after the 2012 elections, until 2013. But it is an extremely powerful and extremely dangerous part of the President's health care law. It is a Washington board. It empowers 15 unelected and unaccountable bureaucrats, 15 full-time Washington bureaucrats, who will decide how Medicare's dollars are spent. These Washington bureaucrats will use basically price controls, and they will use price controls to ration medical care and services all across the country.

You remember, Mr. President, when then-Speaker of the House NANCY PELOSI said first you had to pass the bill before you got to find out what was in it? Well, now, as more and more Americans learn about this rationing board, they will again voice their opposition to the President's health care law.

I will tell you, I want to pick up today where I left off last week. I want to share with the American people an additional five things they need to know about this board.

The No. 1 thing today is the President wants to keep this board under the radar. He and his administration simply want to disguise the long-term impact this board's price controls will have on our seniors on Medicare. If he does so successfully, the patients on Medicare will be the big losers.

He wants to promise the American people that the board will achieve great Medicare savings, but he does not want to explain to the American people exactly what those Medicare cuts will do and how the American people will ultimately pay the price in their health care.

The President and Washington Democrats have historically supported policies giving government the power to set health care prices. Make no mistake, the President is using this Washington board as a Trojan horse to accomplish that goal. This is exactly why this board is not going to be set up until after the 2012 elections. The American people will not face the true impact of this board and the cuts it is going to have on their loved ones until after the Presidential election next year. The President's plan depends entirely on keeping the true purpose of this rationing board well below the radar.

Here is a second concern; that is, the opposition to the President's payment advisory board, interestingly enough, is bipartisan. Even members of the President's own Party know that creating a Washington board to cut Medicare payments and ration medical services is bad policy when it comes to our seniors.

Even Representative PETE STARK of California, the ranking member of the House Ways and Means Health Subcommittee, said in an April 19, 2011, New York Times article:

> In its effort to limit the growth of Medicare spending, the board is likely to set inadequate payment rates for health care providers, which could endanger patient care.

There you have a statement by a member with ranking stature of the Democratic Party in the House.

Now let's take a look at what someone else said. She announced her support for legislation which would repeal the President's Payment Advisory Board. This is Representative ALLYSON SCHWARTZ of Pennsylvania. Actually, she is a strong champion for the health care law. She is also vice chairman of the New Democrat Coalition. She had a statement that came out on April 15, 2011—income tax day—saying:

> Congress is a representative body and must assume responsibility for legislating sound health care policy for Medicare beneficiaries, including those policies related to payment systems. Abdicating this responsibility . . . undermines our ability to represent our constituents. . . . I cannot condone the implementation of a flawed policy that will risk beneficiary access to care.

Third, the President's payment advisory board sets prices and it gives Washington more power, not patients. In most cases, Medicare payments to doctors—and Members of the Senate from both parties understand this—are already well below market rates. That is why doctors often limit the number of Medicare patients they see. In more severe cases, doctors stop treating new Medicare patients.

Allowing a rationing board unlimited power to control Medicare prices is only going to drive Medicare payments lower, and it is going to drive more doctors away from seeing Medicare patients. My concern is the prices are going to be driven so low by this rationing board that the government will force doctors, hospitals, and other medical providers to stop offering any care to Medicare patients.

Random and punishing cuts to Medicare provider payments will not make this program any more efficient. It will not make people's health care better. But it will reduce the supply of medical care to our seniors on Medicare.

The Washington board's ability to set prices gives it unprecedented control over personal medical decisions, and that is wrong. Those decisions should be left to the patient and his or her doctor alone, without the interference of 15 Washington bureaucrats.

No Washington bureaucrat should ever have the right to stand between a patient and his or her doctor. At its core, the debate about the President's Independent Payment Advisory Board centers around a few questions: Do the American people want a Washington board of unelected people whom they do not know making their personal health care choices for them or do they want to have the freedom and choice to make their own health care decisions? Do they want Members of Congress, the people whom they send to Washington, to be able and to be held accountable—do they want those Members of Congress to explain exactly what spending cuts are being discussed and need to be made to ensure Medicare's solvency?

As we know, we all heard just last week, Medicare is going to be bankrupt even 5 years faster than it had been thought in the past. Interestingly enough—this is No. 4—President Obama doubled down on this, on the President's Independent Payment Advisory Board.

In his April 15 spending speech to the Nation, he doubled down on his commitment to this Washington rationing board. In the speech, he said he actually wants to give the Board more power to slash Medicare payments to providers. Apparently, expanding his rationing board is one of the only tangible proposals that the President has to reform Medicare and reduce the debt.

The American people sent us to confront our financial and fiscal crisis head on and to come up with solutions to solve the problem. They did not send us to cower behind boards and commissions and empty promises. They asked us to come to Washington with the courage, the strength, and the political will—the political will—to make tough spending decisions. Rather than stand up to the challenge, the President chose to go all in, placing his bet on 15 bureaucrats yet to be identified.

He asked the American people to trust him that this rationing board will squeeze out Medicare savings, at the same time, not impacting—he says—our seniors' access to medical care. But I do not think this is a bet our Nation's seniors should take or should be willing to take.

Finally, No. 5, members of my party, the Republicans, are working to repeal the President's Independent Payment Advisory Board. Senate Republicans are taking a stand against this rationing board, against more government control. Senator JOHN CORNYN of Texas has introduced S. 668. It is the Health Care Bureaucrats Elimination Act. This bill repeals the President's Independent Payment Advisory Board, ensuring Medicare patients can get the care they need from the doctor they choose. I am proud to be a cosponsor, an original cosponsor of this piece of legislation.

That is why I come to you again on the floor with a doctor's second opinion, as somebody who, for a quarter of a century in Wyoming, has taken care of patients on Medicare—many patients on Medicare—to provide a doctor's second opinion that this health care law is bad for those patients. It is bad for providers, the nurses, and doctors who take care of those patients, and it is bad for the taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

THE BUDGET

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Wyoming's comments about the Independent Payment Advisory Board, which is Washington, DC, gobbledegook, which translates into a rationing board which is going to limit seniors' access to care, as he so ably described. I appreciate him talking about that. It is a topic I will raise in a moment as part of my remarks. But I wish to express my appreciation to him for his remarks.

My larger concern is about our budget, the Federal budget. As one of our colleagues across the aisle told the media this week, he said he looks forward to voting on the Republican budget. That may seem a little odd because this is the Senate and, actually, the Senate does not have a budget. The Budget Committee on which I serve has not met to consider a proposal by the chairman of the Budget Committee and we have not had a chance to offer amendments to vote on it and then for it to come to the Senate floor so we would have a Senate budget to vote on.

Of course, what he was talking about is, he is looking forward to voting on the House budget. But I would say the Senate has not considered a budget for 750-plus days. No family, no business, no one in America, certainly no State can operate in this sort of fiscally irresponsible manner, only the Federal Government.

Now where are we? We are spending 43 cents out of every $1 in borrowed money—borrowed from our kids and grandkids. The fact is, a newborn baby, born into this world today, inherits $46,000 in debt because we have not had the courage to meet this challenge as we must.

My colleague also said that is going to be one of the defining issues of 2012, which, by the way, is an election year. I guess what he means is, this is going to be an election issue. I think he is right but not for the reasons he suggested.

First, I wish to refresh everyone's memory. It was just in December of last year that the President's own bipartisan fiscal debt commission gave us a report, and truly a blueprint, for what I think would be a responsible start to dealing with this debt crisis we find ourselves confronted with.

That report—again a bipartisan report—proposed $4 trillion in deficit reduction over 10 years. The report said: Federal health care spending represents our single largest fiscal challenge over the long run. As the baby boomers—people such as me and the Presiding Officer—retire and get older, health care costs will grow faster than the economy. Federal health care spending threatens to balloon.

As if on cue, the Medicare trustees issued a report just this last month with even a starker warning. Medicare's trust fund will be insolvent in 2024—about 13 years from now—and the gap between the promises Medicare has made to seniors and its funding—or ability to fund or pay for those services—is about $24 trillion. That is the so-called unfunded liability of Medicare.

Those estimates are, according to the Chief Actuary, an optimistic scenario, although it is hard to be optimistic about a $24 trillion unfunded liability. But we also know there have been other ominous warnings both here at home and around the world. The International Monetary Fund, in a working paper last month, noted our potential debt crisis.

The S&P rating agency downgraded its outlook for American debt—in other words, our ability to repay those bills—from stable to negative. PIMCO, the world's largest bondholder, no longer is purchasing American bonds, choosing to purchase other types of investment. That ought to be a warning to us.

If we needed any reminder, even the Chinese Communist Party has given an earful to visiting Senators about our debt, of which they happen to own about $1 trillion. But they are worried about the value of their own investment and, hence, as Admiral Mullen said, we ought to realize that because of that situation, debt is the single largest national security issue facing America today.

Despite these ominous warnings and even reports from the President's own fiscal commission and a bipartisan one at that, the majority—Senator REID—our friends across the aisle, simply are not taking the fiscal situation seriously. In fact, the majority leader was quoted recently saying: It would be foolish, foolish for the leadership of the other party that controls the agenda on the floor and in committees, it would be foolish for them to propose a budget.

The White House has shown twice this year so far that it is not truly serious about fiscal discipline. In February, the President proposed a budget that completely ignored his own deficit commission. It had $8.7 trillion in new spending, $1.6 trillion in new taxes, and an additional $13 trillion in debt.

At the time the President released his proposed budget, there were a number of my colleagues who were very impressed by it. Some called it responsible, others credible, others said it was a balanced approach, a good blueprint, a step forward, a careful evaluation, a solid starting point, and many other compliments as well. President Obama was so pleased with his budget proposal that he called it ''our Sputnik moment.'' But, of course, we know his Sputnik failed to launch. None of my colleagues who heaped praise on the President's proposal were willing to pass a budget resolution or even take up one and have it be considered and voted on.

So President Obama tried again in another big speech in April, when he was finally brought, unwillingly, to the debate on our budget and on our debt crisis. In that speech at Georgetown in April, he called for higher taxes as well as automatic tax increases that would kick in if certain conditions were met. He called for deeper cuts in defense spending. He invented a new 12-year budget window to disguise the large deficits that would otherwise appear if it were the traditional 10-year budget window.

Then the President, I think beneath the dignity of his office, verbally abused the very people who had the courage to propose an alternative. Then, of course, we have heard the attacks he started, which have continued, the false attacks that Republicans want to ''end Medicare as we know it.'' Well, I will say Republicans do not want to end Medicare as we know it. That is an intentional falsehood. That is a lie. Republicans do not want to end Medicare as we know it. We are simply trying to inject some cold, hard reality, as observed by the President's own debt commission, by the Medicare trustees, and everyone else who has taken a responsible look at the problem.

What is that reality? Well, the reality is that Medicare as we know it will end unless we do something to fix it and to save it. My colleagues want to talk about ending Medicare as we know it. They have short memories because it was these very same colleagues who took $½ trillion out of Medicare to fund ObamaCare. They injected the rationing commission that my colleague from Wyoming just got through talking about and which I will mention again in a moment.

Many seniors found out, as a result of the health care bill that passed only along a party-line vote—only Democratic votes in the Senate—that many seniors have already lost their access to Medicare Advantage.

Other retirees are seeing that their former employers have canceled their health care plans and found themselves dropped into the Medicare system. It has never been explained to me how we can possibly cut $½ trillion out of Medicare which, as I said earlier, already has $24 trillion in unfunded liabilities. So we are exacerbating—we are making those liabilities worse, not better—to fund a new entitlement program.

I would ask: Who has changed Medicare? Who has made it impossible for us to continue, under the present course, to keep that promise to our seniors? Why is it so important that we work together to try to come up with a solution to fix it? Just when we think the debate could not stoop any lower and people could not act any more irresponsibly, we are confronted with political ads already about Republicans rolling a senior off a cliff in a wheelchair.

I know the American people are smart enough to figure that out. They realize this is just an attack ad, and they are smart enough to look at the substance. But what we need is a real debate and a discussion and try to work together to try to solve our problems, not just sort of ''gotcha'' politics, the sort of thing people have come to loathe about Congress and Washington, DC—not people working together to solve problems but people playing ''gotcha'' and focusing only on the next election, not on the next generation.

My colleague from Wyoming talked about the Independent Payment Advisory Board, and I realize that is a mouthful. But it is bureaucratese, Washington speak, for an unelected, unaccountable group of bureaucrats—15 of them—appointed who will actually have the job of cutting payments to doctors and hospitals, which will have the practical impact of limiting seniors' access to Medicare benefits. What good is providing coverage to our seniors if they can't find a doctor or hospital to treat them?

Well, this is good old-fashioned—I should say bad old-fashioned—price controls, and they don't work. We have seen that already in Medicare. In my State of Texas alone, about a third of the doctors already limit their new Medicare patients, according to the Texas Medical Association. So if you live in the rural parts of the State, it is hard to find a doctor. We know the price controls of this rationing board will make this trend worse and accelerate it, leading to longer wait times and harder-to-access treatment.

If the board forces our seniors to wait longer for the life-saving treatments they need, does that change Medicare as we know it? Well, it surely changes Medicare as people have come to expect it and deserve it. Yet the President has done nothing but double down on this rationing board. You heard in the speech he made in April—the one I referred to a moment ago—at Georgetown. He said we are going to extract, in the first 10 years another $½ trillion in savings from Medicare, and in the second 10 years, another $1 trillion—$1.5 trillion sucked out of Medicare. I have to ask, what do you think that is going to do to people's access to a doctor and a hospital?

That is the President's framework. It is not a budget. It is not the numbers we are accustomed to considering and voting on, but that is his proposal. If the President's proposal to cut $1.5 trillion out of Medicare in the next 2 decades doesn't change Medicare as we know it, then I don't know what does.

We know the House of Representatives has labored mightily to produce a budget—the so-called Ryan plan. Many colleagues on the other side relish the fact that they have stood back and waited for House Republicans to act responsibly to try to wrestle with these problems and confront them, to tell the truth to the American people about the problem, and then they tried their dead level best to meet those challenges and deal with them like responsible adults. What did they get? A kick in the teeth—attack ads on TV.

Well, this will allow us, under the House proposal, to fix Medicare and to save it. Right now, it is on the road to bankruptcy and oblivion and, for the reasons I have observed, and others, it will not work. There are some on our side of the aisle who may have some problems with the details of the proposed House budget. But the responsible answer to that is, let's take up and pass a budget in the Senate and give Senators on the Budget Committee an opportunity to offer amendments that would improve it, if they can, and then bring it to the Senate floor and do what we get paid for—take on these hard problems, confront them, debate them, and then make the best decisions we can on behalf of the people we work for in our States and across the country.

I think some elements of the House budget have an awful lot of appeal. In fact, we have seen, based on the experience with Medicare Part D, the prescription drug plan we passed earlier in the last decade, by injecting some market forces and competition and transparency, we can bring down prices and increase the quality of services. In fact, the Medicare prescription drug plan has come in 46 percent below what it was originally expected to cost. That is an example we can learn from and can begin to implement in trying to bring down costs and yet not ration access to care.

Indeed, the premium support model is advocated by many Democrats and Republicans and is similar to how the Federal Government provides health insurance for Federal employees, including Members of Congress. If it is good enough for Congress, why isn't it good enough to consider for American seniors? Do Republicans want to ''change Medicare as we know it''? We want to save it, we want to fix it, and we want it to be there as a promise that we can keep, as opposed to one we cannot keep, because it is on a path to bankruptcy and oblivion.

Our friends across the aisle say: No, trust us, we are from the government, we will fix it. The way they want to do it is with Draconian cuts to doctors and hospitals that will limit people's access to health care. We believe the

transparency and choice and competition that has worked in Medicare Advantage and the prescription drug program can work here as well. If people disagree with me, I respect their right to do that. But why aren't we having a responsible debate on the floor and voting on a budget, as opposed to the irresponsible rhetoric, attack ads, and the campaign already begun for 2012? I am talking about from the White House to the Congress.

I think some of my colleagues firmly believe in their heart of hearts—they have been listening to political consultants, and they say the way to win the next election is to scare the living daylights out of our seniors. I think that is irresponsible. People should resist the temptation to do that to win an election and keep their job. Indeed, I find myself in agreement with some of the comments made by President Obama himself last summer. He said:

> We're not going to be able to do anything about any of these entitlements if what we do is characterized—whatever proposals are put out there—as the other party is being irresponsible; the other party is trying to hurt our seniors; or the other party is doing X, Y, Z.

I agree with that, but that is not what we are hearing across the aisle and on the airwaves of America. That was the President's message in 2010. It obviously has changed since 2012, since he began his own personal attack on the only responsible budget proposal that has been made in April.

Unfortunately, I think it is a prematurely begun election campaign for 2012. It is an abdication of our responsibility to engage in this sort of ''gotcha'' politics, without trying to take on and confront the problem. I don't think it is responsible to try to scare seniors for political points. But also I don't think Republicans should allow ourselves to be merely punching bags and let the other side negatively characterize our motives or the seriousness of the problem our country faces.

What we need is to resist the temptation to engage in this sort of gamesmanship and to try to do our dead level best to fulfill our oath and do our job as representatives of the American people. I think they would welcome that. But all we have seen so far is the attacks and the ''gotcha'' politics, which I think will do nothing but earn their contempt, and deservedly so. We can do better and we need to try.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

THE BUDGET

Ms. KLOBUCHAR. Mr. President, I rise to discuss the budget. I have long believed we need to get serious about the deficit. I have been listening to my colleagues across the aisle, and I believe we have to be responsible in the way we do it. That is why a year ago I was one of a handful of Senators who fought for the creation of the fiscal debt commission. In fact, a number of us came together and said we are going to get this debt commission or we won't vote for the debt ceiling increase. As a result, while we could not get the statutory fiscal debt commission, we got the debt commission. A lot of people thought it would result in a report that would sit on a dusty shelf, but it has been well received, and it is the blueprint for a group of Senators who are negotiating a bipartisan plan for the budget.

Like everybody, I don't agree with every single recommendation in that report. But I have, in fact, supported the bipartisan effort. I think there are a lot of good things in that report and a very strong way to reduce the debt in the long term.

This week, we are scheduled to vote on the Ryan budget. If it wasn't already crystal clear, this vote will show that a comprehensive solution to our fiscal challenges cannot be achieved by drawing ideological lines in the sand.

When the Ryan budget was first rolled out, some hailed it as courageous. But I have to ask how it can be called ''courageous'' when it protects the $4 billion a year we give to oil companies, it fails to address some of the military defense spending that even Secretary Gates has said could be cut. Instead the House passed its budgets on the backs of the middle class and seniors. In Minnesota, we don't call that courageous.

Before we get into the policy, we should step back and look at the numbers. According to the CBO, our debt is currently projected to reach 67 percent of GDP in 2022, but under the Ryan plan debt would actually reach 70 percent of GDP by 2022.

So despite $4.3 trillion in drastic and painful cuts—two-thirds of which would come on the backs of the middle class—the plan barely reduces deficits at all over the next decade.

Despite the fact that the budget doesn't achieve what it sets out to accomplish in deficit reduction, leaders in the House continue to try to frame the debate in terms of numbers. That is because when you take their plan to the American people and ask them, ''Are these your priorities?'' and, ''are these your values?'' the resounding answer is, ''no.'' The American people want a reasonable, bipartisan plan that addresses our serious challenges. That House Ryan budget is not the answer. What this debate boils down to is not where we need to get but how we will get there.

I believe we need to reduce this debt. I believe we can reduce that $4 trillion in the next 10 years. I believe there is a much better way to do it than what we have seen in the Ryan budget.

It may look like this plan to end Medicare that they passed in the House is reducing health care costs, but it only does so by ending Medicare as we know it.

This plan would gradually replace Medicare with a system of vouchers that seniors could use to help buy private health insurance. This would put private companies in control of health benefits and cause seniors to pay more for their health care or get fewer benefits.

Because the voucher will fail to keep pace with increases in the cost of health care, the Congressional Budget Office estimates that seniors and the disabled would pay sharply more for Medicare coverage under the Ryan plan—an average of $6,359 more in the first year, more than double the cost under current law.

Defenders of this plan say it won't affect anyone who is over 55 and that Medicare will be available for them. Unfortunately, this isn't true. The Ryan plan would repeal the part of the health care reform law that closes the Medicare prescription drug ''doughnut hole.'' This is the gap in coverage where seniors have to pay all of the costs of their prescription drugs. Currently, that number is a little over $3,600. This would mean seniors would have to pay much more out of pocket for prescription drugs. In Minnesota, that would cost our seniors $40 million in 2012 in additional drug costs alone.

I believe we must do all we can to rein in health care costs. Minnesota has always been a leader in providing low-cost, high-quality health care, and I believe we can be an example of how we can reduce health care spending, while still delivering excellent care to patients.

For instance, if the spending per patient with chronic diseases everywhere in the country mirrored the efficient level of spending in the Mayo Clinic's home region of Rochester, MN, Medicare could have saved $50 billion over 5 years. Medicare could have saved $50 billion over 5 years by using the Mayo model—some of the highest quality health care in the world. So, yes, there are ways we can better deliver health care not only for less cost but also for better results.

Medicare must continue to institute further reforms including the creation of the accountable care organizations, reductions in payments to hospitals with high readmission rates, bundled payments, and a focus on fraud. These reforms are meant to incentivize doctors and hospitals to provide high-quality, efficient care.

The radical changes to Medicare that are proposed in the Ryan budget are not solutions to our long-term debt. There is a way to get the country on a better fiscal path, one where you are not doing it on the backs of our seniors. You would think that if you were going to take such a drastic step as any Medicare as we know it, you would put most of the savings toward deficit reduction. Instead, the Ryan budget uses its $4.3 trillion in savings for $4.2 trillion in tax breaks that would disproportionately go to the wealthiest

Americans. Again, instead of putting that money into deficit savings, it disproportionately puts the money in the pockets of the wealthiest Americans. At the same time the House Republican budget is disproportionately targeting seniors and the middle class, it leaves the Pentagon—which makes up 20 percent of the budget—virtually untouched. Defense Secretary Gates himself has mapped out several smart cuts and alternatives we can make to the Defense budget to save a net $78 billion over the next 5 years. In the spirit of shared sacrifice, I agree we should include commonsense cuts to defense spending to reduce the Federal budget.

Those are just some of the ideas. This basically comes down to value. Look what we can save. We can save $240 million—$240 million—simply by negotiating prescription drug costs under Medicare Part D—$240 million over 10 years. We can save $4 billion annually—that is $40 billion over 10 years—by taking away the tax breaks of the oil companies. We can save $78 billion with the defense cuts I just discussed. We can bring the tax rates back to the Clinton levels for people making over $1 million. Even if we set it at $1 million, we save $360 million over 10 years. That is real money. That is a budget that is based on values that protect the middle class.

When I talk to the people of my State, they want a plan that has shared sacrifice, that is reasonable, and that is bipartisan. They want a balanced and reasonable approach. They want us to come together on a plan that will strengthen our country. I look forward to continuing to work across the aisle to make this happen. Unfortunately, that is not what this Ryan budget is about.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

CHANGE OF COURSE IN AFGHANISTAN

Mr. BAUCUS. Mr. President, I rise today to call for a change of course in Afghanistan. On May 1, a targeted strike by U.S. forces achieved a central goal of the war that began in Afghanistan nearly a decade ago.

The death of Osama bin Laden by no means ends the threat posed by al-Qaida or other terrorist groups. However, bin Laden's death provides an opportunity for Congress and the White House to assess a new strategy for keeping America safe and defending our interests around the world.

Today, I am calling for three changes to our strategy in Afghanistan. First, we must begin handing responsibility over to Afghan forces and bring most of our troops home by the end of next year. Second, we should focus on fighting terrorism, not nation building. Third, our efforts to keep America safe from terrorism should center on where most terrorist threats come from, Pakistan.

The United States should not be doing the work the Afghans should be doing for themselves. The Afghans need to stand up and take responsibility for the security of their own country.

The President has announced this July will mark the beginning of a transition of security responsibility to Afghan forces. However, in my view, the transition plan is too slow. We need to begin handing responsibility of security to Afghan forces immediately and aim to have most U.S. combat troops out of Afghanistan by the end of next year.

We should leave behind only a small force necessary to hunt down and kill terrorists in Afghanistan and help the Afghan military perform their duties.

We Americans are fortunate to have the best military in the world. These brave men and women continue to do everything we ask of them. They have spent almost 10 years fighting in Iraq and Afghanistan. Many of our troops have spent multiple years deployed overseas, hiking over frigid mountains, traversing hot deserts with heavy loads on their backs, and spending years apart from their families. But we don't hear these troops complain. These Americans continue to serve and to fight and to die for a country we all love.

Seeing these troops in action during my visit to Afghanistan last year was truly remarkable, very impressive. Their unwavering commitment has come, however, at a great price. As of today, 1,219 troops have been killed in Afghanistan, 11,411 have been wounded, 9 Montanans have died, and 50 Montanans have been wounded fighting in Afghanistan.

These Montanans hail from small towns such as Hungry Horse, Darby, Shepherd, and Troy. Behind each of these fallen warriors are dozens of broken hearts in their families and communities. Thousands more will suffer their entire lives with post-traumatic stress disorder or traumatic brain injuries that have thus far gone undetected.

These brave troops continue to fight because we ask them to and because they love their country. I receive letters from their families all the time, like this one from Janice Roberts from Malta, MT. Janice writes:

> Our 27-year-old son is being sent on a third combat deployment to Afghanistan. This is his second ordeal in less than a year. Our son has not even recovered emotionally or mentally from the last two deployments. Truthfully, the only people who care about what is happening to our young troops are the military families.

This letter is a reminder we have a sacred obligation to our troops and their families. Any mission we ask them to accomplish must be vital—absolutely vital—to America's national security.

It is time we demand the Afghans shoulder more of the load. Afghan police forces stand at 285,000. In 2010, the Afghan National Security Force grew by 70,000. We have spent 10 years training them. It is time for the Afghans to do the job we have trained them to do.

As we draw down in Afghanistan, the Afghans will have to step up. As we withdraw, they will have the task of governing their own country. The Afghans will develop Afghan solutions to Afghan problems, and that is the way it needs to be.

Second, we need to invest more in killing terrorists and less on nation building. The raid that killed bin Laden relied on years of perseverance by intelligence officers, expensive surveillance technology, and the best special operations forces on Earth. We need to continue to make investments in these capabilities to see that other terrorists face the same fate as bin Laden.

As we invest more in counterterrorism capabilities, we do so knowing full well we are facing enormous challenges at home. The U.S. Government's total debt exceeds $14 trillion.

Mr. President, I ask unanimous consent to proceed for another 5 minutes, and I will not ask for another extension.

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

Mr. BAUCUS. I thank my good friend for being so helpful.

The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, described the U.S. debt as the ''biggest national security threat.'' Since September 11, 2001, we have spent over $1.2 trillion in Iraq and Afghanistan. Just think of that—$1.2 trillion. Every month we spend $10 billion in Afghanistan. This is roughly $1 out of every $7 we spend on defense. This level of spending is simply not sustainable. We should focus on the core mission that led us to Afghanistan to begin with, and that is keeping America safe from terrorism.

Finally, and most important, our fight against global terrorism must begin to focus on Pakistan. In 2008, then-CIA Director Michael Hayden said:

> Let me be very clear today. Virtually every major terrorist threat that my agency is aware of has threads back to the tribal areas of Pakistan.

A State Department report last summer reiterated this assessment and found that ''al-Qaida's core in Pakistan remained the most formidable terrorist organization targeting the U.S. homeland.''

We have invested enormous sums to build an effective partnership with Pakistan to fight terrorism. Since 2002, the United States has provided over $18 billion in foreign assistance to Pakistan—the highest of any other country in 2009 except Iraq and Afghanistan. Yet it is no secret that Pakistan plays a double game. Osama bin Laden's hideout location raises serious questions.

I recently called upon Secretary of Defense Gates and Secretary Clinton to

take a hard look at whether Pakistan is doing enough to find and kill terrorists in its own country. I will not support providing funding to Pakistan until I view this assessment. I am gravely concerned about the commitment of Pakistan's military intelligence services to fighting terrorism.

During a visit to Pakistan last year, I made it clear to President Zardari and General Kayani that Pakistan must do more to eliminate safe havens within their own borders. We cannot accept excuses; we need results. Without progress in Pakistan, we cannot succeed in Afghanistan. But the sad irony is that our large troop presence in Afghanistan actually makes it harder to press Pakistan to crack down on terrorists and militants.

Most of the fuel, food, and ammunition for our troops in Afghanistan is imported through Pakistan. As long as we depend on the Port of Karachi for our supplies, we have limited leverage on Pakistan to force an end to this deadly double game. To effectively defend our Nation against terrorism, we need to begin withdrawing from Afghanistan and focus more on Pakistan.

Our military can do almost anything we ask it to do, but it can't do everything. To meet the growing challenges around the world, we need to start bringing our troops home from Afghanistan this July and complete the withdrawal by the end of next year. We need to work together to make the 21st century the American century—to focus on jobs, improving education, rebuilding roads and bridges, and making the American economy the best place to do business in the world.

The death of Osama bin Laden marks a turning point in history. We must take advantage of this opportunity to chart a new course in Afghanistan. I salute the brave men and women who made this day possible and who continue to serve overseas.

My thoughts are with the hundreds of Montanans serving in the Armed Forces. May God bless America and may He keep our brave troops safe.

Mr. President, I again thank my friend for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 1 hour.

Mr. PAUL. Mr. President, I come to the floor today to speak about the PATRIOT Act. I think it is a shame we are not going to be debating or having any votes on this act, particularly since it was promised by our leadership.

I would like at this time to yield the floor to my good friend, the Senator from New Mexico, if he would like to make a few remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me just say to my colleague from Kentucky, Senator PAUL, I very much appreciate his yielding a little time, and I am looking forward to hearing some of his statements on the PATRIOT Act. I know this is an issue that is close to his heart.

I served with his father in the House, and I know he was very passionate on this issue. I know it is an issue on which the Senator from Kentucky campaigned and about which he has great passion, and he has brought that passion to the Senate floor. So I very much appreciate that and would like to work with him.

First of all, when we call it the PATRIOT Act, I put that in quotes and call it the so-called ''PATRIOT Act.'' This is not a patriot act. Patriots stand up for the Constitution. Patriots stand up for the freedoms and liberty that are embodied in the Constitution. I think true patriots, when they are public servants, stand up and do what is right, even if it is unpopular.

One of the things I talked about a little earlier today was how the PATRIOT Act became law. I was over in the House of Representatives, serving with the father of the Senator from Kentucky, and I remember well what happened on 9/11 when the planes went into the Twin Towers in New York, and then shortly after a plane was coming into the Pentagon in Washington, and how we were all horrified at this incident and what had happened. What transpired on this legislation, this bill that later became law, the so-called PATRIOT Act, is everybody became so concerned that they decided we, the institution, the Congress, could not debate it; we had to just pass legislation we had not even read. So we did not have committee hearings. We did not bring in all the people who normally would be brought into the process, who understand the Constitution. We didn't do any of that. Within a matter of weeks after 9/11, we brought a bill to the floor of the House of Representatives without the normal preparation, and basically everybody was told we just need to pass this.

I remember one Senator—one Representative at the time—waving a piece of paper and saying: There is only one copy of this on the floor, and it is hot off the press. He had a piece of paper from the Xerox machine that was still hot. Those were the circumstances in which we voted, and that is how we got the so-called PATRIOT Act.

What has happened since then? Senator BAUCUS, my colleague here from Montana, talked about the capture of Osama bin Laden. We have been in Afghanistan, we displaced the Taliban government, we eliminated the training camps, we decimated al-Qaida, we captured bin Laden. We have done all these things, but one thing we have not done is come back and revisit the PATRIOT Act, taken a really hard look at it to say is it working or is it not and allow all the Senators here the opportunity to offer amendments.

I know the Senator from Kentucky has several amendments he would like to offer. I have an amendment that really focuses on what has happened here today—in the last couple of days. We had an extension. We thought we were going to have debate. Because of the gridlock and everything that goes on here, we got jammed up. My amendment would say, let's not extend this for 4 years without open debate. It would say, let's take 3 months, do another extension, and really focus on the idea that when that 3 months is up, we are going to be allowed the time to have debate, to have discussion, to have very knowledgeable individuals who serve on the Judiciary Committee—I believe the Presiding Officer serves on the Judiciary Committee, others serve on the Judiciary Committee and have the expertise—with all that expertise come to the floor. I am on an amendment with Senator LEAHY which is a good, solid amendment that has to do with various aspects. I hope we can get that to the floor. We all have amendments, but we are jammed up in this process now. The amendment I would propose is that rather than 4 years, for 3 months what we do is organize ourselves so we can come back, we can have the debate, we can have an open amendment process and then move on to whatever we move on to. But at least the Senate will have worked its will.

We are told over and over—and I always heard it in my civics class—that the Senate is the greatest deliberative body. If we are a great deliberative body, we have not focused that deliberation on one of the most important aspects of our society; that is, our liberty and our freedom that is enshrined in the Constitution.

I find it a little ironic, in a way, the contrast we have today with the situation in the Middle East. We have many of these countries where the people of those countries are striving for more freedom, striving for more democracy, and we are supporting that effort. President Obama and many Members of the Senate, many Members of Congress are saying we think this is a good idea, that there is a striving for more freedom. But here on the floor of the Senate, we are not willing to analyze what this so-called PATRIOT Act has done to our freedom in the United States.

This is not just my view. There are some independent views as to why the PATRIOT Act needs to be examined, why the PATRIOT Act needs this open debate, needs deliberation. In March of 2007, the Justice Department inspector general came out and took a look at the PATRIOT Act process and the national security letters. As the Senator from Kentucky knows, a national security letter doesn't have court supervision. The FBI can issue a national security letter—an official in the FBI—without that kind of supervision. The inspector general concluded there was some serious abuse within the Department of Justice as to how the FBI and other officials were using national security letters. I put that information from an inspector general in the RECORD earlier this morning. It highlights serious problems. We have not

looked at that. We have not debated that. We have not allowed amendments on that national security letter. I think the Senator from Kentucky has one on that, which he is going to be talking about in a little bit.

Second, an independent branch of our government—the courts—has looked at the PATRIOT Act. Several courts have found provisions of the PATRIOT Act unconstitutional in terms of the fourth amendment, in terms of the first amendment, and many of those decisions are working their way up through the courts. It is only prudent that we, as the Senate, take a look at those rulings, analyze what the courts are saying, and then come back to this so-called PATRIOT Act and see whether we need to make changes based on what the courts have told us. We have those rulings. We have not taken a look at them.

We are at a point where we need deliberation. I very much appreciate the Senator from Kentucky speaking out on this issue.

Benjamin Franklin used to talk about our freedom and liberty that was in the Constitution, and I am paraphrasing here, but he would say that those who would sacrifice liberty for security deserve neither. That is a very powerful statement by one of the Founders of our democracy.

With that, I thank the Senator from Kentucky for yielding me time, and I look forward to hearing his comments on the floor and look forward to working with him so we can get an open, deliberative process here that will really serve America and move us toward the deliberative process I think we all want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. PAUL. I thank the Senator for his comments. I think what this shows is that it is a bipartisan effort that says we should protect our Constitution. Those on the left and those on the right who believe in the Constitution believe it should be protected. That brings together some of us who may not necessarily agree on all other issues, but when it comes to the Constitution, when it comes to the basic Bill of Rights, we are concerned both on the right and left, on the Democratic and the Republican side. The problem is that those of us who are concerned with the Constitution are in the minority of both sides, so we are being quieted down, we are being told to sit quietly in the back of the room and don't make waves. We want to have a debate over the PATRIOT Act because we are concerned about our liberties. We are all concerned about terrorism too, but we don't think you have to give up your liberties in order to combat terrorism.

On February 15, we extended the PATRIOT Act for 90 days. During that time and on the Senate floor on February 15, we were promised a week of debate, and we were promised an open amendment process. We are now amidst a process where we will have no debate and no amendments. Do we fear terrorism so much that we will not have debate? Do we fear terrorism so much that we throw out our Constitution and are unwilling and afraid to debate our Constitution? I think it is a sad day that we can't do that. Are Senators afraid to vote on the issues of the day, afraid to debate the Constitution, afraid to have an open forum and debate whether the PATRIOT Act is constitutional? I think this does a great disservice to the voters.

They talk about this being the world's most deliberative body. We are unwilling to deliberate. We are unwilling to have questions broached as to whether the PATRIOT Act is unconstitutional. We have had 99 days since we extended it, 43 days in session, and we have had 56 votes. What does that mean in the context of things? We are setting a record for the least amount of votes ever to occur in the Senate. There are some important questions we should be debating, but unless it is a forgone conclusion, unless they have counted the votes and decided the outcome before we have the debate, we are precluded from debating.

Wendell Phillips, the great abolitionist, wrote, ''Eternal vigilance is the price of liberty.'' The PATRIOT Act is a perfect example of how a lack of vigilance leads to loss of liberty.

In the aftermath of 9/11, we amended the Constitution with the PATRIOT Act. You say: Whoa, we didn't have an amendment to the Constitution, did we? We did not do it the way we are supposed to, but we did in reality amend the Constitution with the PATRIOT Act. How did this happen? We were fearful. Mr. President, 9/11 had happened, and we wanted to stop terrorism. All of us want that, but do we have to give up our constitutional liberties in order to do that?

How did the PATRIOT Act change the Constitution? How did the PATRIOT Act change the fourth amendment? In the fourth amendment, it says:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The PATRIOT Act changed this. The PATRIOT Act changed the standard from probable cause, which is a longstanding position and standard within the courts which limits the police from coming into your house unless there is probable cause that you have either committed a crime or are in the act of committing a crime—we changed this to a standard we now call relevance. But that is changing the Constitution.

How do you change the Constitution by majority vote? It is supposed to be a supermajority in both bodies. Then it is to go back and be ratified by three-fourths of the States. It is supposed to be difficult to change the Constitution, difficult to amend the Constitution. Why? Because we thought some of these rights were so important that we should not allow a majority to change them. Those of us who own guns and believe in gun ownership think the second amendment is protected from a simple majority taking away the second amendment. Likewise, the first amendment—those of us who prize the ability of the press to print and to respond and to hold beliefs, however unpopular, those of us who wish to have a country in which religion is not hampered and we can say what we believe and not have it hampered by the government, we don't believe a majority should take away these rights.

But a majority did take away part of the fourth amendment because we changed the standard of the fourth amendment from probable cause to relevance. So if they want to look at your records, they just have to say it is relevant. They don't have to say you are a terrorist. They don't have to say you are a foreigner. They don't have to say you are conspiring with anyone. They just have to say they have some interest in your library records.

How often is this going on? There is something called suspicious activity reports. Some of this was started before the PATRIOT Act, some of it is separate from the PATRIOT Act, but much of it was emboldened by the PATRIOT Act. The suspicious activity reports are where your bank spies on you. You may not know this is happening, you may not even know if they have spied on you, and they probably won't tell you. But if you made a transaction that involved more than $5,000, you could well have been spied on by your bank and reported to the government.

Some people say: I am not doing anything wrong; I don't care if they look at my records. Here is the thing: If you look at my visa bill, you can tell what doctors I go to. If I see a psychiatrist and I don't want everybody to know it, that may be on my Visa bill these days. What magazines I read is on my Visa bill, what books I order from Amazon or another bookseller from the Internet, whether I drink alcohol, whether I gamble. There is a lot about your life that is involved in your financial records, and I think they do deserve protection and we do deserve a standard where we don't say, well, it might be relevant, or, we might just want to troll through all these records to see if anybody might be committing a crime.

This one is even worse than many of the other aspects because the suspicious activity reports do not begin with the government asking any questions. They tell your bank to watch you. Your bank is to watch you and to watch all of your transactions and to report to the government. So they have force.

You say: Maybe they are only reporting terrorists. Since 2001, since 9/11, 8

million suspicious activity reports—8 million—have been filed. Over 1 million of these are filed a year. The thing is, you could well ask for a Freedom of Information Act inquiry and ask whether you have been investigated by your government for your transactions.

My point is this is an invasion of your privacy. It does not have any judicial restraint upon it. And the other thing is, it may not even be good for finding terrorists. It may be they are getting so much information they cannot even read or listen to all the information. It is kind of like what they are doing at the airports. Because they insist everybody be searched and everybody be patted down, we are patting down 6-year-olds. A little girl in my town—her dad is a physician and practiced with me at my same practice—was patted down where they are putting their hands inside her pants. This is absurd—6-year-old girls.

The thing is, by doing that, they are wasting time on people who will not be attacking us and spending less time on people who will be attacking us. It is the same with banking records. If they are looking at your banking records, they do not have the time to spend looking at records of people who possibly would be attacking us. Eight million records have been looked at—no judge's order, no judicial review. This one is not even reviewed by anybody in government. They are giving this power carte blanche to banks, and they are telling the banks: If you do not spy on your customer, you will be fined. They estimate that $7 billion a year is spent by banks complying with this order to spy on their customers.

The thing is, we are having trouble in our economy. The banks are struggling. The economy is struggling. We are having trouble with jobs. And yet we are going to add $7 billion of costs onto the banks to spy on their customers.

Might there be an occasion where a bank transfer or bank activity could be a terrorist activity? Yes. If we are investigating those, let's ask for a warrant. You say: It will be too slow. We never get it. Warrants are almost never denied. There is a special court set up for the investigation of intelligence. It is called the FISA Court. It has been around since the 1970s. Before the PATRIOT Act, the FISA Court never turned down a warrant.

You say: These people are awful; we have to get them off the street. It doesn't matter, I don't want any restraint; I just want it done.

Unfortunately, that has been the attitude of the people up here and a majority of people after 9/11. The people were so frightened that they said: Do anything, I don't care.

The problem with that attitude is, even if you want to argue that has not been abused yet, what happens when people are elected to your government who decide they do not like your religion or you believe in a certain kind of marriage, and you want to say this and they want to investigate you? There is no step to stop that. There is no step to say: Your church believes in this unorthodox belief or this belief that we do not call politically correct or it is no longer acceptable, but we want to investigate the banking records of the church and see if we can take away their IRS number or tax exemption. If you do not have any restraint to these activities, someday we will get a government that has no restraint and then goes forward to say: We want to get that church shut down because that church is saying something we disagree with or these people are reading these books we do not like.

This goes across the party aisle. The Library Association is concerned with this also, that people's books are being looked at. Think about it. Do you want the government to know what books you read? Do you want to be on a watchlist because of the books you read?

They say: Oh, there are provisions. We have made provisions. That will not happen.

The only way you have a real provision or protection is if you have procedural steps that say someone must review this before it happens.

If we have someone who we think is terrible and they need to be off the streets, if they are accused of rape, accused of murder, accused of robbery, accused of the most heinous crimes we can think of, and it is 2 in the morning, we call a judge and we get a warrant. It is almost never turned down. But it is one step removed from the police breaking down every door of every person they suspect and not having any kind of discussion with someone who has a level head, who is not part of the investigation.

Many up here will say we are in grave danger. If the PATRIOT Act expires, all things could happen and terrorism could break loose. What they are arguing, though, is that there is a scenario where we would not get warrants to investigate terrorism. That never existed. Before the PATRIOT Act, we were not turning down these warrants.

Some have argued that Moussaoui, the 19th hijacker—he was captured a month in advance of 9/11—many have said that if we only had the PATRIOT Act, we could have gotten him. That is untrue. There is a provision called the lone wolf provision in the PATRIOT Act, but we did not get Moussaoui because we did not do our job. We did not communicate well. The superiors to the officers and the FBI agents in the field did not even ask for a warrant. They turned down a request for a warrant without even asking the FISA Court for it.

We have the 19th hijacker a month in advance. We have his computer. When we do look at his computer on 9/12, we link him very quickly, within a matter of hours, to all the other hijackers. It is easy in hindsight to say we could have stopped 9/11, but to tell you the truth, we have to look at the rules and say: Could we possibly have gotten that information? The answer is yes.

The FBI agent in Minnesota wrote 70 letters to his superiors. The FBI was told that Moussaoui was possibly an agent of terrorism. The French Government confirmed it. That was all we needed. With that information, had they gone to the FISA Court, they would have gotten a warrant. When the 9/11 Commission report came out, they acknowledged as much. Moussaoui's warrant, in all likelihood, would not have been turned down, and there is a possibility we would have stopped it.

The suspicious activity reports are particularly galling because they are businesses that are forced to spy on their citizens. There is another form of spying that goes on as well. These are called national security letters. These are like warrants. They go after your banking records, such as the suspicious activity reports, but they are a little more targeted in the sense that the government is asking for an NSL. But it is not a judge who asks for an NSL. The person who asks for an NSL is an FBI agent, essentially a police or law enforcement agent. The danger here is that we have removed the step where the police officer or the FBI agent would then ask for permission from a judge. That is my problem with these national security letters.

Some say: We are not doing that many of them. Initially, we were not. Now we have done over 200,000 national security letters. One of my reforms, if it were to take place, would be to ask judges to review these. I see no reason why they should not review them.

Some have said: You have no expectation of privacy. The courts have already ruled that you have no expectation of privacy in your papers or electronic records. This is the way it has been interpreted, but I think it has been misinterpreted. I think it has been interpreted that your banking records do not deserve privacy when they are not in your house, and I think it is an incorrect interpretation of the fourth amendment. The fourth amendment says that in your papers, you are to be protected. It does not specify those papers are in your possession or in someone else's.

At this time, I yield the floor to my good friend from South Carolina.

Mr. DEMINT. Mr. President, I thank Senator PAUL. I came down to the floor to thank him for bringing up a number of issues of concern and being willing to stand here and tell America what those concerns are.

I also respect his demanding the opportunity for debate and for amendments of such an important bill. It is extraordinary, particularly after the majority leader had promised in February that the PATRIOT Act renewal would get a week of debate with the chance to offer amendments. After a couple of weeks of doing absolutely nothing on the Senate floor, Senator PAUL and others were denied the opportunity to offer amendments that would

have brought up legitimate debates about the PATRIOT Act.

There are a number of things a lot of us would have liked to have learned more about, heard some of the arguments we have heard from Senator PAUL today. Unfortunately, that has been limited to a relatively small amount of time. It is, frankly, stunning to me that the majority is actually willing to let the PATRIOT Act expire rather than give Senator PAUL a few amendments. That is an extraordinary situation for the Senate that considers itself the world's greatest deliberative body when one of the most important pieces of legislation we could consider is jammed up against a break with no opportunity for amendment.

I do not want to interrupt Senator PAUL's flow because I think a lot of the things he is talking about are important that we consider. Unfortunately, they will not be considered. It does not sound as if his debates will be allowed and for the amendments to be considered. It sounds as if what they are going to try to do is blame him for us voting late or early. But I commend Senator PAUL for standing for good judgment and common sense on a matter of this importance. Whether we agree or disagree with all the amendments is not the point. It is too important to be handled this way.

I will allow Senator PAUL to continue, and I yield the floor. I thank him for what he is doing.

Mr. PAUL. Will the Senator yield for a question?

Mr. DEMINT. Yes, I will.

Mr. PAUL. Mr. President, not only are we not debating the PATRIOT Act, but does the Senator from South Carolina think we have given sufficient floor time to amendments and proposals as to how to deal with the debt problem?

Mr. DEMINT. Mr. President, I think the Senator from Kentucky knows the answer to that question. Some of us have reserved time between 2:30 p.m. and 3:30 p.m. for some give-and-take and some debate on the floor about the budget votes that will be this afternoon. But that time was canceled by the majority.

We have an impending debt that everyone in the world, except for those inside this body, seem to understand. We are in trouble as a country. The majority has not produced a budget in over 700 days, I think it is. At the same time, we are trying to negotiate how we will move forward on this huge important point of raising the debt ceiling which none of us want to do. We are avoiding the subject of balancing the budget. The majority leader has said these kinds of issues are off the table.

It is very frustrating, whether it is the debt ceiling, whether it is the PATRIOT Act and our homeland security, that we are spending weeks doing nothing, bringing up, in some cases, controversial judges who should not have been nominated in the first place, spending day after day of floor time and not bringing up important issues. We are all concerned. I know America is concerned.

Again, I thank Senator PAUL very much for the willingness to bring out the point that we have something here that is very important to our security, to the privacy of every American. It needs to be vetted, debated, and amendments need to be offered. Yet this has been denied after a promise. I certainly encourage the Senator to continue. I thank him for his courage.

Mr. PAUL. Mr. President, one other question is, we will not all agree necessarily on the PATRIOT Act. The thing is, even for those who feel it is important it not expire, why would they not consent to some debate? I have asked for three amendments, three votes. We could do them in the next hour. We could debate and have this time and there would be no expiration of the PATRIOT Act for those who think it expiring is a problem.

Mr. DEMINT. Mr. President, as the Senator from Kentucky knows, he has 11 amendments he wishes to have considered. He was willing to compress the time so we could do that expeditiously. They would not agree to that. Senator PAUL is willing to compromise to three amendments. It sounds as though they do not want him to offer those amendments because, frankly, they do not want to take a vote on some of them that may expose what they believe. It is a frustrating situation for Senator PAUL. As our majority friends over here like to do, they cause the problem and try to blame it on us. As the Senator said, within a few hours, this could be decided and over. We could pass the PATRIOT Act. Folks could vote for or against what they want. We could send it to the House, and it could be done. It does appear the majority is willing to let this important legislation lapse just to stop the Senator from Kentucky from offering a few amendments. That is an extraordinary situation.

Again, I thank the Senator for yielding. I appreciate him getting this debate out on the floor.

Mr. PAUL. Mr. President, I do not quite grasp why they are so fearful of debate and fearful of votes, that they are willing to let the PATRIOT Act expire to prevent debate and prevent votes. The sticking point turns out to be an amendment basically on preventing gun records from being sifted through under the PATRIOT Act. People say: Well, what if someone—a terrorist—is selling guns illegally? Couldn't we get them? Yes, we could get them the way we get everybody else: Ask the judge for a warrant. Judges routinely do not turn down warrants. It worked for us for 225 years, until the PATRIOT Act, when we had a process, the fourth amendment, protecting us from an overzealous government. But it also worked to catch criminals.

At this time I yield the floor temporarily to my good friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank the distinguished Senator from Kentucky for standing up for the fourth amendment principles he has articulated today.

This is an important issue to all Americans. Americans are at once concerned about our national security. They want to make sure we can identify and apprehend those people who would harm us. At the same time, Americans are firmly committed to the idea of constitutionally limited government—the concept that regardless of how passionately we might feel about the need for certain government intervention, we can't ever allow government to be operated completely unfettered. We have liberty in place whenever government is controlled by the people, and whenever there are certain things that are beyond the reach of the government.

Senator PAUL has helped identify some key areas of concern that have been implicated by the PATRIOT Act. He has suggested that we ought to at a minimum have a robust debate and discussion over some amendments that might be proposed to the PATRIOT Act before we proceed. Three months ago we had a discussion, we had a vote, and there were a few of us who voted against the PATRIOT Act—not because we don't love America, we do. We want to protect America. We voted against it because we love America, because we believe in a constitutionally limited government, because we want to make it better. We want to make this something that can at the same time protect Americans but without needlessly trampling on privacy interests, including many of those privacy interests protected by the fourth amendment.

Bad things happen when we adopt a law without adequately discussing its merits. Years ago, when the PATRIOT Act was adopted, there were a number of people who raised some of these privacy concerns. For that and other reasons, Congress made the decision way back then—almost 10 years ago—to adopt the PATRIOT Act and adopt certain provisions of it subject to some sunsetting provisions so that Congress would periodically be required to debate and discuss these provisions. It does us no good if every time it comes up we are told we have to vote for it or against it; we can't really debate and discuss it or consider amendments to it.

We were told 3 months ago that at the end of May—and we are now here—we would have an opportunity to debate, discuss, and consider amendments. That opportunity has now been taken away from us and with it the chance to address many of these important privacy implications, many of which do implicate the fourth amendment in one way or another.

Senator PAUL has referred to some of them, including some of the implications of the national security letters

which, while not directly implicated by the expiring provisions at issue right now, are inextricably intertwined with other issues that are in front of us, including those related to section 215 orders and including the roving wiretap issue that is up for reauthorization.

So I speak in support of the idea of robust debate and discussion, especially where, as here, it relates to something that is so important to the American concept of limited government and so closely related to our fourth amendment interests. We ought to have robust debate, discussion, and an opportunity for amendment.

I thank Senator PAUL for his leadership in this regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. When we look at this debate and we talk about exactly where we should go from here and why it is important, it is important to look at the PATRIOT Act and say to ourselves: How do we protect our Constitution if we are not willing to protect all parts of it? So many conservatives are avid for the second amendment. I am one of them. I want to protect the second amendment. But I tell those who want to protect the second amendment that they can't protect the second amendment if they don't believe in the first amendment. If they don't believe in the first amendment, they can't have that voice that it will take. If they want to place limitations on groups that advocate gun ownership under the second amendment, that will limit the second amendment. But, likewise, they cannot protect the second amendment if they don't believe in the fourth amendment.

There is no reason we should allow a government to look at our gun records and to troll through all of them. If a government thinks someone is a terrorist, name that person, name the place, and show probable cause. Do we want to allow government to troll through our records? The government has looked at 28 million electronic records—28 million. They are just sifting through all of our records looking for what. I want them to catch terrorists, but I want them to look at the Constitution with some restraint to say this person is a terrorist or we suspect him to be so, for this reason. We need not be so frightened that we give up our liberty in exchange for security.

Some would say our government is full of good people who would say: I have not done anything wrong, and I don't have to worry about it. We are not worried about good government; we are worried about bad government. Jefferson said once upon a time if all men were angels, we would have no concern for constitutional restraint. But there have been times in our history and in the history of other countries where unsavory characters, where despotic characters have won election.

When Hitler was first elected in the 1920s and early 1930s, he was elected popularly. The thing is, they were so mad and upset over World War I that they basically traded. They said: We want a strong leader. Give us a strong leader. But if we have rules that allow that strong leader to grab and do things, that is the real danger. At a minimum now, the danger is—it is a great danger to us if we allow this to go on if we get a despotic government at some point in time.

We are not worried about good people in government. We are worried about people who might be elected who would abuse these powers. It has happened. Look at what happened during certain administrations where people looked at IRS records of enemies. Look at what is happening now where the executive branch is looking at donor records for those who do business with government. If you are a contractor and you do business with government, they want to know who you donate to.

There are dangers to allowing the government to snoop through our records. It doesn't mean we don't want to stop crime, we don't want to stop terrorism. It means we need to have a rule of law, and we need to pay attention to the rule of law.

We proposed several amendments. One of them went through the Judiciary Committee. It was deliberated. It was amended. It was passed with bipartisan support, but we won't get a vote on it. It disappoints me that they are afraid to debate this on the Senate floor, and we will get no vote on amendments that were offered seriously to try to reform the PATRIOT Act to take away some of the abuses of it.

We offered three amendments to the PATRIOT Act. One was on the gun records. That apparently unhinged people who are afraid of voting on any gun issues. Because of that, we are all going to be denied any debate or votes.

Some will say: Oh, you are going to keep your colleagues here until 1 in the morning. Well, I think when they are here tonight at 1 in the morning, maybe they will think a little bit about why they are here and why we had no debate and why we had the power to have the debate at any point in time. I have agreed and said we can have a vote on the PATRIOT Act in an hour or 2 hours. We could have had a vote on the PATRIOT Act yesterday. But I want debate, and I want amendments. I think that is the very least the American people demand and this body demands, that there be open and deliberate debate about the PATRIOT Act.

One of our other amendments has to do with destroying records. Some of these records they take from us through the bank spying on us, or the government spying on us, are not destroyed. I think these records should be destroyed at some point in time.

For goodness' sakes, if you are not a terrorist, why are they keeping these records? There ought to be rules on the destruction of these records if you are not a terrorist and they are not going to prosecute you.

The fourth amendment says we should name the place and the person. We have one wiretap called the John Doe. They don't name the place or the person, and they are not required to. I think we should. Now, are there times when it might be a terrorist when we say, well, we don't want to name the person? We don't have to name them in public. We could name them to the FISA commission. I do not object to them being named and the name being redacted, but the name should be presented to the judge who is making the decision. I want a judge to make a decision.

James Otis—part of our revolution—for the 20 years leading up to the American Revolution, there was a debate about warrants. They issued what were called writs of assistance. They are also called general warrants. They weren't specific. They didn't say what crime one was being accused of, and the soldiers came into our houses. They would lodge soldiers in our houses, and they would enter into our houses without warrants. The fourth amendment was a big deal. We had passed the fourth amendment, and it was one of the primary grievances of our Founding Fathers.

I don't think we should give up so easily. I don't think we should be cowed by fear and so fearful of attack that we give up our liberties. If we do, we become no different than the rest of the countries that have no liberties. Our liberties are what make us different from other countries. The fact that we protect the rights, even of those accused of a crime—people say, well, gosh, a murderer will get a trial. Yes, they will get a trial because we don't know they are a murderer until we convict them. We want procedural restraints.

People say: You would give procedural restraints for terrorists? I would say at the very least, a judge has to give permission before we get records. The main reason is because we are not asking for 10 records or 20 records or 40 records of people connected to terrorism. We are asking for millions of records.

There are people in this room today who have had their records looked at. It is difficult to find out because what happens—here is the real rub, and this is how fearful they were. When the PATRIOT Act was passed shortly after 9/11, they were so fearful that they said: If a letter, a demand letter, a national security letter asks for records, you are not allowed to tell your attorney. You were gagged. If you told your attorney, they could put you in jail for 5 years. It is still a crime punishable by 5 years in jail.

If I have Internet service and they want my records on somebody, they don't tell me or a judge. We have no idea. There is no probable cause. This person might be relevant, which could mean anything, however tangential. If I don't reveal those records, I go to jail. If I tell my wife they are asking for my records, I could go to jail.

This secrecy on millions of records, this trolling through millions of records is un-American. It is unconstitutional. They have modified the Constitution through statutory law. We have given up our rights. It should be two-thirds of this body voting to change the Constitution and three-fourths of the States. We did it by 50 percent with one bill. The bill was hot when it came here. There was one copy of it. No one read it.

I came from the tea party, and I said: We must read the bills. I propose that we wait 1 day for every 20 pages so we are ensured they are reading the bills. The PATRIOT Act was hundreds of pages long and nobody read it. Not one person read it because it wasn't even hardly printed. There were penciled edits in the margin, and it was passed because we were afraid.

But we can't be so afraid that we give up our liberties. I think it is more important than that. I think it is a sad day today in America that we are afraid to debate this. The great constitutional questions such as this, or great constitutional questions such as whether we can go to war with just the word of the President, these great constitutional questions are not being debated because we are so fearful of debate.

I urge the Senate to reconsider. I urge the Senate to consider debating the PATRIOT Act, to consider amendments, and to consider the Constitution.

Thank you. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate will proceed to a period of morning business with debate only until 5 p.m., with the time equally divided between the two leaders or their designees.

THE BUDGET

Mr. CONRAD. Mr. President, the budget circumstance we confront as a nation is clear. We are on a completely unsustainable course. The occupant of the chair knows this well as a very valued member of the Budget Committee. We are currently borrowing 40 cents of every dollar we spend. That, obviously, cannot continue.

The other side has criticized those of us on our side for not going to a budget markup. The reason we have not is this is not a typical year in which the Republicans put up a budget resolution in the body they control and we put up a budget resolution and we go to conference committee to work out the differences. Something very different is occurring this year. There is a leadership negotiation with the highest leaders of the Republican Party in the House and the Senate, the highest leaders of the Democratic Party in the House and the Senate, meeting with the Vice President of the United States, on a plan to put in place a 10-year effort or perhaps a 5-year plan to deal with the deficits and debt.

In fact, the Republican leader has made this observation:

> [T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result, in the short term. And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

It makes no sense for us to go to a budget markup at this moment that would simply be a partisan markup when bipartisan efforts are underway.

Last year, for 8 months, I participated in the President's fiscal commission—10 Democrats, 8 Republicans. At the end of that emerged the only bipartisan plan that has come from anywhere so far. Five Democrats supported it; five Republicans supported it; one Independent. Mr. President, 11 of the 18 commissioners voted for that plan to get our deficits and debt under control. We have underway this new effort, a leadership effort, with the President represented at the table. We ought to give that a chance before we pass a budget resolution that may be required to implement any plan they can come up with.

The hard reality of what we confront is simply this: This chart shows the spending and revenues of the United States going back to 1950—more than 60 years of the revenue and expenditure history of the United States. The red line is the spending line. The green line is the revenue line. What jumps out at you is that spending as a share of our national income is the highest it has been in 60 years. On the other hand, revenue is the lowest it has been in 60 years as a share of national income. So that is the reason we have record deficits.

I hear all the time the other side of the aisle: It is a spending problem. When you have a deficit, that is the result of the difference between revenue and spending. We have a spending problem, yes, indeed—the highest spending as a share of national income in 60 years. We also have a revenue problem—the lowest revenue we have had as a share of national income in 60 years.

So now the House has sent us a plan, the Republican budget plan, and the first thing they do is cut the revenue some more. Revenue is the lowest it has been in 60 years, and the first thing they do to address the deficit is to cut the revenue some more. In fact, they cut, over the next 10 years, more than $4 trillion in revenue. For those who are the wealthiest among us, they give them an additional $1 trillion in tax reductions. By extending the top rate cuts, by extending a $5 million estate tax exemption, by cutting the top rate down to 25 percent from the 35 percent it is today, they are giving massive new tax cuts to the wealthiest among us.

Their average revenue during the 10 years of their plan is 18.3 percent. You can see from this chart, the last five times the budget has been balanced, revenues have been around 20 percent: 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, and 19.5 percent. The revenue plan they have would have never balanced the budget in the last 30 years.

If we look at what has happened on the revenue side of the equation, here is what has happened to the effective tax rate for the 400 wealthiest taxpayers in the United States. Since 1995, when the effective tax rate on the wealthiest 400 was about 30 percent, that effective rate declined to 16.6 percent in 2007.

Warren Buffett has said that his executive assistant pays a higher tax rate than he does. Well, how can that be? The reason that happens is because Mr. Buffett has most of his income from dividends and capital gains, taxed at a rate of 15 percent. His executive assistant is probably taxed at a rate somewhere in the 20, 25-percent range.

We have a circumstance in which we have the lowest revenue in 60 years, and the House Republicans have sent us a budget that says: Let's cut it some more. Let's cut it another $4 trillion, and let's give $1 trillion of that to the wealthiest among us.

If you look at what our friends are proposing, when we have the largest deficits since World War II, they are proposing to give those who earn over $1 million a year a tax cut, on average, in 2013, of almost $200,000. For those earning over $10 million, they would give them, on average, a tax cut of $1,450,000—this at a time when we have record deficits. What sense does this make? It makes no sense.

What are they doing to offset these massive new tax cuts for the wealthiest among us? They have decided the answer is to shred the social safety net that has been created in this country over the last 60 years. They have decided to shred Medicare—shred it. They have decided to shred program after program so they can give more tax cuts to those who are the wealthiest among us.

Here is what a top former President Reagan adviser said when he looked at the House budget proposal. Remember, this is not a Democrat. This is a top former Reagan economic adviser. This is what he said. His name is Bruce Bartlett. He said in his blog about the proposal from the House Republicans on the budget:

> Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the Tea Party. A real act of courage would have been for him to admit, as all

serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

Let's go back to that chart that makes the point that Mr. BARTLETT is making: that the five times the budget has been balanced around here in the last 30 years, the last 40 years—1969, 1998, 1999, 2000, and 2001—by the way, those last four all during the Clinton administration—you can see what the revenue has been: nearly 20 percent of GDP in every one of those years. Revenue today is 14.5 percent of GDP. It is no wonder we have a problem with deficits. You combine the high spending we have now with the low revenue, and you have record deficits.

Our friends on the other side have decided the first thing you do when you have record deficits and the lowest revenue in 60 years is to go out and give more tax breaks to the wealthiest among us.

Here, as shown on this chart, is what they do to health care in the United States. No. 1, end Medicare as we know it. Replace it with a voucher system. They would reopen the prescription drug doughnut hole that means seniors have to pay more of their prescription drug costs. They would block grant Medicaid that ends the countercyclical nature of the program. They would defund health reform, increasing the number of uninsured by 34 million people. Mr. President, 34 million more Americans would not have health insurance if the plan that is before us would pass.

When I say they are ending Medicare as we know it, here is why I say that. Right now, in traditional Medicare, the individual pays about 25 percent of the cost. The rest is paid by Medicare. But look what the House Republican plan would do. It would dramatically increase the health care spending by seniors. Instead of paying 25 percent of the bill, seniors would be expected to pay 68 percent of their health care costs.

That is what the Republican plan is about: very generous additional tax breaks to the wealthiest among us. For those earning more than $10 million a year, they would give, on average, a $1,450,000 tax reduction. To make up for it, they would say to seniors: Instead of paying 25 percent of your health care costs under Medicare, you pay 68 percent. What would that mean in dollar terms? Seniors would go from paying $6,150 a year to $12,500 a year.

That is the Republican plan that is before us. That is the budget plan we are going to vote on later this evening. Anybody who cannot see that is a shredding of Medicare, that is a shredding of the social safety net, just is not looking very closely.

The former Republican Speaker called the House Republican Medicare proposal ''right-wing social engineering.'' Those are not my words. Those are his words. Here is the interview. On ''Meet The Press,'' on May 15, Mr. Gregory, the host, asked this:

Do you think that Republicans ought to buck the public opposition and really move forward to completely change Medicare, turn it into a voucher program . . . ?

Mr. Gingrich's answer:

I don't think right-wing social engineering is any more desirable than left-wing social engineering. I don't think imposing radical change from the right or the left is a very good way for a free society to operate.

This budget that is before us is not just radical with respect to what it does to Medicare, what it does to the revenue of the United States. You look at every part of this budget, there are no savings in defense after we have had this massive defense buildup. From 1997 to 2011, you can see spending on defense has gone from $254 billion a year to $688 billion a year. Even the House Budget Committee chairman, Mr. RYAN, who is the architect of this plan, has said:

There are a lot of savings you can get in defense. There's a lot of waste over there, for sure.

That is what he said about defense spending. Here is what he did about it. He increases it dramatically, from $529 billion—this is just the underlying defense budget; this does not count the war funding—he increases the regular defense budget from $529 billion, in 2011, to $667 billion by 2021.

He did not cut one thin dime. After saying there is lots of waste there, lots of places for savings, after the Secretary of Defense himself has said they have to restrain spending, after the Secretary of Defense himself has proposed $178 billion of savings, the budget before us does not save one dime out of defense. Instead, it increases it dramatically from $529 billion to $667 billion, and that does not count war funding. War funding would be on top of it.

This budget before us, the Republican budget from the House, also takes some of the fundamentals of making our country strong and cuts them dramatically.

Education is No. 1. I was raised by my grandparents. My grandmother was a schoolteacher. She used to say: In our household, No. 1 is education, No. 2 is education, and No. 3 is education. We got the message.

Let me read what two of the country's foremost economists have said about the importance of education to the U.S. economy: an educated population is a key source of economic growth. Broad access to education was, by and large, a major factor in the U.S. economic dominance in the 20th century and in the creation of a broad middle class. Indeed, the American dream of upward mobility, both within and across generations, has been tied to access to education.

What does the budget that has come over from the Republican house do? It cuts education 15 percent, from $91 billion to $77 billion, from 2011 to 2012. Education, obviously, is not the only important pillar to our economy. Another important pillar is the infrastructure of the country; our roads, bridges, highways, airports. These are the things that support a vibrant and strong U.S. economy.

Here is the engineers' report card on America's infrastructure. Aviation, a D; bridges, a C; rail, a C-minus; roads, D-minus; transit, a D; the infrastructure grade point average, a D.

What do our colleagues propose in the budget that is before us? They propose cutting it 30 percent. Can you imagine what it is going to be like to try to get around this country if you go out and cut transportation 30 percent? Anybody who has driven on any of the roads across America, certainly the roads in any of the major cities, anybody who has gone through any of the airports, anybody who has gone on a rail system in this country, you think we are going to be better off if we cut the funding 30 percent? That is exactly what the Republican budget that is before us proposes.

We also know one of the near-term threats to the economy is what is happening to the price of gasoline. Since December of 2008, gasoline has gone from $1.81 a gallon to $3.85 on May 23—up $2 a gallon.

Every economist has said this is hurting the economic recovery in this country. What do our colleagues in the House send us as a budget for energy, things that can be done to reduce our dependance on foreign energy? They cut it 57 percent—57 percent cut in the strategies designed to reduce our dependance on foreign energy—cut it 57 percent.

It does not add up. It does not make sense. It is not in the mainstream of thinking. This is a budget that if we poll the constituent elements, the American people, they reject it out of hand. They do not believe Medicare should be shredded. They do not believe that those who are the most fortunate among us ought to be given more tax reductions at this time.

With record deficits and a debt growing out of control, the first to be done is not to say to those earning over $1 million a year: You get a $200,000 tax cut; to those earning over $10 million a year: You get a tax reduction of $1,450,000 and then to turn around and slash much of what helps middle-class families in this country, whether it is education or infrastructure or transportation. That is the budget that is before us from our colleagues on the other side of the aisle.

We have other budget plans, the Paul budget plan, the Toomey budget plan. I will comment on those later. But I very much hope colleagues are listening, that they pay close attention to this debate, that they have a chance to evaluate what should be the position of this Chamber when we vote later this evening.

I believe this is a defining vote for this Chamber. Are we going to approve a budget that is truly radical in its scope and dimension, that fundamentally ends Medicare as we know it, and at the same time gives massive new tax cuts to the wealthiest among us? At a time when we are having the lowest revenue in 60 years, that cutting the

revenue of the United States by over $1 trillion to give additional tax reductions to those who have already enjoyed dramatic tax reductions—I pointed out early in my presentation, the effective tax rate on those who are the wealthiest among us has declined dramatically during the recent years.

This proposal from the House of Representatives says: We will do even more to reduce the tax load on those who are the wealthiest among us. I do not think it adds up. Let me say to those who think: Well, at least the Ryan budget—the Republican budget—will reduce our deficits and get our debt back on track, we will solve that problem. Let me leave you with one number. The Republican budget from the House of Representatives that we will vote on later today increases the gross debt of the United States by $8 trillion.

So anybody who thinks that shredding Medicare and giving these giant tax breaks to the wealthiest among us is going to solve the problem, that it is going to stop the explosion of debt is wrong. In the budget before us, the Republican budget from the House of Representatives, the gross debt of the United States in the next 10 years is increased by $8 trillion.

For those who think the debt is already too high, you want to vote for a plan that is going to increase the debt, the gross debt of the United States another $8 trillion? That is the Republican plan from the House of Representatives. That is the budget that is before us. That is the budget we are going to vote on later this evening.

I ask unanimous consent that following my remarks, Senator MERKLEY be recognized for up to 5 minutes and then Senator SANDERS be recognized for up to 5 minutes as well.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. CONRAD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. The American middle class is hurting. Workers are unemployed. Families are losing their homes. Parents are worried, for good reason, that their children will not have the same opportunity they had.

American people have sent us to do a simple agenda of creating jobs. They want a plan that will put our economy back on track and build a foundation for our working families to succeed.

The Republicans have produced a plan, a plan that is in consideration before us today. But is it a plan that responds to the pleas of the American people to create jobs and to help those Americans who are out of work and to put this economy back on track? The short answer is, unfortunately, it is not.

Perhaps it is a plan to invest in education. But then we look at the details and realize it savages the investment in education. Here we are as the first generation of American adults whose children are getting less education than we got, primarily because the cost of tuition is outpacing the average wages that working families earn. That is unacceptable.

Perhaps the Republican budget decides to invest in infrastructure. I just came back from China with the majority leader and a delegation of 10 Senators and here is what we learned. China is investing 10 to 12 percent of its GDP in infrastructure. Europe is investing 5 percent. America is investing 2 percent. We are barely able to repair the infrastructure we have let alone add additional infrastructure for our economy to thrive in the future. But the Republican plan does not invest in infrastructure.

Perhaps it invests in energy, recognizing that we are sending $1 billion a day overseas, that oil and our addiction to oil is half of our trade deficit, that both for national security and for strength of our economy and for a sustainable environment, we need to change this.

But, no, the Republican budget sustains our addiction to oil and withdraws our investment in American—red, white, and blue American-made energy.

Perhaps the Republican budget has paid attention to our Secretary of Defense who has listed $175 billion in programs that are not enhancing our national security and therefore should be cut. But, no, the Republican budget paid no attention to that, and, in fact, increased and overrode the vision laid out by the Secretary of Defense.

So at a time when our middle class is struggling to get back to their feet, the Republicans did not address education or infrastructure or energy or defense but instead chose to do two things: end Medicare as we know it and give bonus breaks to the best off in our society—take away from seniors across America and give to those who earn more than $1 million a year and a whole lot more to those who earn more than $10 million a year.

That is the Republican plan. In the Medicare side, there are two components. The first is to reopen the doughnut hole. That is the hole into which seniors fall when, after they have some assistance with the first drugs they need, they get no assistance until they reach a catastrophic level. It is in that hole that seniors have been devastated—had their finances devastated. We fixed it. Republicans want to unfix it and throw seniors back into the abyss.

Then, instead of guaranteeing Medicare coverage for a fixed set of benefits for every senior—as Medicare does now—the Republican plan gives seniors a coupon and says: Good luck. Go buy your insurance. If the insurance goes up, too bad.

In fact, seniors would pay $6,359 more a year. In my working-class community, that is real money. That is money senior families do not have. That is money families do not have because they are wrestling just to pay their basic expenses through Social Security.

It is not the folks with golden parachutes who have multimillion dollar endowments from their previous work at the top of the economic pyramid. Most do not realize that $6,000 will devastate the family budgets of our seniors across this country.

Indeed, under the Republican plan, whereas seniors contribute 25 percent of their health care costs today, they would, by 2030, pay 68 percent, more than two-thirds—more than two-thirds. That is devastating.

Indeed, this voucher plan from our colleagues across the aisle puts an insurance company bureaucrat in the middle of our medical decisions, telling seniors what they get to have and what they do not get to have. The bottom line is that if something is good for your health, the insurance company does not want to pay for it, does not want to put it in the policy, that is too bad.

One of Oregon's larger insurers is planning a 24-percent increase in the cost of health care next year—premiums up by 24 percent. Seniors' coupons, under the Republican plan, are perhaps 2 percent. So that does not work.

Colleagues, our citizens have sent us to create jobs, not to destroy the lives of our seniors and hand the funds over to the best off in our society. Let's come back to planet Earth, recognize we are here to fight for an economy that raises working families and let's defeat this budget tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent for an additional 2 minutes, and I thank my friend from Alabama.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection? Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me begin by saying that I get a little bit tired of being lectured to about deficit reduction and how significant a problem our deficit is by many folks who voted for legislation time after time over the last 10 years that, in fact, has caused the deficit crisis we are in right now.

Some of us voted against the war in Iraq, which will end up costing $2 trillion to $3 trillion, unpaid for. Some of us voted against the Wall Street bailout. Some of us voted against tax breaks for millionaires and billionaires. Some of us voted against the Medicare Part D prescription drug program written by the insurance companies. Those four programs have resulted in trillions of dollars in debt. To those people who voted for that, please don't lecture us about the deficit crisis. We didn't help to cause it.

The debate over deficit reduction comes at a very unusual moment in American economic history. While the middle class is in rapid decline, while

real median family income is going down, while wages for millions of workers are going down, while poverty is increasing, we also are at a moment when the wealthiest people in this country have never had it so good. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent.

Today, as a nation with the most unequal distribution of wealth and income of any major country, we have the 400 wealthiest people in America—just 400 people—owning more wealth than the bottom 125 million. When we deal with deficit reduction, we have to take into consideration the decline of the middle class, the increase in poverty, and the growing disparity in income and wealth between the people on top and everybody else.

Given the reality of record-breaking corporate profits and the increasing wealth of the people on top, it should surprise no one that poll after poll shows that the overwhelming majority of Americans want our deficit crisis to be addressed through shared sacrifice—not just coming down heavily on working families and the middle class, the children, the sick, and the elderly. The American people, in poll after poll, have said they want everybody to contribute and help toward deficit reduction, not just the most vulnerable people in this society.

Unfortunately, the House-passed budget moves us in exactly the wrong direction. It would end Medicare as we know it by giving senior citizens inadequate vouchers to buy health insurance from private companies. Seniors would, on average, see their out-of-pocket expenses double by about $6,000 a year. Seniors at the age of 65 would be given an $8,000 voucher to go to a private insurance company.

Now, you tell me—if you are 65 and you are suffering with cancer or another illness—what an $8,000 plan will do for you. It would be a disaster.

Furthermore, the Republican plan would cut, over 10 years, $770 billion from Medicaid, vastly increasing the number of uninsured and threatening the long-term care of the elderly who live in nursing homes.

The Republican budget would also make savage cuts in education, nutrition, affordable housing, infrastructure, environmental protection, and virtually every program on which low- and moderate-income Americans depend. With all of the focus on spending cuts, however, the Republican budget does nothing to reduce unnecessary military spending at a time when our military budget is triple what it was in 1997.

What people in Vermont tell me is what people in Oregon are telling the Presiding Officer—that the time is now to begin accelerating our troops out of Afghanistan. It is the right thing to do public policy-wise, and it is certainly the right thing to do for our budget.

Here is the kicker of this whole thing: The House Republican budget does not ask the wealthiest people in this country, whose tax rates are now the lowest on record, to contribute one dime more for deficit reduction—not one dime more. Yet we can voucherize Medicare, slash Medicaid, education, infrastructure, and environmental protection, but to ask the wealthiest people in this country to pay one penny more in taxes after they receive hundreds of millions of dollars in tax breaks, my goodness, we can't do that.

I have another issue—and not just with the Republicans. It has to do, frankly, with the Democrats and with President Obama. Will the President demand that any deficit reduction agreement end the Bush-era tax breaks for the wealthy? Will he stand up and be tall and fight for that important principle? Will the President fight to eliminate corporate tax loopholes? Will he end the absurd policies that allow the wealthy and large corporations to avoid taxes by establishing phony addresses in offshore tax havens? We are losing about $100 billion a year from the corporations and the wealthy who stash their money in the Cayman Islands and Bermuda.

My hope is—and I think the American people are hoping—that the President will stand firm in fighting to end those absurd loopholes. As a Vermont Senator and a member of the Budget Committee, I will not support a plan to reduce the deficit that does not call for shared sacrifice. At least 50 percent of any deficit reduction plan must come from increased revenue from the wealthy and large corporations. We must have the top 2 percent of income earners, who currently pay the lowest upper income tax rates on record, start paying their fair share. Instead of making it harder for working families to send their kids to college, we must end the foreign tax shelters that enable the wealthy and large corporations to avoid U.S. taxes.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Republicans have 2 additional minutes.

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

Mr. REID. Mr. President, I am going to use my leader time, and I ask unanimous consent that time not take anything away from the debate on the budget.

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

Mr. REID. Mr. President, the national security of the United States is at stake, and the junior Senator from Kentucky is complaining that he has not been able to offer amendments.

Let me take a moment to set the record straight. As all of us and the Senator from Kentucky are well aware, we have worked long and hard in good faith to get an agreement to consider amendments. In fact, I offered him a solution that is more than fair. I proposed a consent agreement that would have brought before the Senate six amendments, more than half of which—specifically four—were written by the Senator from Kentucky.

Unfortunately, in order to continue his political grandstanding, he rejected that offer.

It is unfortunate because the inability to reach an agreement has serious consequences. At midnight tomorrow, the PATRIOT Act will expire. Unless the Senator from Kentucky stops standing in the way, our law enforcement will no longer be able to use some of the most critical tools it needs to counter terrorists and combat terrorism.

If they cannot use these tools—tools that identify and track terrorist suspects—it could have dire consequences for our national security.

When the clock strikes midnight tomorrow, we would be giving terrorists the opportunity to plot attacks against our country, undetected. In the last several years, the government has stopped dozens of would-be terrorists before they could strike. Now the Senator from Kentucky is threatening to take away the best tools we have for stopping them.

Does this mean the PATRIOT Act is perfect? Of course not. Today, the Republican leader and I received a letter from James Clapper, a three-star retired general from the U.S. military, the Nation's Director of National Intelligence. He knows better than any of us the real effects of letting terrorist-fighting tools expire. In his letter, he wrote about our ability to conduct surveillance on foreign radicals, to track purchases of bombmaking materials, and other classified programs. All of these would expire with the PATRIOT Act, if we let it.

This is a particularly bad time to shut down electronic surveillance activities. As has been widely reported in the press, we recovered thousands of documents, photos, videos and other materials from Osama bin Laden's compound. This material has opened dozens of investigations and leads to new terrorist suspects and terrorist activities directed toward the United States of America. It continues to yield more and more information every day.

If the Senator from Kentucky refuses to relent, the government will be unable to fully pursue these leads. That would increase the risk of a retaliatory terrorist strike against the homeland and hamper our ability to deal a truly fatal blow to al-Qaida.

I repeat, Director Clapper, a retired three-star general, asked us not to allow a moment's interruption in the intelligence community's ability to protect the American people.

Some may be asking: Then why is the Senator from Kentucky holding out? What is keeping him from accepting an agreement to move forward—one that I think is more than fair to him and the Senate? We could have a couple of strong Democratic amendments and his amendment—four in

number. The reason is, he is fighting for an amendment to protect the right of terrorists, not of average citizens, to cover up their gun purchases. It is all dealing with a gun amendment.

We all remember the tragic Fort Hood shooting less than 2 years ago. A radicalized American terrorist bought guns from a Texas gun store and used them to kill 13 innocent soldiers and civilians. It is hard to imagine why the Senator from Kentucky would want to hold up the PATRIOT Act for a misguided amendment that would make America far less safe.

The Senator from Kentucky also complains that the Senate has not had a week of debate. We all would like to have more debate on this issue. The Presiding Officer would. We would like to have a lot of debate on other things. The Presiding Officer is one of the Senators who led an effort earlier in this session to make sure we have more robust debate. We made a little progress but not enough.

The Senator from Kentucky, who is complaining that we haven't had a week of debate, better come up with something a little better. Here is why. This matter has been before the Senate for 1 week now. I moved to proceed to the PATRIOT Act last Thursday. Today is Wednesday. As of today the Senate has been working toward passing this measure for 6 or 7 days. There is no question that Senators have had the opportunity to debate. The only question has been how Senators have chosen to use these last 6 days.

The bottom line is that no matter how long it takes to get there, we are going to have this vote, and the vote will win. We will pass the PATRIOT Act and do everything we can to keep the American people safe. It is up to the Senator from Kentucky whether those national security programs will expire before we get a chance to vote. That expiration date is important. If he thinks it is going to be a badge of courage on his side to have held this up for a few hours, he has made a mistake. It will set this program back significantly, and that is too bad. The clock is ticking, and the ball is in his court.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the difficulties the majority leader has and would agree substantively that the PATRIOT Act does need to be passed. It doesn't need to have any gap in it. As a former Federal prosecutor for 15 years, I agree that the Paul amendment to make our terrorist investigators go further and have more difficulty in obtaining gun records than the Bureau of Alcohol, Tobacco, and Firearms investigators for far more minor crimes is a bad policy. I see where he is coming from, but I don't agree with that.

I would say that Senator PAUL is a courageous, strong, new Member of the Senate. He has some deep beliefs. He is entitled to advocate for those. I believe he has tried to do that in good faith. He thought he had an agreement to be able to offer his amendment, and the majority leader suggested he could offer amendments, but only the ones he approved, and he won't approve the one on guns.

I think that is not healthy, in the defense of Senator PAUL, that he would not have an opportunity to offer the amendment he wants to offer, not the one that is approved in advance by the majority leader. I think, to the extent that happens, it diminishes the great robust tradition of debate in the Senate. It is a difficult matter. I know people feel strongly about it. I wanted to share those thoughts.

THE BUDGET

My good friend Senator CONRAD, who chairs the Budget Committee, made his speech. I was disappointed in some of it. He said one thing very dramatic in his statement. We should think about it. He said the Ryan budget is insufficient because it allows $8 trillion in new debt to be incurred by the United States over the next 10 years. Think about that. He says that is unthinkable and it really is dramatic that we would have that much debt accrue.

The only budget that exists from the Democratic majority is the President's budget. The President's budget, as analyzed by the Congressional Budget Office, without any doubt or dispute would add $13 trillion to the debt of the United States in 10 years. They conclude that the President's budget—the one that was praised by the Democrats when it came out—would increase the debt, increase spending, and increase taxes more than if we did nothing. I call it the most irresponsible budget ever to be introduced because it makes our debt situation worse at a time in which we have never faced a more serious systemic debt crisis in America.

Senator CONRAD says Federal education spending, which is basically the Department of Education and some other programs, should not have its funding reduced. He did not acknowledge the fact that the President's budget proposes to increase education spending through the Department of Education by 10.5 percent next year, at a time when we are in record deficits. The Department of Energy is proposed to receive a 9.5-percent increase. The Department of State is proposed to receive a 10.5-percent increase. The Department of Transportation, with a phantom assumption of revenue from a source unidentified by the administration, is projected to receive a 60-percent increase to fund new high-speed rail and other priorities that have not been proven to be effective today. Even if they are effective, we do not have the money. Sometimes you cannot do things you would like to do because you do not have the money. To that extent, I would say we are on the wrong track.

Let me say about Congressman RYAN's budget proposal that it does significantly reduce spending every year. It completely changes the debt trajectory. It reduces spending and deficits every year. It does not get to a balance in 10 years, but it eventually gets to a balance in the outyears, according to their projections. Of course, intervening Congresses will have much to say about it. It does change the debt trajectory, and it does put us on the right path. If passed, in my opinion, it would be the kind of budget that would create confidence in the international markets, create jobs and growth in America, create vitality in our businesses, and it is something that would be better than doing nothing and absolutely better than the inexcusable budget that has been presented by the Democrats—the only one they have presented so far.

I wanted to make those points.

Madam President, the simple fact is that the American people are furious with Washington. And they have every right to be. They work hard, pay their taxes, and play by the rules. They sacrifice for their families, contribute to their communities, and uphold this Nation's values. They have built up the greatest, most dynamic economy on the face of the Earth. But Washington has wasted their tax dollars, eroded our values, and placed this Nation's economy at grave risk.

Politicians have arrogantly believed that the rules don't apply to them. In the midst of a deep recession, as American families tightened their belts, Washington went on a historic spending spree. By the end of the first 3 fiscal years of the Obama administration, we will have accumulated another $5 trillion in total gross debt. Our deficit this year alone will approach $1½ trillion. Our annual budget has nearly doubled from what it was at the beginning of the decade.

This enormous surging debt prompted the Chairman of the Joint Chiefs of Staff to describe it as the greatest threat to our national security. At $14 trillion it hovers over our economy like a dark cloud. It undermines confidence and fosters uncertainty. Studies show our crushing debt stifles job growth and robs us of as many as one million jobs a year.

We borrow $5 billion a day, $100 billion a month and, under the president's vision, we are on track to do the unthinkable: doubling our entire national debt in just 10 years. We are faced with what has rightly been called the most predictable economy crisis in our history. The question is not whether such a crisis will occur but whether we act in time to prevent it.

A major financial crisis is not just some hypothetical danger: it is very real and it is very serious. If the world loses confidence in our ability to control our spending and debt, our interest rates could dramatically spike. Greece saw its interest rates triple before its debt crisis hit. The rates for Ireland and Portugal quadrupled.

If the same were to happen to the United States we could become unable to pay the interest on our debt and face

a Greece-like debt crisis that plunges our country into a deep recession. This would not be some distant financial event, but an economic disaster felt most severely by everyday working Americans.

There is no reason we should be in this situation. America's workforce is the most productive on Earth. Our system of government is the envy of the world. But those who occupy the halls of power have failed to uphold the public trust. They have squandered this Nation's wealth and threatened our children's future.

So, again, the American people have every right to be furious.

They rose up in the last election and the big spenders in Washington took a shellacking. We saw the emergence of the Tea Party a diverse collection of Americans spread across the country who, after years of sitting silent, spoke out for the first time in their lives. They are good and decent patriotic Americans who fear for their country and for the future their children will inherit.

Their concerns are shared by the vast majority of Americans. Overall, more than 70 percent of Americans believe this country is on the wrong track.

To get back on the right track requires strong leadership. I have continued to hope that President Obama would rally the country behind needed reform. Unfortunately, the president seems determined to not only keep our country on its dangerous course but to accelerate our pace. He offered a budget in February a budget many Democrats praised that he and his budget director declared to the whole world would ''not add more to the debt,'' ''spend only money that we have each year,'' and ''live within our means.'' But those statements were not honest. The President's budget never once produces a deficit less than $748 billion. And the deficits climb to $1.2 trillion in the 10th year.

And what about the Senate? What is this august body doing to confront this crisis? Is the Budget Committee meeting to work on a plan? Is there a Senate budget being considered on the floor today? Will we be amending a resolution on the Senate floor?

The answer to all of these questions is no. Today is the 756th day since the Democrat-led Senate passed a budget. In that time Congress has spent more than $7 trillion. We have accumulated another $3.2 trillion in debt. What do we have to show for it? Unemployment stuck around 9 percent, anemic economic growth, and the very real threat of a debt crisis.

But Majority Leader REID and the big spenders in the Democrat Party are determined to keep spending and spending and spending. The reason we have not seen a budget from Chairman CONRAD and the Democrat Senate is because they know that they can't put forward a plan that wins the support both of their caucus and of the American people. News reports confirmed that budget proposal Senate Democrats were working on and then abandoned relied more heavily on taxes than savings. It would have cut only $1.5 trillion over 10 years. That doesn't even come close to what we need to cut. We are going to spend $45 trillion over the next 10 years. Our national debt will be 100 percent of GDP by the end of September.

House Republicans have stepped forward, fulfilled the duty they asked the American people to bestow on them, and presented an honest, courageous plan that will get the job done. It will save, or cut, around $6 trillion. But Leader REID wants to use our floor time this week to simply vote down this plan while offering nothing in its place. He just wants to keep spending and spending and spending.

He is simply trying to remove himself from the spotlight that should be directed on the inability or unwillingness of his caucus to deliver a budget plan to the American people.

But the majority leader is more than happy to go into recess, more than 750 days since the Senate has passed a budget, and simply be content to have obstructed every single effort to reduce spending or impose budgetary control. He is content, it would seem, to send this Chamber into recess after he has failed miserably to protect this Nation from the financial danger ahead. He says ''there's no need to have a Democratic budget.'' He says it would be ''foolish'' to present one. So we will just keep spending and spending and spending.

What is the real strategy here? The Democrat strategy is just to attack, vilify, and disparage House Republicans because they did the honorable thing and put forward an honest plan. Here is what Senator SCHUMER said earlier this week, speaking of today's votes:

> We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It's that simple.

Medicare is going to be insolvent in about 10 years. House Republicans have a plan to save it. People may disagree on aspects of that plan, may have different ideas for implementation. But the House Republican plan will save Medicare. The Democrat Senate plan is to allow Medicare to go bust and to waste the Senate's time savaging the House Republican plan with a series of false, dishonest attacks. The Democrat Senate plan is to ignore the danger and just keep spending and spending and spending.

Chairman CONRAD, I am sad to say, called the House Republican plan ''ideological,'' ''partisan,'' ''unreasonable,'' and ''draconian.'' I was surprised to hear this given that the chairman served on the fiscal commission, which issued the following statement in the preamble to its report:

> In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

So after this week's mockery, what is next for the Senate? We will promptly adjourn for recess. The Senate will adjourn for Memorial Day—a time when we honor those who have kept this country safe. But the Senate has done nothing to protect this country from the economic danger that draws nearer each day.

If, after this shameful display, Majority Leader REID wants to adjourn for recess, all I can say is this: not with my consent. I will force a vote on it. Senate Democrats will have to stand before the American people, having more than 750 days since passing a budget, and declare that they will go into a 1-week vacation having not taken a single, solitary step to address our Nation's fiscal crisis. They have not even allowed the Budget Committee to meet.

We are told we don't need public meetings, that a small group of lawmakers and White House officials should meet in secret to hammer out some 11th hour deal that nobody sees or scrutinizes until it is adopted. Well, it is that kind of thinking that got us here in the first place. What this process needs is more sunlight, not less. First, we were told to wait for the Gang of Six. Now we are to supposed to wait for the Biden talks. But at what point will we just do our duty under the law and work on a budget? I firmly believe that the best way out of this debt crisis is to have an open, honest, and public debate.

The one thing we haven't tried in this town is the one thing that I know will work: to have an open, transparent process before the whole world. Let's speak honestly about the dangers we face. Let's put forward a plan in the Senate to address those dangers. Let's open that plan to amendment and discussion. Let's stand and be counted before the American people. If Democrats think the way out of this crisis is to raise taxes, let them put that plan on paper and let's debate it. But enough operating in the shadows. Enough hiding. Enough ducking. Let's do the people's work. Let's give the American people the honest process and the honest budget they deserve.

We also need a budget that is based on facts. All of the evidence shows that deficit reduction plans relying on heavy tax increases are far less successful and result in far less prosperity. Though raising taxes is billed as the compassionate choice, there is nothing compassionate about weakening our economy and bankrupting our country. There is nothing compassionate about

dividing up an ever smaller amount of wealth. There is nothing compassionate about ignoring the facts, the evidence, and the lessons of history. A compassionate budget is one that improves the fortunes for every sector of American society—creating jobs, increasing wages, and expanding opportunity.

In other words, we must focus on growing the economy instead of the government. That is the only way to ensure that America is able to compete, to lead and to thrive in the 21st century.

An honest budget is one that not only puts our budget on a path to balance but our country on a path to balance. In other words, we need a budget that shifts the balance of power from Washington back to the people.

At its core, the debate over our Nation's debt is a debate over our Nation's identity. In his recent speech on the deficit, the president spoke of America's social compact to justify his big-government vision. But the social compact I am familiar with is very different. The American idea is that the government's role is to preserve our liberty, not control our lives.

Ultimately, what we are fighting for is a future for our children that is free from both the burden of debt and the burden of big government. I was not elected to this office to participate in the transformation of America to a European-style social democracy where government dominates our lives.

America's greatness is not found in the size of our government but in the scope of our freedoms. We need a budget that recognizes this essential truth.

I see my colleague Senator PAUL is here. I know he would like to take 5 minutes to respond to the majority leader. He is definitely entitled to that.

I ask unanimous consent that he be given 5 minutes, Mr. President, and that the 5 minutes not count against the time on this side.

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

The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in response to a scurrilous accusation. I have been accused of wanting to allow terrorists who attack America to have weapons. To be attacked of such a belief when I am here to discuss and debate the constitutionality of the PATRIOT Act is offensive. I find it personally insulting, and I think it demeans the body—it demeans the Senate body and the people that we cannot have an intelligent debate over the constitutionality of this bill.

I am somehow to be told that because I believe a judge should sign a warrant, that I am in favor of terrorists having weapons? The absurdity of it. The insult of it. If one argues that judges should sign warrants before they go into the house of an alleged murderer, are you in favor of murder? Can we not have a debate on a higher plane—a debate over whether there should be some constitutional protections, some constitutional procedure—than to come to the floor and accuse me of being in favor of giving weapons to terrorists?

The question is, Can our Constitution withstand, is our Constitution strong enough that we could actually capture terrorists and protect our liberties at the same time? Should we have some rules that say, before they come into your house, before they go into your banking records, that a judge should be asked for permission; that there should be judicial review? Do we want a lawless land? Do we want a land that is so much without restraint, a government without restraint, that at any point in time they can come into your house? We were very worried about that very thing. That is why our country was founded on such principles as the fourth amendment, to protect us from an overzealous government.

But to transfer an argument, where good people might disagree, into an accusation that I would let terrorists have weapons? No, I believe we would stop terrorism but do it in a constitutional fashion, where one would have a warrant issued by a judge.

Some people say, we don't have enough time to do that. At 3 in the morning, judges are routinely called when someone is accused of rape or accused of murder. When there is an alleged crime, we get warrants, and it works. It has worked for 225 years, until we decided to throw out the Constitution. We threw out the Constitution with the PATRIOT Act because we changed the Constitution—not by two-thirds in this body voting for it and not by three-fourths of the States but by a scared 51 percent who threw out their liberties. They said: Make me safe. Make me safe. I am afraid. Make me safe. But they gave up their liberties.

I think that was a mistake, and I think we should have an intelligent and rational discussion. I don't think it furthers the debate to accuse someone who has constitutional concerns about the way we are doing things of being in favor of putting weapons into the hands of terrorists. I object strongly to this.

The leader has said they will compromise. He said 1 week of debate in February and open amendments; that they would be open to amendments—even amendments they disagreed with. We will do whatever people feel is appropriate on this bill. That doesn't mean just amendments that are not emotional or just amendments that have nothing to do with guns.

They are petrified to vote on issues over guns because they know a lot of people in America favor the second amendment; that they own guns and want to protect that right to own guns and the right to have those records not sifted through by the government. We don't want to have a government that eventually will allow for direction of the police toward those who own guns. We don't want our records to be public. We don't want our records to be sifted through by a government without judicial review. But they do not want to vote on this because they know the American people agree with us. If we polled this question, we would find 80 to 90 percent of Americans don't want their banking records, don't want their gun records to be sifted through by a government without a judge ever giving any approval.

This is a constitutional question, and I would ask the leader to stand by his agreement to an open amendment process.

At this time, I ask unanimous consent that my amendments, Nos. 363, 365, and 368, be in order, with 1 hour of debate on each, followed by a rollcall vote. I ask unanimous consent that this occur at this time.

Mr. REID. Madam President, reserving the right to object, and, of course, as the Senator knows, I have given a statement on the floor that one amendment I understand is in his consent makes this whole arrangement impossible, and so, therefore, I object.

The PRESIDING OFFICER (Mrs. HAGAN). Objection is heard. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I yield Senator AYOTTE up to 10 minutes or such time as she may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, today marks the 756th day since the Democrat-controlled Senate passed a budget. The Democratic majority has abdicated a basic responsibility we have in our government; that is, to produce a budget. States produce a budget, cities and towns produce a budget, small businesses don't operate without a budget, and families produce a budget. Yet here we are, running over a $1.6 trillion deficit this year alone, and the Democratic-controlled majority is not bringing forth a budget or a blueprint to put our country on a path to fiscal responsibility. It seems to me, if we do nothing else, that is a basic responsibility we have as Members of the Senate.

On Monday, all Republican Senators joined Senator SESSIONS and me in sending a letter to the majority leader, urging him to take the steps necessary to bring forward a fiscal year 2012 budget in committee, to have a full, honest debate there and then on to the floor to make sure we have a transparent budget debate so the American people can weigh in on that and we can move forward to putting our country on a fiscally responsible path.

As a reminder, the committee should have acted on the budget resolution before the statutorily-set deadline of April 1, and Congress should have completed that action by April 15. Yet, unfortunately, the majority in the budget committee and the majority leader has ignored that law. The reality is, the majority party controls the work flow in the Budget Committee and determines what is debated on the floor.

Given the enormity of the obvious fiscal challenges we face, there is no excuse for why my Democratic colleagues have not been able to have a transparent, serious debate about our country's fiscal future both in the Budget Committee and on this floor. The American people demand that and are owed nothing less.

Unfortunately, instead of coming up with a budget blueprint that puts us on a path to sustainability, many of my Democratic colleagues have primarily focused their efforts on distorting provisions of the House-passed budget plan, trying to score political points while our country's economic future becomes even more precarious. We have seen the warning signs for our country in other countries around the world, as well as the S&P's recent announcement of a negative outlook for the United States.

Astoundingly, last week, the majority leader said it would be foolish for his party to produce a budget plan. In talking directly with my constituents in New Hampshire, I can say with certainty that is the last word they would use to describe the Senate's refusal to have their own budget plan and to have a full and robust debate within the Budget Committee and within this body about the fiscal plan for our country's future. That is the last word they would use because they sit around their kitchen tables at home and they put together a budget. They look at the revenue coming in and the expenses they have and they balance their budgets. They have no idea why we are not doing that here. That fundamental responsibility is, unfortunately, what the majority leader has described as foolish, even though it is an exercise that families undertake every single day.

Last year, Congress failed to pass a budget, failed to pass any of the 12 annual appropriations bills and failed the Nation by recklessly funding the government on a series of short-term spending bills. The Senate cannot make the same mistake we made last year—a mistake that was made by the Democratically controlled Congress this year, given the fiscal path our country is on. With less than 6 months remaining until the start of the new fiscal year, it is past time for the Senate to produce a basic budget plan that substantively addresses our grave fiscal crisis.

We need leadership and I call on the majority leader to show that leadership and the chairman of the Budget Committee to bring forth a budget in our Senate committee. I am a brand new member of the Budget Committee. I look forward to having that debate in that very important committee in our body, to work together with Members on both sides of the aisle to craft a responsible budget plan that reduces spending and brings us to a balanced budget. That is what our country needs.

In the letter that was sent to the majority leader, Republicans made clear we are ready to make the difficult choices to preserve our country and to get our fiscal house in order once and for all. We stand ready to preserve the greatest country in the world. There is no question that the budget process is broken when we don't even have a budget brought forth before the Budget Committee and a full and robust debate in this body.

Congress must get serious about putting in place spending reforms. I would like to see a balanced budget amendment to our Constitution, to make sure Congress can't get around any spending reforms we pass. States balance their budgets. Yet here in Washington we continue to spend money we do not have, unfortunately.

Congressman RYAN, in the House, has proposed, and the House has passed, a budget blueprint for our country. Yet my friends on the other side of the aisle have spent considerable time demagoguing the House budget blueprint and their plan, even though they have shown the courage to put forth a budget that puts us on a path to reduce spending and eventually bring us to a balanced budget. My Democratic colleagues have brought out the usual scare tactics. But for all their grandstanding, they haven't been straight with the American people.

We do need to address entitlement reform. We do need to make changes to Medicare—to preserve Medicare for those who are relying on Medicare right now and for future generations. I am the mother of two children, and I certainly don't want to look my children in the eyes—with the fiscal crisis our country is facing—and have them say to me: Mom, what did you do about this?

Now is the time to act. We have three choices when it comes to addressing rising health care costs in Medicare. We can do nothing and watch the program go bankrupt in 2024, as outlined by the recent trustees' report on Medicare—an objective report that basically says that program will go bankrupt by 2024. We can go forward with the President's proposal to ration care through the administration's plan to have an unelected board of 15 bureaucrats who will decide who is going to get coverage, when they are going to get coverage, and how physicians are going to get paid or we can show real leadership and strengthen the program to make it solvent for current beneficiaries and also for future beneficiaries and allow them to make the choices, instead of an unelected group of 15 individuals who are accountable not to Congress and certainly not to the people whose lives will be affected.

I commend Congressman RYAN for his courage. I challenge anyone, including the Members on the other side of the aisle who have been so critical of the plan: Where is your plan? What is your constructive plan to save Medicare? How do you go home to your constituents, your elderly constituents—people such as my grandparents who are relying on Medicare—knowing that the trustees' report says it is going bankrupt in 2024—and say to them: I don't have a plan.

A constructive plan to preserve this program is important. It is what Republicans are committed to. We are here to save Medicare, to save our entitlement programs, and most of all, to save our country from financial ruin. Now is the time for leadership. It is time to look at the challenges we face with eyes wide open and to have the courage to fight for the American people and for the future of the greatest country in the world. We cannot afford to kick this can down the road.

The PRESIDING OFFICER. The Senator from New Hampshire has consumed 10 minutes.

Ms. AYOTTE. I thank the Chair. If I may finish. I thank my colleague, Senator SESSIONS.

We cannot afford to kick this can down the road any further. We must act now. We must address our entitlement programs now. I would call on the majority leader and on Senate Democrats—rather than demagoguing the plan that has come forward from the House, if you have a constructive plan of your own—to please come to the floor right now and bring forth a plan that will preserve Medicare, will preserve our entitlement programs, and put us on a path to fiscal responsibility and sustainability, to a balanced budget to save our country.

I thank the Chair.

Mr. SESSIONS. Madam President, before the Senator departs, I thank her for her comments and her valuable and constructive insights. I would ask her about one thing. I know a lot of our new Members came to Congress, having campaigned and talked to people all over their States, with a passion to do something about the unsustainable spending path we are on. We had a large number who wanted to be on the Budget Committee, and we are glad she just joined us.

But let me ask, is it a disappointment to get on the Budget Committee, which the law says should write a budget and have hearings on the budget, and then to find the majority leader has decided not to even allow a budget hearing to take place?

Ms. AYOTTE. I thank the Senator from Alabama for that question. As the newest member of the Budget Committee, it is an extreme disappointment. I was looking forward to rolling up my sleeves and undertaking the responsibilities of putting forth a responsible budget to preserve our country. That is why I wanted to serve on the Budget Committee.

I come from a small business family. I know one can't operate a business without a budget. So many of my constituents and those I met on the campaign trail asked me all the time: I have no idea, how can we operate a government without a budget? Yet here we are. That is what has been so disappointing to me. I hope and I urge

our Democratic colleagues to change course and let the Budget Committee do what it is supposed to do.

Mr. SESSIONS. Madam President, I thank Senator AYOTTE of New Hampshire. She is following in the footsteps of a great budget leader, chairman, ranking member, Judd Gregg, and brings those good instincts to the body.

I ask unanimous consent that the following Republican speakers be limited to 10 minutes each. I, at this point, am pleased to recognize my very able and effective colleague, Senator DEMINT, for his comments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. DEMINT. Madam President, I thank Senator SESSIONS for leading these few minutes of debate we were allowed. It is an extraordinary situation where we are as a nation, that we are here with only a few minutes of debate about what has become the most serious situation our country has ever faced, and that is our debt.

When President Obama was a Senator in 2006, he said ''increasing America's debt weakens us domestically and internationally.''

Admiral Mullen, the Chairman of our Joint Chiefs of Staff, has said: ''Our biggest national security threat is our debt.''

We know the rating agencies that look at our financial condition, such as Standard & Poor's, have downgraded us. We know major capital funds have divested of Treasury notes, concerned about our political will to deal with our debt. Yet we do not have a budget. We do not have any plan to deal with the debt. Everything Republicans put forward in the House and the Senate the Democrats sit on the sidelines and criticize and misrepresent. Yet they offer no solutions themselves.

It is hard to deal with $14 trillion in debt and what it really means. Here is one chart that is somewhat helpful. We hear in the news that Greece and Ireland and Portugal are bankrupt. They are close to defaulting. They are having to be bailed out by the International Monetary Fund. These charts just show the percent of debt relative to their total economy, their GDP.

We see Greece is already at 136 percent; Ireland is at 75 percent; Portugal, 82 percent. If we add up all the liabilities that we have as a nation, we are already at 95 percent, which means we have more debt relative to our total economy than Portugal and Ireland already, and very soon we are on a track to even outpace Greece. Yet we do not even have a budget, no plan of what to spend.

When Republicans talk about the need to cut spending all we get is criticism. The President has actually submitted a budget that nearly doubles our debt over the next 10 years. We will get a chance to vote on it. Not even the Democrats are going to vote for that budget. But they have not even presented one on their own.

We will also get a chance to vote on the House budget. The Democrats think if we do, that is going to hurt us. But I think we will see most Republicans vote for it because they know we have to deal with Medicare. The President's budget cuts what Medicare pays doctors another 35 percent. Already about 50 percent of the doctors in this country will not see new Medicare patients. The President cut $½ trillion from Medicare to help pay for ObamaCare and somehow he can look us in the eye and say this strengthened Medicare. The fact is, the Democrats have Medicare on a course of bankruptcy that is going to happen much sooner than is projected because people will not be able to find a doctor if the President's budget is implemented anywhere close to where it is going to be implemented.

Republicans are trying to save Medicare and make sure there are options for seniors in the future that will be good options for them; that they will have a way to pay for health care in the future. Medicare will not be there. Anyone who looks at seniors today and tells seniors that traditional Medicare is going to be there 5 or 10 years from now is not telling the truth because it is not. Doctors will not see Medicare patients at the rate we are going to pay.

All we are doing today is having what we call message votes, show votes. They are set up to fail. The majority leader does not intend to pass any budget—not the President's budget, not a Republican budget, and they will not even offer one on their own. We are going to leave here today with this situation right here: with America approaching a debt level which we have seen take down other countries and continue to ignore the obvious.

As has already been referenced by Senator AYOTTE, the majority leader actually said:

> There is no need to have a Democratic budget . . . it would be foolish of us to do a budget at this stage.

It would be foolish because it would reveal what they really intend to do, which is to keep spending and keep borrowing, keep investing, keep growing government programs, and not make those hard decisions that have to be made to pull our country away from the edge of a cliff, which is where we are.

Everyone outside Washington seems to understand that we have an urgent situation right now. Yet here we are today with just these show votes on a budget with no intent of dealing with this at all. What we need to be doing is—recognizing the President has said our debt is our biggest problem, and it is a failure of leadership to ask for an increase in the debt ceiling—we need to recognize we cannot raise this debt ceiling. We cannot increase our debt unless we make the hard decisions that need to be made for the future.

The only decision that will change this place is if we pass a balanced budget requirement for the Congress that the States have to ratify. If we passed that this year before we voted on the debt ceiling, then the people of this country in all 50 States would have a chance to ratify that. It would take 1 year or 2, 3 years to be ratified; then there is another 5 years' implementation built into the bill. So we are talking 6 or 8 years to get to a balanced budget.

If we cannot make that commitment as a Congress, we are in effect committing to bankrupt our country because all of us know we cannot keep spending more than we are bringing in when they are already telling us we are at a debt level that is going to bankrupt our country. We cannot even pay the interest if interest rates go up at all.

We have to be responsible, and what we are doing today is completely irresponsible. I cannot raise the rhetorical level high enough to talk about the absurdity of where we are. We put our country in danger, our future at risk, and yet we are having show votes on budgets and no budget at all from the Democratic majority.

I appreciate the Senator from Alabama at least taking this time that we have to point out the real issues and the urgency of the matter in the fact that we need to move from show to real substance. We cannot roll up our sleeves and work together if the other side does not agree that we have a problem. We do have a problem, and the only way to change that is for us to agree as a Congress to balance our budget within a reasonable window and to put that structure on us so we keep that budget balanced in the future.

I thank Senator SESSIONS and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I thank the Senator from Alabama for giving me the opportunity to speak on this extremely important issue. Let me follow up on the central point that Senator DEMINT from South Carolina has been making.

When I go back to Pennsylvania and talk to my constituents about the fact that the Government of the United States, the world's biggest enterprise—an enterprise—is going to spend $3.6 trillion this year, and we are doing it without a budget, they look at me in shocked disbelief that this could even be possible. But it is possible because my colleagues in the Senate, my Democratic colleagues, refuse to produce a budget. It is an unbelievable abdication of responsibility.

My colleagues have asked the American people to elect them to the Senate, have asked the American people to be the majority party of the Senate, which they are, and their attitude is they have no responsibility to lay out a plan for how they want to spend the $3.6 trillion that they want to spend. They have no intention of laying out a plan of where the revenue is going to come from, how much is going to come

from which areas, and how this money should be spent—no overall blueprint, no guidelines, no architecture for spending this staggering sum of money. This is an extraordinary abandonment of a very fundamental responsibility.

I have to say, I have a hard time listening to the criticism of the House budget by people who have offered no budget as an alternative.

Let me speak about the House budget for just a minute. It has taken a great deal of criticism from my friends on the other side in particular because 10 years hence, in this budget, they recommend reforms to Medicare that save Medicare. I want to stress this point. The current policies being advocated—not in a budget but advocated elsewhere by my Democratic friends—they are currently in the process of crushing Medicare because that is what is happening.

Talk to your doctors back home, talk to your hospitals. We have small hospitals across Pennsylvania that are increasingly finding it so difficult to operate. Reimbursements are being gradually crushed down. We have this threat that doctors' reimbursements are going to be dramatically cut. We have created in the President's health care overhaul this Independent Payment Advisory Board, as it is called, the purpose of which is to find ways to ratchet down reimbursements for health care providers.

One of the things that breaks my heart is how often I have had the conversation with doctors who tell me, often choking up in the process, they are encouraging their kids to pursue some other line of work, some other profession other than health care, the profession to which they have dedicated their life. But this is the state of affairs that we have today because of where Medicare is and where it is heading.

So the House comes along and offers a plan that saves Medicare, puts it on a viable, sustainable footing for future generations, and they get attacked for it. Is it the perfect plan? Is it the only plan? I am sure it is not. But it would work.

One of the things that makes so much sense about what they are doing is they are altering the payments as a function of people's wealth and health. It makes a lot of sense. So when younger people reach retirement age, they get more financial help from the government if their income is lower and their health is worse, and they get less if they are wealthy and relatively healthy. This mechanism would put individuals in control of their own health care and put the government on a sustainable path.

Frankly, I think we ought to congratulate them for doing some very thoughtful work. I am going to vote for the House plan. The House plan addresses a very long term structural problem we have for our budget and does it in a very thoughtful and sensible way.

I am introducing an alternative budget because I wish to focus on the nearer term. My focus is these next 10 years, because I think we have a crisis staring us right in the face and we have to deal with it now. So I think we have to deal with it in next year's spending and in the immediate future.

A big part of my goal and what we have demonstrated in the budget I have introduced and that we will have a vote on in a little while is that we can balance this budget within 10 years. I think that is a very important goal. My budget accomplishes that with two elements: policies that generate strong economic growth which have all kinds of benefits, not the least of which is it generates more revenue for the Federal Government; and the other part of this is we have to tighten our belt. This government has been spending way too much money. My budget ratchets that back. The combination brings us to balance within 9 years and generates a modest surplus within 10 years. In the process, we dramatically reduce the amount of debt as a percentage of GDP.

We just saw the Senator from South Carolina present a comparison of what a dangerous position we are already in compared to that of other countries that have racked up too much debt as a percentage of their economies. We are following on this very dangerous path. My budget starts to reverse that curve. It starts to lower the debt as a percentage of GDP and, by bringing the budget into balance, it will actually stop growing the debt altogether, which I think is a very important goal. Part of that is through pro-growth tax policies.

No. 1, in this budget we would ask the relevant committees in the two bodies to enact reforms that would simplify the Tax Code dramatically and allow us to lower marginal rates. The combination of a simplified Tax Code and lower marginal rates is absolutely guaranteed to generate economic growth. I would do it on the corporate side as well as on the individual side and, on the corporate side, move to a territorial-based access system so we wouldn't continue to have the tremendous competitive disadvantage we have vis-a-vis our trading partners.

On health care, we take a different approach for Medicare. We are focused on these next 10 years. Over the next 10 years we do two things: One, we end the fiction that we are going to cut doctors by 30 percent, or end the threat, depending on how you choose to look at it. So the sustainable growth rate, as it is called around here—this notion that we have to massively cut reimbursements to doctors all of a sudden—that is done away with. We recognize that would be a very imprudent policy.

Another thing we do is adopt one of the recommendations from the Simpson-Bowles commission on medical malpractice liability. That helps to save some significant money across the board on health care, and certainly that includes Medicare.

On Medicaid, we adopt a very similar approach to that which is done in the House budget, which is to say this is completely unsustainable in its current form. Medicaid has been doubling every 8 years and it is a big driver of the deficit we have in Washington. It is also a big driver of huge deficits across the 50 States. It is a big problem, because the States have little or no flexibility in how they administer this program. They have a big financial burden that comes with it. What I think we ought to do is take these resources, block grant them to the States, and give the States the flexibility to figure out a better way to deliver health care services to low-income people. I think among our 50 States, I am very confident there will be many that will come up with better models and as they do, they will be adopted generally, and we can put this program on a sustainable path, which it is certainly not on today.

On some other areas of spending, on nondefense discretionary spending, we have to cut it. We have grown it too much. In fact, the big surge in the deficit in recent years has come from the discretionary side. So what we call for is lowering nondefense discretionary spending to the level it was in 2006 and then freezing that for 6 years, after which it would be indexed to the consumer price index. Other mandatory spending, aside from the big entitlement programs, would gradually be reduced to just over their 2007 level. I say gradually. We do this so people have a chance to adjust. Frankly, the economic growth we would get from the lower marginal tax rates would help facilitate this. It gets lowered to 2007 levels by 2014, after which it grows at CPI.

Our budget calls for no changes whatsoever to Social Security, and it calls for none of the structural changes to Medicare because those would occur after the 10-year window and we are focused on just these next 10 years.

I would strongly stress that we are staring at a full-blown crisis. We don't know whether it is a year from now or 2 years from now or 18 months or even nearer. That is impossible to know. But it is impossible to deny that we cannot continue on this course. We cannot continue running multitrillion-dollar deficits—deficits that are 10 percent of our entire economic output, that rack up this huge amount of debt as we have done in recent years. That is not sustainable.

My first career out of college was in finance. When I was working in finance, the idea of the Federal Government of the United States of America even having a credit rating was not something that was understood to be that way. The United States of America was above the credit rating system. It didn't apply to us. A triple A rating wasn't even relevant because we didn't even talk about the creditworthiness of the United States, except to refer to it as the risk-free interest rate, the risk-free security, the security for which

there was no risk of a failure because this was, after all, the Government of the United States of America.

Now we are in a position that is absolutely shocking to me. We very much are subject to a credit rating, but it is worse than that. We have S&P telling us they are actively contemplating the day on which they will lower our credit rating and we won't even be AAA. This is absolutely shocking to me and it has tremendously dire consequences.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOOMEY. Madam President, I close by saying we cannot kick this can down the road anymore. We need to do something now. I have a budget that balances within 10 years and I urge my colleagues to support it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I see my colleague Senator HATCH and I will be yielding to him for 10 minutes. I thank my colleague, Senator TOOMEY, a member of the Budget Committee. He served on the House Budget Committee. He has worked harder than maybe anybody on the committee and has proposed a plan that would actually balance our budget within 10 years. It is the kind of thing we should be debating in the committee. Unfortunately, I know the Senator has to be deeply disappointed because we are not having a markup in committee. We are not even having a chance to bring forth his budget and defend it and point out why he believes it will make America a better place.

I thank the Senator from his contributions to the debate and to the committee.

Let me note that Senator HATCH is the ranking member of the Finance Committee, a very significant, important committee that deals with the financial challenges our Nation faces every day. I thank the Senator, and I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague, and I thank Senator TOOMEY for his work.

Early this year, along with every one of my Republican colleagues, I introduced a balanced budget amendment to the Constitution.

The people of Utah want this amendment. The polls show that if Congress were to pass it and send it to the States for ratification, it would have significant support across the country.

From my perspective, the debate we have been having over the fiscal year 2012 budget this week—if you can even call it a debate—exemplifies yet again the need for a balanced budget amendment. It seems like a simple thing, but the balanced budget amendment would require the President to submit and Congress to pass a balanced budget. Given the budget process over the last few years, this simple requirement takes on added significance.

The fact is it has been 756 days since Democrats passed any budget, the most basic of Congress's constitutional responsibilities. And the fact is that absent a balanced budget amendment, Congress will never adopt the spending restraint necessary to restore constitutional limits on the Federal Government and the Nation's fiscal integrity.

The consequences of this ineptitude reached a new low on the Senate floor yesterday. To recap for those who missed it, Democrats took to the Senate floor and accused Republicans who are attempting to right our fiscal ship by reforming programs for the poor and elderly of seeking to harm women, children, and other vulnerable members of our society. This verbal assault was deliberate and premeditated. I actually thank my colleagues on the other side who declined to participate in those attacks. Those attacks might make for good politics, but they are terrible for this country.

People here might wish to deny it, but the fiscal crisis we face is real. They might wish to say that Social Security's finances are just dandy, but the fact is the disability trust fund will be exhausted by 2018 and the overall trust fund will be exhausted in 2036, a year earlier than we previously thought.

As bad as Social Security is, the situation with Medicare is even worse. According to the Congressional Budget Office, Medicare will be insolvent in 2020. According to the Medicare trustees, Medicare's unfunded liability is $38.4 trillion. And what is the Democratic response to this? All is well. Nothing to see here. Please move along. This is what the Democratic candidate in New York's special election had to say about her opponent's claim that reforms to Medicare were necessary to restore the solvency of this program:

> That's simply a scare tactic to tell our seniors that there will be nothing for them. . . . That's not the truth.

Republicans are trying to scare seniors? That is rich. A liberal surrogate for the Democrats is currently running an advertisement that shows House Budget Committee Chairman PAUL RYAN pushing an old woman in a wheelchair off a cliff. Talk about a new low. The head of the Democratic National Committee—fresh from lecturing conservatives about civility in politics—described the House budget as a tornado through nursing homes.

Yesterday we were treated to claims on the Senate floor that stopped short of these attacks, but not that far short. Yet it is Republicans who are trying to scare seniors? Give me a break. Still, as bad as yesterday's display was, I ended my day positive about the future. Last night, I attended a dinner celebrating the centennial of President Ronald Reagan's birth and at that dinner I had the honor of introducing Lech Walesa, the former President of Poland, who helped to roll back the Iron Curtain and liberate a continent.

When Ronald Reagan became President, the Soviets were on the march. It was not a foregone conclusion that Communists would wind up in the ash heap of history. When Lech Walesa mounted the fence at the Gdansk shipyards, the only thing he could be certain of was prosecution by Communist authorities. But Reagan and Walesa understood something. They understood that communism was a lie, played out on a world historical stage. And to borrow from Shakespeare, Reagan, and Walesa, that the truth will out.

The fundamental truth we face today—one that cannot be denied—is that our Nation faces a spending crisis that no amount of additional taxes can fix. So let's talk about this budget process in a serious way. Unfortunately, doing so will not reflect well on this Chamber.

Borrowing from another one of Shakespeare's plays, in Hamlet the character Marcellus observed that something is rotten in the state of Denmark. One might say the same about the Senate's action on the budget resolution. A budget is not law, but it is an important document that installs the guardrails for the operation of fiscal policy.

Under the Congressional Budget Act, each body is to report a resolution by April 15 of each year. President Obama submitted his budget, and the House met the April 15 deadline. But Senate Democrats have no budget of their own. Here is the Senate Democratic budget resolution: Just one big laid goose egg.

So here we are today talking about the House-passed budget. The simple truth is my colleagues on the other side don't want to vote on a Senate Democratic budget. Instead, they are determined to vote on a budget that everyone knows will not pass this body. Why is this? With all of their hard-edged partisan fury, and not even a thin reed of fiscal governance, like Marcellus, it is reasonable to conclude that something is rotten in the Senate. And if we follow the scent with our noses, we will find it comes down to numbers.

The magic number is 50. There are 100 Members of this body and 53 of those Members caucus with the Democrats. So why aren't there 50 votes for a single Democratic budget? We have heard Senate Democrats won't support the President's budget. The stated reason is that the President's do-over budget was nothing more than a speech that was so vague that our friends on the other side refuse to treat it as a budget. I believe there is a bigger problem holding up the Democratic caucus. The heart and soul of the Democratic caucus is liberal, and I respect that. But a healthy number of my friends on the other side are not entirely in that camp. And many more realize a pure liberal fiscal position might not be politically palatable. After all, the voters sent a message last fall to get spending under control and not to hike taxes.

So because Senate Democrats are jammed up, unable to get their act together, their leadership proposes no budget of their own. We are engaged in a Senate budget debate, but there is no substantive Senate Democratic budget before us, and we don't have one because at least 50 members of this body do not agree on one, even though they have 53 on their side. So how then do we define the majority's fiscal position?

What budget would the majority of Senate Democrats support if they could? That budget is lurking in the background of this debate. It is the budget the party's liberals would enact if they could. It is the budget the President, in his heart of hearts, supports. It is certainly the budget the folks at MSNBC support. It is the House Progressive Caucus's budget—an intellectually honest presentation of the liberal fiscal policy position. For interested folks, take a look at pages H2362 through H2870 of the CONGRESSIONAL RECORD of April 15, 2011. There you will find the House Progressive Caucus budget's fine print and the debate over it.

The Progressive Caucus budget is real and it is ambitious. It is also politically risky. Similar to the House budget developed by Chairman RYAN, it took political courage. It is a statement of policy principles and numbers. With a goose egg as the stated Senate Democratic budget, from my perspective, the best place to look for the Democrat's position is the budget of the House progressives. There is no doubt that is where the sentiments of a majority of the Senate Democrat caucus truly are.

I also think the House progressive budget offers a valuable contrast to the House-passed budget. Last time I checked, there are two major parties in Congress, and both parties should be accountable for what they would do about our perilous fiscal situation.

So let's hold them to account. The House progressives aim to balance the budget by 2021. They aim to reduce public debt as a percentage of GDP to 64.1 percent by 2021. They aim for both taxes and spending to grow significantly but to equal 22.3 percent of GDP by 2021. House progressives advocate a fulsome growth in the role of the Federal Government, with new domestic spending rising by $1.7 trillion—new domestic spending.

How do they propose to pay for all this? While the Democrats play ''hide the ball'' on this issue, the House progressives are refreshingly frank. The short answer is, tax hikes and cuts in defense spending. They propose $4 trillion in new taxes.

Let's take a look at these new taxes: raise marginal tax rates by 17 percent to 24 percent for single taxpayers. Look at that chart. There is an increase in the top marginal rates by 17 percent to 24 percent. There is a brandnew ''millionaire'' surtax, with rates reaching as high as 47 percent. There is a new record-high death tax rate of 65 percent.

They treat capital gains and dividends as ordinary income. That means, in some cases, the marginal rate on capital gains and dividends would more than triple. They tax all overseas business income currently. That would mean, with respect to growing global markets, U.S. businesses would be subject to uniquely high levels of taxation.

They create new taxes on banks and financial transactions. I will remind folks that the CBO told us last year this kind of tax would be passed through to bank customers and depositors.

House progressives look to reform Social Security by raising the base of the payroll tax on both employers and employees.

Look at this. My goodness. On health care, House progressives' transparency is breathtaking for its honesty.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I tell my distinguished colleague that we only have a few minutes left, and the Senator from Utah is waiting. So if the Senator could wrap up briefly. I have thoroughly enjoyed the Senator's remarks.

Mr. HATCH. All right. I thank my colleague.

Their budget anticipates taking ObamaCare to the next level with a government-run plan. Progressives would impose government negotiation of prescription drug payments.

Where are the spending cuts? One word, ''defense.'' Defense will be cut by $2.3 trillion. This is the progressive budget. The hearts of the Democratic Party would love to proceed down this path: ever higher spending and ever higher taxes to pay for it. But the heads of the party realize that this would be politically disastrous. And so, like Hamlet, they are paralyzed when action is demanded.

The failure of the Senate Democratic leadership to produce and vote on a budget of their own cannot be allowed to mask a simple fact. The Democrats might not like the solutions in the House budget, but their own failure to offer a proposal is a vote for the status quo. And a vote for the status quo is a vote for the destruction of Social Security and Medicare. And that is the true threat to America's elderly.

Serious times deserve serious measures. For that reason, I will be voting for the motion to proceed on the House-passed budget, as well as the budgets proposed by my colleague from Pennsylvania, Senator TOOMEY, and my colleague from Kentucky, Senator PAUL.

We have entitlement programs with unfunded liabilities in the tens of trillions. And the Democrats' response? Don't reform those programs to make them sustainable. Instead let's scare up $21 billion by attacking tax breaks for oil companies.

If my Democratic colleagues want to have a tax reform debate, I am open to that. But let's not pretend that increasing taxes on oil companies will make one iota's worth of difference in making the country's entitlement programs solvent. Let's not pretend that this is a remotely serious solution to the country's fiscal problems.

Instead of offering a serious budget proposal and debating it, Democrats chose to engage in the basest of politics, smearing Republicans as hostile to women and the elderly.

I wish it were not so, but Marcellus' observation is compelling today. Something is rotten in the U.S. Senate. Nonetheless, and in spite of these antics, I am optimistic about the future.

The truth will out, and the truth is that this country is racing toward a fiscal crisis. This fiscal crisis is still avoidable, if we take courageous actions.

Chairman RYAN, in proposing his budget, and the House leadership for voting on it, have done just that. And fortune favors the bold.

I thank my colleague for that little extra time. I intend to vote for three of these budgets today because the three of them make sense. They are not crazy, they are not phony, and each of the three would save Medicare and other matters in the Federal Government.

I thank my colleague.

Mr. SESSIONS. Madam President, I thank the Senator.

I have to say, the Senator's remarks about the progressive budget and the fact that it represents the heart of this Senate Democratic conference's view of the budget is probably correct. It also represents a view that would be widely and strongly rejected by the American people.

Senator LEE, from Utah, is a new Senator. He campaigned in every corner of his State. He has talked about this issue and spending and has listened to his people and I am delighted to hear from him at this time.

Madam President, how much time remains on this side?

The PRESIDING OFFICER. One minute fifteen seconds.

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senator from Utah have 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Madam President, reserving the right to object, I am fine with that if we would have that time added on our side as well.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. Without objection, 3 minutes will be added to each side.

Mr. CONRAD. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, my distinguished colleagues who have spoken this afternoon have pointed out a truth that is impossible to refute, which is, at the rate the Federal Government is spending, we will have acquired $15

trillion of debt by the end of this year. That is a lot of money. It is requiring a lot of interest payment. That interest payment is only going to grow large in the coming years.

The Obama administration is already predicting that by the end of the decade, we will be paying $1 trillion a year just to service the interest on our national debt. To put that in perspective, that is more than we spend on Social Security in an entire year, more than we spend on Medicare and Medicaid combined in an entire year, more than we spend on national defense in an entire year. I actually believe that 10 years is putting it optimistically. I think that day is coming much sooner.

For that reason, I believe this body needs to pass a budget, a budget that balances. The problem has been this body has refused to do this. Every time we proceed with the idea that we will cut so many billions of dollars over the next 10 years or every time we adopt statutory spending caps, as we did with the Gramm-Rudman-Hollings Act almost 30 years ago, as we did with the pay-go rules, Congress has treated those as something Congress can exempt itself out of. Congress has become a walking, breathing waiver unto itself.

The problem is that we, as a legislative body, cannot bind future Congresses. We can legislate. We can appropriate only for this Congress. So our commitment now to save later is not binding—unless, of course, we adopt an amendment to the U.S. Constitution that will bind future Congresses. That is why I have said I will oppose any and every attempt to raise the debt limit until such time as Congress has passed out of this body and presented to the States for ratification a balanced budget amendment to the U.S. Constitution—one that would require a two-thirds supermajority vote to authorize Congress to spend more than it takes in, in any given year, and to spend more than 18 percent of gross domestic product in any given year.

We cannot continue in perpetuity to rely on this kind of deficit spending. This will hurt every single Federal program. Whether you are most concerned, on the one hand, about preserving our ability to provide for our national defense or, on the other hand, if you are most concerned about preserving our entitlement programs, you ought to want a balanced budget amendment. You ought to be unwilling, as I am, to raise the debt limit until that amendment has been passed out by this body and passed by the House of Representatives and submitted to the States for ratification.

Thank you, Madam President.

I yield the floor to my distinguished colleague, the chairman of the Budget Committee, with whom I have appreciated the opportunity to work and would say, again, that he orchestrated a fine series of Budget hearings with some fabulous witnesses who made us all nervous but gave us some valuable insight. I say to Senator CONRAD, I appreciate those good hearings and I appreciate the opportunity to work with you and I am sorry we are not able to mark up a budget this time, it looks like.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the ranking member. Those hearings would not have been possible without the active working together of my office and his office, and I do think they were an excellent set of hearings talking about the dimensions of the problem we confront and that we are on an unsustainable course, where we are borrowing 40 cents of every $1 we spend. It cannot continue.

Madam President, after my brief remarks, I ask unanimous consent that the following Senators be recognized for up to 5 minutes off the Democratic time: Senator MENENDEZ, Senator LAUTENBERG, Senator BEGICH, and Senator WHITEHOUSE.

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

Mr. CONRAD. Madam President, just briefly, I wish to address this question of why we on our side have not laid down our budget proposal. Let me repeat, we are in an unusual year. This is not going to be a circumstance in which there is a Republican budget, a Democratic budget, you go to conference committee, and they are resolved because we have a new process underway at the leadership level involving the White House. This is what the Republican leader himself said about that process:

> [T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

We do not need a Democratic budget and a Republican budget. We need an American budget. We need a budget that is bipartisan because all of us know that is the only budget that can possibly be adopted. The Republicans control the House of Representatives. The Democrats control the Senate. The only possibility for us to make progress is a bipartisan budget.

That is why I was deeply involved in the process on the President's fiscal commission—18 of us for 1 year—and it is the only place a bipartisan budget has so far emerged. Madam President, 11 of us supported it—5 Democrats, 5 Republicans, and 1 Independent—11 of us out of the 18 on the Commission.

We now have underway a group of five talks—Democrats and Republicans working together. But, most important, we have, at the leadership level, Republican leaders from the House and the Senate, Democratic leaders from the House and the Senate, and the Vice President of the United States. What sense would it possibly make for us to go to markup of a budget before we have seen the results of these leadership talks? That makes no sense. We have a bipartisan discussion underway—Republican leaders, Democratic leaders, and the White House. We ought to have the courtesy and the patience to see if they can come up with a plan that would then form the basis of the budget.

Mr. MENENDEZ. Madam President, I rise with deep concern about what the proposed Republican budget does—in real terms—to real families in this country.

I am deeply concerned that my colleagues on the other side—in their ideological haze—seem to have lost sight of the real people whose lives will be affected by the choices we make.

It seems to me that the Republican budget proposal fails to realize that budgets are not just about numbers. Budgets are about people—their hopes, their dreams, their expectations for a better life for themselves and their children. They are about the promise of America—the vision we have of safe, clean, vibrant communities in which to live and raise our families.

Budgets are a reflection of our values, not—as the House Budget Committee chairman would have us believe—a faceless calculation of pluses and minuses just to get to an arbitrary number—regardless of the impact on families, seniors, students, and every community in this country.

We all have a budget, every family has one, maybe not a formal budget, but we all have one. On the revenue side we have what we earn from gainful employment, investments, interest on savings. And on the flip side we have our expenses: our mortgage payment, groceries, utilities—and we have our contributions perhaps to our church or synagogue, donations to a favorite charity, a favorite cause. These are expressions of our personal values, just as the nation's budget is an expression of our collective values.

We may not always think of the budget in those terms, but we should. It is about our values.

Well, we found out last night, in upstate New York, that the Republican vision of ending Medicare as we know it does not reflect American values, and voters are not buying it.

Once again, our Republican colleagues have shown that they are out of touch with the American people and are on the wrong side of history when it comes to what Americans think is fair—what they think is right.

Americans don't think it's right to give subsidies to big oil companies, tax breaks to millionaires, and take Medicare away from seniors.

They are saying that it is time to abandon the tired refrain of privatization and ending Medicare as we know it. It is time to abandon their ideological agenda that leaves seniors to fend for themselves.

It is not who we are as a people, and it is not what Americans want.

This week I met with a group of seniors in Fort Lee, NJ. We discussed what

the Republican budget cuts would do to the Medicare system they have depended on for decades.

At the Fort Lee senior center, a typical 65-year-old, under the Republican budget proposal, would pay an additional $7,060 by 2022. Right now, 142,834 seniors in New Jersey are impacted by the donut hole. Under the Republican plan those seniors will pay an additional $80 million for prescription drugs next year, and by 2020 seniors currently in the donut hole will pay an additional $1.6 billion.

Nationwide, nearly 4 million seniors would pay $2.2 billion more for prescription drugs in 2012 alone under the Republican plan. The Republican plan to end Medicare would also force at least 1 million seniors to pay over $110 million more for annual wellness visits in 2012.

And, by turning Medicaid into a block grant program, the Republican plan could cost America more than 2 million private-sector jobs over the next 5 years and threaten our economic recovery. But that is not all. Nationwide, the Republican plan could cut more than $503 billion in Medicaid funding for seniors and the disabled, including life-saving nursing home care.

Leaving us with the uncomfortable and unanswerable question I pose to my Republican friends: What will those people do—where will they go? What happens to them under your budget plan?

These are people, not budget numbers. What happens to them?

The Republican budget, in my view, satisfies a narrow political agenda that has obsessed about diminishing the role of government at all costs, no matter the trade-offs, no matter who it hurts, or what we lose.

I believe we can debate the role of government, but let's have it straight-up. Let's not play this game of tearing away at the fabric of America thread-by-thread to satisfy a political agenda, and falsely claim it to be ''fiscal responsibility.'' It is not fiscal responsibility; it's the single-minded goal of a conservative political agenda.

Fiscal responsibility is finding common ground and making difficult choices together. In a democracy, one view does not make a budget.

We can negotiate responsible cuts. We all agree that we must make cuts and reduce the deficit. So let's agree now to negotiate fair cuts and include revenue expenditures that truly balance the budget, and are truly fiscally responsible.

Cutting the deficit should not be a game of political brinksmanship. It requires serious people coming to the table willing to make difficult choices that balance cuts against revenues—balance necessary services and investments that protect our values and our way of life against wasteful spending—while creating opportunity for every American.

Balancing the budget isn't just about numbers. It is about protecting middle class families who are struggling to make ends meet in this economy—and about reflecting their values, their hopes, their vision of what America is all about.

When considering our values as a nation, the question in this Senator's mind is: Who pays to lower the deficit and who does not under this Republican budget proposal?

The answer is clear. Middle class families pay. Seniors pay. Anyone looking for a Pell grant pays, but nothing is asked of the wealthiest Americans, and Big Oil still gets billions in subsidies.

The fact is the Republican approach to balancing the budget is anything but balanced.

It is skewed to those who have the most and have already benefited the most. A balanced long-term deficit reduction plan would have to include discretionary spending cuts, including defense, as well as entitlement changes. It would have to reduce revenue expenditures by closing tax loopholes.

That is what fairness demands; it is what balance would demand. And it is what makes sense.

In my view, the Republican plan—with $1 trillion in tax cuts for the wealthy—makes no sense. It is as unbalanced a proposal as one could imagine. Yet our friends on the other side come to the floor and embrace it as rational, reasonable, and perfectly fair.

They look America in the eye, and say that giving the wealthiest Americans more in tax relief will magically create jobs. Although there clearly is not evidence that it has in the past. They tell us that it will raise all ships. They tell us—once again—that wealth will trickle down.

How many jobs-lost, how many jobs-outsourced, how many companies-moved-overseas do we have to endure before we admit that trickle-down-economics is a quaint but false notion? The one thing lacking in trickle-down is the trickle-down.

The fact is the Republican budget is not a balanced approach. It is, in fact, the epitome of imbalance. It memorializes a far-right political ideology and codifies it into a budget document that is fundamentally flawed.

My colleagues on the other side believe balancing the budget means putting $1 trillion dollars in tax cuts for the wealthy on one side of the ledger, and $1.4 trillion in cuts to Medicare and Medicaid over the next 10 years on the other. They believe it means a trillion dollars in tax cuts for millionaires who hold 40 percent of America's wealth while eliminating protections for seniors, children, and the disabled—a choice that will leave 34 million Americans with no medical insurance at all.

If we were serious about reducing the deficit in a balanced way, we would start with the obvious, subsidies for Big Oil. The top five oil companies earned nearly $1 trillion over the last decade. Passing my bill to repeal oil subsidies would save taxpayers $21 billion over 10 years.

We can safely assume oil profits will be much greater in the decade to come with higher oil prices, but let's assume the top five oil companies only get another $1 trillion in profits over the next decade.

And let's not forget that these profits are in Federal waters and on Federal lands, so they are making these profits with America's own resources. According to the data, the cost of exploration, development, and production of oil for the big five oil companies is about $11 per barrel.

Oil has been trading at about $100 a barrel. That means Big Oil companies are enjoying a profit of over $90 per barrel of oil they extract.

Why in the world would they ever need subsidies in such conditions?

Handing out money to Big Oil companies and to the wealthiest Americans shows that the other side is not interested in balancing the budget or reducing the deficit, it wants to enact policies that favor the rich. They would rather dismantle Medicare, cut Social Security, cut Medicaid for seniors and the poorest among us in nursing homes who have no other place to go rather than solve our long term deficit problems in a fair and balanced way.

It wasn't long ago that the budget was, in fact, balanced—during another Democratic administration—when we had budget surpluses as far out as the eye could see.

How quickly we forget. The day Bill Clinton left office he handed the incoming president a $236 billion surplus with a projected surplus of $5.6 trillion over the next 10 years.

When President Bush left office he had turned a $236 billion budget surplus into a $1.3 trillion budget deficit with projected shortfalls of $8 trillion over the next decade and handed the new President an economy headed off the cliff.

Now, our Republican colleagues want to go back to the same failed policies. They want to give more tax cuts to millionaires and billionaires, subsidies to Big Oil while they end Medicare as we know it, and gut Pell grants and all they mean to our economic future.

They insist on tax cuts that will cost $700 billion on the revenue side over the next 10 years, and trillions more by slashing tax rates for corporations and millionaires. Those making more than $1 million a year will see a windfall of $125,000 each from the tax cuts, and tens-of-thousands-of-dollars more from the proposed rate cuts. While people in my State lose $34 billion in health benefits and 400,000 New Jerseyans end up without health coverage at all. They want to shift the balance to millionaires and billionaires, while making draconian cuts to make up for the deficits they created—cuts that do not reflect our values as a people and a nation.

The fact is ''balance'' is not about subsidies to Big Oil while ending Medicare as we know it. It's not about $1

trillion in tax cuts for the wealthiest Americans, while slashing Pell grants by18 percent.

Balance means fairness. It means evenness and equality. It denotes a state of equilibrium, an equal distribution, a proportionate approach. It implies symmetry—not a lopsided view that protects those who need no protection, but does not protect the interest of middle class families struggling to make ends meet.

The Republican notion of ''balance'' not only ignores the concept of equality, fairness, shared responsibility and shared burden, but it flies in the face of the fundamental concept of American community articulated in our motto—E Pluribus Unum—Out of Many, One.

That we are all in this together and should benefit together, sacrifice together—each of us working together for the betterment of all of us.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise with deepest hope that we are going to be able to defeat the House budget plan on which we are about to vote. This Republican budget is a scheme that would endanger the quality of life for millions of Americans who now struggle to get by. Just look at the gas pump and you will see what I am talking about.

The Republicans want to make sure the wealthy get wealthier with a new trillion-dollar tax cut and put the burden on seniors, the middle class, and young people to pay for it.

PAUL RYAN, the House Republican Member who hatched this scheme, has said, ''This is not a budget; it is a cause.'' If you ask me, it is a cause for alarm. The other side wants to terminate Medicare, one of the most successful programs ever developed in America, and turn it over to private insurance companies where CEOs now make millions. Under the Republican plan, many seniors will have to choose between medication and food to get by, and seniors' out-of-pocket health costs will cost more than double the present rate, to $12,500 a year. The Republicans would hand seniors' health care over to insurance companies, where computers instead of doctors would decide which benefits they will receive. The Republicans also want to reduce Federal Medicaid spending by half, taking away vital services such as nursing homes for seniors and health services for expectant mothers. All told, the tea party Republican budget would rip away health care coverage from 50 million Americans.

But health care for seniors and other Americans is not the only place Republicans want to go to punish them. The House budget plan doesn't just protect the Bush tax cuts for the rich, it reduces them to even lower levels at the expense of working families.

Instead of more tax breaks for the wealthiest, we should be lifting up the foundation of our country—the middle class. In the past decade, the average income of the bottom 90 percent of workers has declined while prices for everything escalates, and the top 1 percent saw incomes go up by $¼ million each. Imagine. The average incomes of the bottom 90 percent declined while the top 1 percent saw incomes go up by $¼ million each.

This budget also cuts Pell grants which help reduce the cost of back-breaking tuition for millions of college students. I never would have been able to attend Columbia University without government help from the GI bill. It enabled me to cofound ADP, one of America's most successful companies, employing over 40,000 people today.

In the post-World War II era, we created the ''greatest generation.'' I say invest more in our people so they can create the next ''greatest generation,'' which cannot be done without our help in education. We need help for a more balanced approach to solving our fiscal problems, including asking the wealthy to carry their fair share of the load.

I was a CEO for many years. I learned that you can't create a great company or country without sufficient resources. This is no time, as we fight our way out of a recession, to penalize the middle class, the senior citizens, or the young. This is the time to invest in tomorrow without penalizing those who pay the largest price now for their very existence. Let those who can pay for the rebuilding of an America we all love. That is the way we ought to do it.

I urge my colleagues to vote no on this Ryan budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I rise today to speak about the ongoing budget negotiations.

As a member of the Senate Budget Committee, I have jumped into this debate head-on. But we are all here together. That is why I have asked the Alaskans in my State and my communities all across the State to share their ideas with me on how to cut the budget. I have put forward a series of cuts and spending management programs from ideas from my colleagues and my members throughout the State but also ideas I have picked up in my budget hearings. We know we are all going to feel the pinch if we are serious about getting our budget and spending under control, but I have made it crystal clear that I absolutely will not balance the budget on the backs of seniors.

For me, the budget is a moral document. It reflects our values as a nation, and it demonstrates our commitment to supporting our elders and protecting our children. It is the future pathway of our great country. But the Republican House budget that has passed the House and is proposed today for us to vote on does not reflect these values. That is why Congressman RYAN received an earful from seniors when he went back home to Wisconsin after rolling out his plan—his scheme, in my view—setting us back decades. That is why voters in New York yesterday rejected Republicans and their extreme plan to eliminate Medicare as we know it by electing a Democrat in a Republican district. I mention New York not because this was a win for Democrats or a loss for Republicans but because this was a win for our seniors and because the stakes are too high.

Americans all across the country are saying no to the current Republican plan that could fail to automatically enroll our seniors in Medicare and instead force them to buy health coverage from a private insurance company. And let me make it very clear on the private insurance company. Medicare today, to administer, costs about 1.5 percent. So all of the rest of the money for Medicare goes to services, to programs to ensure health care for our seniors. If insurance companies got hold of this, their costs to administer would be 20 to 30 percent—clearly fewer services for seniors.

In Alaska, over the next 10 years, under this Republican House plan that passed that is here in front of the Senate for us to vote on, it will move the cost for Medicare for my constituents in Alaska from $5,000—their cost—in 10 years to over $10,000. On top of that, it will force seniors to pay an average of $3,500 more for prescription drugs over the next 10 years—again, adding about $8,500 in additional health care costs to seniors. At the same time, this budget they want us to approve—which, of course, I am not willing to—will give millionaires another $1.2 trillion in additional reductions, at the same time sticking it to our seniors. It will truly end Medicare as we know it today.

In Alaska, our elders are revered. We respect their wisdom, and they guide our decisions. As a people, it is our duty to care for our elders as they grow older. The Republican plan, the Ryan budget, will cost, as I said, Alaska seniors dearly—thousands and thousands of dollars per year more than they are paying today, seniors who are on fixed incomes. In Alaska, we have one of the fastest growing senior populations in the Nation by percent.

So I continue to look forward to working with my colleagues on the other side and my colleagues on this side to figure out how we are going to move forward on this budget, but let's not do it on the backs of seniors by throwing them over the ship and never looking back. Seniors paid into it, seniors expect it, and we have an obligation to ensure they have the health care that ensures that they have a quality of life and live in dignity in their later years.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG.) The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, we are gathered here on the Senate floor to face a very stark fact; that is, that

the House Republican budget would end Medicare as we know it for future generations. The House Republican budget would increase costs for current beneficiaries right away, and the House Republican budget would do real damage to seniors across this country and in my home State of Rhode Island.

With gas prices at near-record highs and unemployment numbers still in double digits, most folks are focused on making ends meet. They deserve a budget that will improve the economic opportunity in our country, balance our budget, and maintain Medicare, Medicaid, and other programs on which so many Americans rely. The House Republican budget fails every one of these tests. It ends Medicare, it lowers taxes for most corporations and the most fortunate, who too often already pay lower tax rates than the average American, all while failing to balance the budget.

The House Budget Committee chairman has claimed that ''our budget makes no changes for those in or near retirement.'' This claim that this budget resolution will not affect Americans who are already retired is simply flatout false. The House budget reopens the Medicare Part D doughnut hole that we closed in the reform bill. That will cost nearly 17,000 Rhode Island seniors, in 2012 alone, nearly $9.5 million out of pocket.

Seniors at the DaVinci Center in Providence, The Meadows in North Smithfield, and so many other places have gone without a cost-of-living adjustment in their Social Security benefits for 2 straight years even as costs have steadily risen at the pharmacy, at the grocery store, and at the gas pump. Taking away their prescription drug assistance, charging them an additional $9.5 million hits them too hard and too soon—in 2012, literally right away.

The Republican budget also ends Medicare as we know it for future generations. Planning to retire in 11 years? No Medicare. You instead will be forced to buy private health insurance from insurance companies standing between you and your doctors instead of the reliable, affordable insurance provided by Medicare.

The nonpartisan Congressional Budget Office has estimated this would double what retirees would pay out of pocket under the current system—more than $6,000 extra for retirees.

The Republican attack on Medicare overlooks a basic fact—that all health care costs are skyrocketing, irrespective of who the insurer is. Recently, Defense Secretary Gates said, ''Everybody knows that we are being eaten alive by health care.'' There is a cost problem in health care, but attacking Medicare fundamentally misdiagnoses the problem. But that is another speech.

I recently held an official Senate Aging Committee hearing at the Johnston Senior Center in Rhode Island to give Rhode Islanders the chance to make their voices heard. Audrey Brett, a Middletown resident who relies on Social Security and Medicare, said this:

> For all those Americans who worked, paid their taxes, added to the betterment of the country, served in military and civil service—we cannot let them live and die in poverty. We owe them their final days of security and dignity.

Audrey is right. But the Republican budget gets rid of that promise of security and dignity contained in Medicare. Medicare as we know it is lost. Here is what is protected: low taxes for the superrich, who already pay lower tax rates than the average taxpaying American family—protected; low taxes for many large corporations, which for too long have been gaming the system and paying too little—protected. And remember, the Republicans just voted last week to protect Big Oil tax subsidies.

Wreck Medicare but protect those tax cuts and subsidies. Those are not America's priorities. Let's put real priorities first—Medicare and allowing our seniors to enjoy a stable and dignified retirement.

I see the majority leader on the floor. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BEGICH). The majority leader.

Mr. REID. Mr. President, it is my understanding that we have 5 minutes. I will take that time.

The PRESIDING OFFICER. The leader is recognized.

Mr. REID. Mr. President, the vote we are going to have shortly is about more than just public policy; it is about priorities, about whether we hold fast to our values or break our promises.

There is a lot wrong with the House Republican budget on which Senators are about to cast their vote. But the most irresponsible and indefensible is a radical plan to end Medicare as we have known it. Doing so would break a solemn promise between our society and our seniors. It is a promise that for more than four decades has saved seniors from poverty, illness, and worse.

The promise of Medicare is this: If you work hard and contribute, America will make sure you are protected in your golden years from the hardships of affording health care. The Republican budget would break this promise. It would make life significantly more difficult and painful for America's seniors. It is as simple and as serious as that.

The Republican plan would kill Medicare. Even the conservative Wall Street Journal admitted this, even though most Republican U.S. Senators still refuse to face this reality; that is, as the Wall Street Journal said, the Republican plan would kill Medicare.

Here is what it would do. It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their benefits, for their health care, charging every senior $6,000 more every year in exchange for fewer benefits. That is a bad deal all around.

Those voting for this Republican plan would be forcing seniors in Nevada to pay more than twice as much as they pay today in out-of-pocket costs. Sadly, that is just not a Nevada problem, it is an Alaska problem, too, and a problem that faces every State in the Union—$6,000 more for every senior.

Those voting for the Republican plan to kill Medicare would be voting to reopen the doughnut hole we closed to help seniors afford expensive prescription drugs. Opening the doughnut hole would send drug prices literally through the roof, costing, for example, 27,000 seniors in Nevada and every other State thousands of dollars more between now and the year 2020.

Those voting for the Republican plan to kill Medicare would also be forcing our seniors to pay almost a million dollars more for annual wellness visits that we put in our health care bill, and it would make it harder for seniors to access nursing home and long-term care. It would make at least 34 million more Americans uninsured.

The Republican plan to kill Medicare was written in the name of saving money. Listen to this, Mr. President. It costs seniors so much money that it doesn't do anything they said it would do. One study found that seniors would spend $14 more for every dollar the government saves. That is 14 to 1 in the wrong direction. That is not effective economics anyplace. It is certainly not worth endangering the health of our seniors.

The Republican plan is a plan that tries to balance the budget literally on the backs of America's seniors. This is a clear window into the other party's priorities, though. While it asks seniors to pay more and more, it allows the wealthiest to pay less and less. It gives even more tax breaks to those who need it the least—oil companies, billionaires, and multinational companies that ship jobs overseas.

It comes down to this: The Republican plan to kill Medicare is a plan to make the rich richer and the sick sicker. A well-worn metaphor characterizes the Senate as a saucer, a deliberative body that cools the intense heat and occasional zeal of the House of Representatives. In voting down the radical Republican House-passed plan in Medicare, and keeping our priorities straight, and keeping our promise to our seniors, we are bringing that image to life that our Founding Fathers had of this great body, the United States Senate.

ESTABLISHING THE BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 36, H. Con. Res. 34, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—40

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Kyl	Wicker
Crapo	Lee	
DeMint	Lugar	

NAYS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Paul
Bingaman	Johnson (SD)	Pryor
Blumenthal	Kerry	Reed
Boxer	Klobuchar	Reid
Brown (MA)	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden

NOT VOTING—3

Hutchison	Roberts	Schumer

The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

SETTING FORTH THE PRESIDENT'S BUDGET REQUEST FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 18, a resolution setting forth the President's budget, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 0, nays 97, as follows:

[Rollcall Vote No. 78 Leg.]

NAYS—97

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
DeMint	McCaskill	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	
Feinstein	Merkley	

NOT VOTING—3

Hutchison	Roberts	Schumer

The motion was rejected.

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, for the information of everyone, this next vote will be a 10-minute vote, and the next will be a 10-minute vote, so I wouldn't go too far from the floor.

I move to proceed to S. Con. Res. 21, a resolution submitted by Senator TOOMEY setting forth the congressional budget for the U.S. Government.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator seek to limit the vote to 10 minutes?

Mr. MCCONNELL. A 10-minute vote.

The PRESIDING OFFICER. Without objection, the following votes will be 10-minute votes.

Mr. MCCONNELL. Did we get the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—42

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Paul
Burr	Hoeven	Portman
Chambliss	Inhofe	Risch
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker

NAYS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—3

Hutchison	Roberts	Schumer

The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the next vote be a 10-minute vote.

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

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 20, a resolution submitted by Senator PAUL, setting forth the congressional budget for the U.S. Government, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 7, nays 90, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—7

Coburn	Lee	Vitter
DeMint	McConnell	
Hatch	Paul	

NAYS—90

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	Menendez	Wyden

NOT VOTING—3

Hutchison	Roberts	Schumer

The motion was rejected.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only for 2 hours; that Senator SESSIONS control the first hour and Senator CONRAD control the second hour.

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

UNANIMOUS CONSENT AGREEMENT—S. 990

Mr. REID. Mr President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and that the cloture vote on the motion to concur in the House amendment to S. 990 with an amendment occur at 10 a.m., Thursday, May 26, without intervening action or debate; further, that if cloture is invoked, the time postcloture be counted from 1 a.m., Thursday May 26.

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

Mr. REID. So, in short, we do not have to have the vote at 1 o'clock. Everyone has been most cooperative in getting past that point. We will come in tomorrow, we hope early in the day, to have good news on how we are going to go forward to make, hopefully, virtually everybody happy.

The PRESIDING OFFICER. The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, I thank the majority leader for allowing us to have a few remarks at this time, after the process has been completed tonight.

The Senate has not fulfilled its responsibility. The United States Code that we passed, Congress passed, requires that there be a budget. It requires that Congress commence marking up the budget in the Budget Committee, as the Presiding Officer knows, by April 1, and a concurrent resolution be passed by April 15, setting forth what the Congress authorizes to be spent in the next year.

If anybody attempts to spend above that amount, the Budget Act allows a point of order to be raised, and it would require 60 votes to go above that level. So a budget says what we want to spend and makes it difficult for anybody to spend more. It is what we do in our households, it is what our cities and counties do, it is what our State governments do.

I know Senator MANCHIN, the Presiding Officer, as a Governor, he had to deal with his tough budget situation. My Governor, Governor Bentley, just announced he is prorating 15 percent of the discretionary spending for the rest of the year.

We are not talking about those kinds of cuts this year in Washington. I was in Estonia, near the Soviet Union on the Baltic Sea, and the proud Estonians had a larger deficit, larger economic decline than we did. The Estonians told us that every Cabinet official took a 40-percent pay cut, every employee took 10 to 20. The health system, one said: My wife is a doctor. She is very unhappy. But they intend to complete the recovery in Estonia without adding to the debt at all. Their debt to GDP is 7 percent.

By September 30 of this year, our debt-to-gross domestic product will total 100 percent, and according to the Rogoff-Reinhart study, a great authoritative study that has gained a great deal of applause, when the debt amounts to 90 percent of GDP, economic growth declines by 1 percent.

A 1-percent decline in GDP—the experts tell us—is the equivalent of 1 million jobs. So we will be in a position where, because of the debt we have accumulated, the economy will grow 1 percent less and we could have 1 million less jobs.

We do not know what our economic growth might be. It looks like it could be less than 2 percent. We are talking about a huge difference in what our economic growth could be this year. Maybe it will be 3. But if it is 3, it would have been 4. If it was 4, it would have been 5. If it is 3, it would be 2 because of this debt.

So these are the circumstances we are dealing with. Every witness has told us we need to do something about it. The Nation is in a most serious fix. So there has been a decision made by the leadership of the Senate, the Democratic leadership of the Senate, not to produce a budget.

It was interesting, when the President's budget was brought up, every single Member of the Senate—Republicans and Democrats—voted no. We could say: Why did they do that? Well, the President's budget deserved not a single vote. Considering the severe, serious financial condition we are in, the President's budget was the most irresponsible budget that has ever been presented to Congress. It is stunningly short of anything necessary.

Erskine Bowles, the man President Obama appointed to head the fiscal commission, said the President's budget was nowhere close to where they will have to go to avoid our fiscal nightmare—nowhere close. But our colleagues, what have they done? They complained about the Ryan budget. They vote against their own, and they vote against any other budget. They vote against the Ryan budget saying it is going to eliminate your Medicare, and you will not receive your Medicare because of PAUL RYAN and the mean Republicans.

But the Ryan budget made no change in Medicare in the 10 years in the Ryan plan at all, except canceled the President's health care bill and saved hundreds of billions of dollars. What it did was to propose in the future that we develop a new way of administering Medicare that would save money and make it more responsible to individual needs.

We refused to even move to that legislation, to discuss it, and to analyze whether it should be done that way or whether it could be done another way. But nobody denies that this budget, that any budget we pass, must confront our entitlement programs. Surely, they do not. So whatever you do, you are attacked by it. Our majority leader, whom I admire and enjoy working with, was quite frank. He said: It would be foolish for us to pass a budget. He did not mean it would be foolish for America. He did not mean it would be foolish for the public interest. He did not mean it would be foolish in terms of containing the reckless spending and dangerous path we are on. He meant it would be foolish politically because he had a plan, and the plan was to attack the people who had the courage, the gumption, and the hard work to produce a budget dealing with the long-term fiscal challenges of America: PAUL RYAN and his Budget Committee, wants to attack them, bring up their budget and vote it down, and not produce anything in response.

I believe that is an embarrassment to the Senate. It is an utter failure to meet our statutory obligation. More importantly, it is a failure to meet our moral obligation. Many have said:

Well, we need to do something because we are putting debt on our children and grandchildren. That is absolutely true. But we have been told by numerous experts, including Mr. Bowles, who chaired the debt commission, that we could be facing a debt crisis in 2 years, give or take a little bit. That was his opinion.

His cochairman, Alan Simpson, said it could be 1 year. So we could have another debt financial crisis that could put us back into a recession as a result of our fiscal irresponsibility as soon as 2 years, according to Erskine Bowles—accomplished businessman, successful businessman, President Clinton's Chief of Staff, chosen by President Obama to head the Commission. That is what he told us in the Budget Committee just a few weeks ago.

How serious is it? Our highway spending this year is about $40 billion. Last year, this country spent, in interest on our debt, $200-plus billion, five times the highway bill, just for example, and we need to do something about our infrastructure and highways in America. I am very worried about it.

I indicated that, just for example, the highway budget is about $40 billion. The Federal Department of Education is about $70 billion. But we spent last year in interest payments on the debt that we have accumulated, over $200 billion.

The President submitted his budget. It was favorably commented on by Democratic colleagues and represented what appears to be, I guess, the mainstream Democratic view—although I am pleased to see nobody voted for it.

But according to the Congressional Budget Office, which has analyzed the budget the President submitted to us, it would result in an interest payment, in the 10th year, of $940 billion.

That is an amount of money that exceeds our imagination. It is larger than the Defense Department budget. It is larger than Medicare. It is larger than Medicaid. It is the fastest growing item in our entire budget. And that assumes a slight increase but modest interest rate, below the 6-percent historical average. So if interest rates were to go up faster—and that is quite possible—instead of $940 billion, we could have trillion-dollar-plus interest payments every year, crowding out the ability of the Education Department, Transportation Department, NOAA, the EPA, and every other agency in government to get funds. We will crowd out that spending by placing an annual burden on our people of $940 billion a year. It is this trend and this path that is unsustainable. We have been told that.

I just want to repeat what happened just a few moments ago. What happened? Four measures were brought up by the majority, and they were brought up with the full knowledge that nothing would happen. There were several hours of debate. We voted on four tremendously important items, four budgets for the United States of America, with no real ability to discuss each one of them in any depth at all. It was a political exercise. The majority leader said it would be ''foolish'' for us to pass a budget. In other words, it is foolish for the Democratic majority to commit themselves to any plan for the future of America. It was an avoidance of responsibility. They would not even vote for the President's budget because if they did, they would be responsible for it.

What they did was attack the one group of people who have done the right thing, the responsible thing, and that is to produce a historic budget that would basically solve our debt problem—it didn't overreach—and that is the House budget. It was long term, short term, and it dealt with entitlements, discretionary spending, and taxes. It was a thoughtful, important, historic budget. The Chicago Tribune praised it. The Wall Street Journal praised it. The fiscal commission chairmen, Bowles and Simpson, praised it for its courage, its integrity, its lack of gimmicks, and for being honest.

Do you know what they said. They said, again, that anyone who opposes the Ryan budget or opposes any one of the budgets, if you don't like it, you should put forth your plan. Has the leadership in the Senate proposed any plan? In a shocking display of irresponsibility—I don't have words to describe the degree of irresponsibility that I think has been shown here tonight—they have said: We are not going to produce anything. We are just going to attack what you have done.

Many of our colleagues have said we have to deal with entitlements and confront the surging debt caused thereby; that Medicare and Social Security are in danger and they could go belly-up. We have to change what we are doing. The House wrestled with that. It wasn't within that 10-year window. Everybody who is 55 and above and everybody who is on Medicare today would have no change—none. Yet we have people going around telling our seniors that this Ryan House budget would change their Social Security and they would not get it. In fact, it would save the Social Security Program, put it on a sound basis, and guarantee that people now receiving it and people over 55 who are soon to be receiving it would have no change whatsoever. In fact, in some ways, it would strengthen it for them. This is not correct.

Well, do we have a better plan? What about the Becerra rule? I suppose that is Congressman XAVIER BECERRA they named that for, a Democratic Congressman from Los Angeles. Did they produce anything they think is better? Do they have any plans to change the debt course we are on? Zero, nada.

I really believe this is not the responsible way to deal with the challenges this country faces. I am deeply disappointed. The matter is not going away. As ranking Republican on the Budget Committee, I feel a great sense of responsibility to defend the legally required processes of a Budget Act. What kind of ranking member or member of the Budget Committee would I be if I sat by and acknowledged and accepted these four votes as somehow disposing of the situation?

What should happen? What should have happened is that by April 1, the chairman of the Budget Committee, Senator CONRAD, with whom I enjoyed working this year, should have produced a chairman's mark, and it should have gone to the Budget Committee, and we would have had an opportunity to debate and vote on that and discuss all the issues relevant to getting our country on a fine, sound, fiscal path. But I think the majority leader decided that was not a good path.

Senator CONRAD, if you read the newspapers, apparently brought up his budget, his proposal to the Democratic conference, and it received a chilly reception, according to the newspapers. Senator CONRAD has said repeatedly that he knows we are on an unsustainable path. He said once that we are heading to the wall at warp speed. We have to change, he said, because we are on an unsustainable path. But they thought, I suppose, he was too frugal, and so apparently, according to the papers, he came back the next week with a budget that Senator SANDERS and some of the others apparently blessed. We thought we were going to have a markup, maybe, and he would bring that forward. They said publicly: We have a budget, and we have basically agreed on a budget, but we are just not bringing it forward. But it should have been brought forward to committee, marked up, passed out of committee, and brought to the floor.

It won't pass the committee, they say. What do you mean? We have to pass a budget. The Budget Act provides that it can't be filibustered. It allows the budget to be passed with a simple majority. The Democrats have a majority in the committee. They can pass a budget just like they like it. Whatever they like, they could vote to pass it. Why not? Well, I think it is because they thought it would be foolish politically for them to commit themselves to any plan that dealt with taxes, with spending, with the debt. They didn't want to commit themselves. They decided that the smart thing to do would be to attack the foolish Republicans, who actually had the responsibility and the integrity and the sense of duty to lay out a plan for this country's financial future.

Make no mistake about it, a budget is a serious matter. It sets forth your vision for America, how big you would like the government to be, how much tax you want to impose, how much spending you want to incur and how much debt you would like to incur, and it sets it forth before the whole world. We were waiting to see—the House had done their duty—what will the Senate do? Nothing.

I don't think that is responsible. I don't believe it is acceptable. I don't accept it. I am going to continue to resist this kind of no-action policy.

I hope the American people will register their complaints and concerns with their Senators and demand that this Senate do its duty to set forth a budget that can help contain spending in America and put us on a path to financial stability and allow our economy to begin to grow at a robust rate because I truly believe the debt and the interest we pay is weakening our economy, as the expert economists have told us.

Mr. President, we can't quit now. We are not going to quit now. We are going to keep pushing for the kind of budget that will allow us to put this country on a sound path. I am deeply disappointed that we have totally shortcut the entire process. We have entirely avoided the responsibility to cast a serious vote on a budget, bring one up where we have the opportunity to debate and amend it and calculate out and study and make sure there are no gimmicks in there and hidden manipulations that hide the way the numbers appear. We have seen that too often. In fact, if the American people knew the extent to which this Congress, year after year, has manipulated the numbers to hide the serious, irresponsible spending programs we are executing, they would be more angry with us than they are, and 70 percent of Americans think this country is on the wrong track. Fundamentally, I believe that is based on the fact that they think we are spending recklessly, running up too much debt, and endangering the future health and welfare of generations to come.

I yield the floor.

• Mrs. HUTCHISON. Mr. President, I am submitting my views today about the need to enact a fiscally responsible federal budget for fiscal year 2012.

The April 15 statutory deadline for Congress to complete its annual budget resolution was over a month ago. An annual budget resolution is essential for controlling spending, for guiding the annual appropriations process, and for setting national spending priorities.

For the past 2 years, the Senate has failed to meet this critical deadline. During that time, the U.S. has borrowed an additional $3.2 trillion—more than $100 billion a month until the $14.29 trillion debt ceiling was reached on May 16.

For the first 7 months of the 2011 fiscal year, the budget deficit was a record $871 billion—$71 billion higher than it was at the same point in fiscal year 2010. During the same period, income tax revenues increased by $110 billion, or 9.1 percent.

The problem isn't that Americans are taxed too little; Federal deficits are out-of-control because government is spending too much.

Not passing a budget, not bringing forward even a budget proposal, takes us down a path that ends in Social Security and Medicare bankruptcy, harms our national security, and passes the bill for current fiscal irresponsibility onto our children and grandchildren.

We are just 4½ months from the beginning of fiscal year 2012. Unless we pass a budget and approve the individual spending measures that are required to fund government operations, we will return to stopgap continuing resolutions and to recurring threat of government shutdowns.

Yesterday, I joined all 46 of my Republican colleagues in a letter to the Senate majority leader that urges him to initiate the steps that must be taken for the Senate to debate, vote, and produce a responsible Federal budget for the next fiscal year.

As the majority leader knows, the procedural votes he has scheduled will not advance us toward that goal. These votes are intended only to score political points.

Today I will be in Dallas to attend my daughter's graduation from lower school to middle school. This will prevent me from being present for votes on the motions to proceed on four budget proposals. My absence for these procedural votes will not affect the outcomes. But I wanted to make known my position in advance of these votes.

A serious attempt to move a fiscal year 2012 budget forward would be a bipartisan effort that would enable us to debate, amend, and move forward a plan for long-term deficit reduction, while funding essential government programs and services. I look forward to a real debate, open amendments, and a vote on a serious budget that will dramatically bring down the outstanding debt our country has accumulated. Unfortunately, that opportunity is not going to be presented to the Senate today.

I would vote in favor of the motions to proceed on the three Republican-originated budget proposals before the Senate: the so-called Ryan budget that has been approved by the House of Representatives, as well as alternative plans put forward by Senator TOOMEY and Senator PAUL.

Each of these proposals would put the Federal Government on a multiyear glide path to a balanced Federal budget. Each proposal would go about achieving this crucial goal by reducing Federal spending, not by raising taxes, and could be a constructive starting point for Senate debate and consideration of amendments. I do not agree with parts of each proposal. But if we had an open amendment process we could attempt to improve each proposal, while preserving the best parts.

I could not vote for the motion to proceed to consideration of the President's fiscal year 2012 budget. Unlike the Republican proposals, the President's fiscal year 2012 budget proposes to add $8.7 trillion in new spending and $1.26 trillion in net new taxes over the next decade, while only projecting $1.1 trillion in savings over 10 years.

Rather than balancing the Federal budget, the President's budget plan would add several trillion dollars more to the national debt. That would be a catastrophe by any standard. But the reality of the President's budget would be much worse. In the President's budget a $1.1 trillion deficit was projected for the current fiscal year. But we are instead headed for a $1.4 trillion shortfall.

The President subsequently signaled understanding that his proposed budget falls short by releasing a new deficit reduction proposal on April 13. The President's new plan targets $4 trillion in deficit reduction in 12 years—through tax increases and a new ''debt failsafe'' trigger that would include cuts to spending through the tax code—a new euphemism for tax increases.

It is our responsibility to the country to act on establishing constraints on federal spending and producing a budget blueprint. My colleagues on the other side of the aisle have chosen not to prepare nor advance a fiscal year 2012 budget resolution forward, except to say repeatedly that higher taxes are essential. In my estimation, raising taxes in a struggling economy will stifle job creation and further delay recovery from a devastating, long-lasting recession.

We must make bold cuts in spending where we can. We should also take steps to assure the long-term safety and soundness of Social Security and Medicare, for current retirees and for today's workers who will need to depend on benefits later. We must also carefully prioritize investment and research in areas of strategic national importance.

Just as American families and small businesses across the Nation set their spending priorities so Congress is expected to do the same. As a nation, we have reached a serious, fiscal crisis. It is time to start making the necessary and difficult decisions for the future of our country.•

H. CON. RES. 34

Mr. RUBIO. Mr. President, for me, Medicare is not a political talking point. My parents immigrated to the United States in the late 1950s. They worked hard for over 40 years to provide their children the chance to do all the things they themselves could not. But they never made much money. As a result, they retired with precious little in savings. Medicare was and is the only way they could access health care.

When my father got sick, Medicare paid for his numerous hospital stays. And as he reached the end of life, Medicare allowed him to die with dignity by paying for his hospice care.

Like most 80-year-olds my mother has several age-related ailments. Without the access to quality health care that Medicare pays for, I cannot imagine what life would be like for her.

America needs Medicare. We need it to continue without any benefit reductions for those like my mother currently in the system. And we need it to survive for my generation and my children's generation.

But Medicare is going bankrupt. Anyone who says it is not is simply

lying. And anyone who is in favor of doing nothing to deal with this fact is in favor of bankrupting it.

Medicare will go broke in as little as 9 years. No one likes this news, but it is the undeniable truth. And the sooner we begin to deal with it, the better off we are all going to be.

My goals are simple. First, I will not support any plan that changes Medicare for people like my mother who are currently on the plan. We cannot ask seniors to go out and get a job to pay for their health care.

Second, any solution must solve the problem. We need to save Medicare, not simply delay its bankruptcy.

And third, any solution cannot hurt economic growth. At a time of high unemployment, Americans cannot afford to pay more taxes.

I will support any serious plan that accomplishes these three things. It does not matter to me if it comes from a Democrat or a Republican. Saving Medicare is more important than partisan politics.

House Budget Committee Chairman PAUL RYAN has offered a plan. I support H. Con. Res. 34 because, right now, it is the only plan out there that helps save Medicare.

Democrats oppose this plan. Fine. But, if they have a better way to save Medicare, what are they waiting for to show us? What is their plan to save Medicare? Either show us how Medicare survives without any changes or show us what changes you propose we make. Anyone who supports doing nothing on Medicare is a supporter of bankrupting Medicare.

Where is the House Democrat plan to save Medicare?

Where is the Senate Democrat plan to save Medicare?

Where is President Obama's plan to save Medicare?

They have no plan to save Medicare, and they do not plan to offer one. They have decided that winning their next election is more important than saving Medicare for my mother and retirees like her.

I have been in the Senate just long enough to be disgusted by the reality that Washington has too many people who think their personal political careers are more important than our country's future.

Maybe the Democrats' strategy to use Medicare as a political weapon will work. Maybe not offering their own plan to save Medicare will help them win seats in Congress and reelect the President. Maybe it is great for the Democrat Party.

But it is terrible for people like my mother, and it is terrible for America.

Medicare is going bankrupt. If something does not happen soon, in just a few years whoever is in charge in Washington will have to go to people like my mother and tell them we can no longer afford to continue providing her with the same Medicare she is used to.

We have always had intense partisan politics in America. But throughout our history, on issues of generational importance, our leaders have agreed to put aside politics for the sake of our country. Shouldn't saving Medicare be that kind of issue?

I am ready to work with anyone in Washington who is serious about saving Medicare. I am open to any serious solutions they have.

We are running out of time to save Medicare for our parents and secure it for our children. If we fail, history will never forgive us.

S. CON. RES. 20

Mr. President, I came here to support budgets that make tough spending reductions, save our safety net programs, and preserve our commitment to protecting Americans at home and abroad. In the midst of this fiscal crisis, there should be no sacred cows in the Federal budget, but we also can't walk away from our commitments abroad. Especially in this time of great upheaval around the world, and as America's enemies dream of a Greece-like day of reckoning that will leave us no choice but to abandon our allies around the world, I simply cannot support a budget that would make the world a less safe place because the United States' role in it is diminished.

TRIBUTE TO MARY JANE McCARTHY

Mr. REID. Mr. President, Mary Jane McCarthy will retire at the end of May after more than 23 years of service to the U.S. Senate. As one of the official reporters of the debate in the Senate, Mary Jane and her colleagues ensure that the debates and votes of the Senate can be read by future generations.

Mary Jane started her professional career as a free-lance reporter in 1972 by recording government hearings at the Federal Trade Commission. Since that time, she has reported hearings and proceedings at the Federal Aviation Administration, and the National Labor Relations Board.

In the Senate, Mary Jane developed a reputation for understanding the intricacies of this legislative body. With her years of experience, Mary Jane knows the nuances of the parliamentary procedures so well that she is often asked to train new reporters when they enter the Senate. I am sure many of her colleagues have benefitted from her instruction.

I am proud to have worked with Mary Jane and I appreciate her important contributions to the Senate. I know I speak for the Senate family as we wish you the best in your future endeavors.

TRIBUTE TO LLOYD ATOR

Mr. ROCKEFELLER. Mr. President, it is my very great pleasure to pay tribute to one of the great treasures of the Senate, Mr. Lloyd Ator. Lloyd is retiring after 17 years as the legislative counsel for the Commerce Committee, and 11 years in the Senate Legislative Counsel's Office. Lloyd has been a truly outstanding public servant, and his service has made our country a better place.

Given the breadth of issues within the committee's jurisdiction, the legislative counsel is required to be something of a Renaissance man. Fortunately, that is a perfect description of Lloyd. He has been required to know the underlying law in so many areas, from the Olympics, to daylight savings time, railroad rates, aviation security screening, cellphone use, science standards, fisheries management, maritime liability, commercial privacy, and satellites. To draft concise, thoughtful, and technically accurate bills on this range of issues, as Lloyd has done, requires unparalleled skill, expertise and dedication. Lloyd is also a parliamentary expert and served as an outstanding resource for committee members. Even when every other committee did away with their own legislative counsels, the Commerce Committee was determined to keep Lloyd, knowing that his unique capabilities made him our ''secret weapon.''

Not only is Lloyd an experienced drafter, he is a man of unflagging spirit. One of Lloyd's most remarkable qualities is his unwavering patience. No matter how many times he was asked to rewrite an amendment or edit a draft, he never once rolled his eyes or expressed frustration. He continually responded calmly and patiently, offering a word of humor at just the right moment. His humorous comments on drafts of bills are legendary on the committee.

Lloyd has become a bulwark on the committee, respected by colleagues and Members on both sides of the aisle. As a trusted adviser, he has always maintained the utmost level of confidentiality, even while drafting competing bills. Despite this position of privileged knowledge, Lloyd has always remained discreet and has earned the respect of all with whom he has worked. Lloyd is someone that both the Members and the Commerce staff have come to rely on, time after time. It has been largely through Lloyd's hard work, patience, and extensive legislative knowledge that the Commerce Committee has been able to produce such high quality legislation for the past 17 years. He has played an important role in every major piece of legislation the committee has considered for the past decade and at the close of the last century.

Lloyd is an incredibly humble man and has never been one to seek recognition, which is part of why I am so pleased to honor him today. Lloyd's retirement signifies a great loss to the committee and to the Senate. As sad as we are to see him go, I know that he is looking forward to spending more time with his family, his dog, and on many more trips to France. It is with sincere thanks from a grateful committee that I wish him nothing but the best in the

years to come. We have all been made better by his contribution, his presence, and his example. He is an institution and his extraordinary service is as much a part of Commerce Committee lore as the Enron investigation or the deregulation of telecom. He is an institution we are extremely proud of and will always honor. We will strive to live up to his example.

ADDITIONAL STATEMENTS

TRIBUTE TO SAUL MARTINEZ ELEMENTARY SCHOOL

• Mrs. BOXER. Mr. President, it is with great pleasure that I honor students, teachers, administrators, librarians, and parents from Saul Martinez Elementary School in Mecca, CA, for taking a stand to resolve a serious pollution problem the community was facing. Together, they have demonstrated how important it is to speak up and be heard to make government officials aware of vital issues that affect their community.

Like all Americans, the residents of Mecca, CA, have the right to expect that the air they breathe is clean, and that the Federal and State government will enforce the Nation's environmental laws to protect them from dangerous pollution. Unfortunately, some residents in Mecca became sick from overpowering air pollution coming from a nearby waste recycling facility. The noxious odors posed a public health risk to the two schools located near the site, Saul Martinez Elementary School and Mecca Elementary School.

I became involved because local citizens, including teachers and students at the two schools, spoke out about the public health threat in Mecca that needed to be addressed immediately. I am so pleased that the Environmental Protection Agency stepped up its efforts to clean up the air pollution in and around the community of Mecca.

I give special thanks to the residents of Mecca, including the students at Saul Martinez Elementary School, for speaking up and telling the truth about the troubling conditions nearby. It is an example to all Americans that we have a stake in our communities and that by fighting for what is right, we can make our country a better, safer and healthier nation.•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1057. A bill to repeal the Volumetric Ethanol Excise Tax Credit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1863. A communication from the President of the United States of America, transmitting, pursuant to law, the 2010 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, U.S. Strategic Command (DCN OSS No. 2011–0894); to the Committee on Armed Services.

EC–1864. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–047, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1865. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1866. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–1867. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to List of User Fee Airports: Addition of Naples Municipal Airport, Naples, Florida'' (CBP Dec. 11–12) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Finance.

EC–1868. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Rate Increase Disclosure and Review'' (RIN0938–AQ68) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Health, Education, Labor and Pensions.

EC–1869. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during Fiscal Year 2010 (DCN OSS No. 2011–0937); to the Committee on Foreign Relations.

EC–1870. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Libya'' (RIN1400–AC83) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Foreign Relations.

EC–1871. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–1872. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2011–0883); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

*Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

*Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

Air Force nomination of Maj. Gen. Brooks L. Bash, to be Lieutenant General.

Air Force nomination of Col. David E. Deputy, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. James D. Demeritt and ending with Brig. Gen. Joseph K. Martin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Brigadier General Mark A. Atkinson and ending with Brigadier General Timothy M. Zadalis, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Col. David J. Buck, to be Brigadier General.

Air Force nomination of Lt. Gen. Gilmary M. Hostage III, to be General.

Air Force nomination of Maj. Gen. Mark F. Ramsay, to be Lieutenant General.

Army nomination of Col. Mark W. Palzer, to be Brigadier General.

Army nomination of Brig. Gen. Gerald E. Lang, to be Major General.

Army nomination of Col. Charles R. Bailey, to be Brigadier General.

Army nominations beginning with Brig. Gen. Omer C. Tooley, Jr. and ending with Col. Brian R. Carpenter, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Marine Corps nominations beginning with Colonel Charles G. Chiarotti and ending with Colonel Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Maj. Gen. Richard P. Mills, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. George J. Flynn, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John R. Allen, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Steven A. Hummer, to be Lieutenant General.

Navy nomination of Rear Adm. Kendall L. Card, to be Vice Admiral.

Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Mark D. Harnitchek, to be Vice Admiral.

Navy nomination of Rear Adm. David H. Buss, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators .

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

Air Force nominations beginning with Michael D. Dietz and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Jay O. Aanrud and ending with Scott C. Zippwald, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Air Force nominations beginning with Matthew J. Bronk and ending with Joy C. Taber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Air Force nomination of Paul L. Dandrea, to be Major.

Air Force nomination of Jeffrey A. Bailey, to be Colonel.

Air Force nomination of James A. Mace, to be Major.

Air Force nominations beginning with Bernadette A. Anderson and ending with Dwayne B. Wilhite, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Jeffery D. Aebischer and ending with Kurt V. Woyak, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011. (minus 1 nominee: Ken R. Mcdaniel)

Air Force nominations beginning with La Rita S. Abel and ending with Michael J. Zenk, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Peter J. Avalos, to be Major.

Army nominations beginning with Keith W. Alfeiri and ending with Diana Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nominations beginning with Mark J. Berglund and ending with Michael S. Sarver, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nomination of Michael P. Harry, to be Major.

Army nominations beginning with Joseph L. Aaron, Jr. and ending with Joseph V. Zulkey, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Army nominations beginning with Charles M. Abeyawardena and ending with G001231, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Army nominations beginning with Lisa M. Abel and ending with Cody L. Zach, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Marine Corps nomination of Angella M. Lawrence, to be Major.

Marine Corps nomination of Michael R. Cirillo, to be Lieutenant Colonel.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nomination of James P. McGrath III, to be Captain.

Navy nomination of Steven M. Wechsler, to be Captain.

Navy nomination of Fernando Harris, to be Commander.

Navy nomination of Stephen K. Revelas, to be Captain.

Navy nomination of Bradley S. Hawksworth, to be Commander.

Navy nomination of Douglas L. Edson, to be Captain.

Navy nomination of Stephen J. Parks, to be Commander.

Navy nomination of Hung Cao, to be Commander.

Navy nomination of Tracy T. Skipton, to be Commander.

Navy nomination of David T. Carpenter, to be Captain.

Navy nomination of Brent J. Kyler, to be Captain.

Navy nomination of Peter W. Ward, to be Commander.

Navy nomination of Pablito V. Quiatchon, to be Lieutenant Commander.

Navy nomination of Robert H. Buckingham, to be Captain.

Navy nomination of Bryan F. Butler, to be Captain.

Navy nominations beginning with William H. Albert and ending with Michael Witherill, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nomination of Valerie R. Overstreet, to be Commander.

Navy nominations beginning with Nadesia V. Henry and ending with John A. Salvato, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Navy nomination of Thomas P. Fantes, to be Captain.

Navy nomination of Cynthia E. Wilkerson, to be Captain.

Navy nominations beginning with David T. Carpenter and ending with Timothy M. Chen, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nominations beginning with Robert D. Pavel and ending with Shaun C. Shillady, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nomination of Kendall C. Jones, Jr., to be Lieutenant Commander.

Navy nomination of Kirk R. Parsley, to be Lieutenant Commander.

Navy nomination of Christian F. Jensen, to be Lieutenant Commander.

Navy nomination of Joseph M. Holt, to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. CASEY, Mr. BLUNT, Mr. LUGAR, Mr. FRANKEN, and Mr. SANDERS):

S. 1059. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ENZI, Mr. HELLER, Mr. LEE, Mr. RISCH, Mr. THUNE, and Mr. HATCH):

S. 1061. A bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN:

S. 1062. A bill to enhance the administration of the United States Air Force Institute of Technology, and for other purposes; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 1065. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Indian Affairs.

By Mr. CRAPO (for himself, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Mr. RISCH):

S. 1066. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. BLUNT, Mrs. MURRAY, and Mr. ROBERTS):

S. 1069. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. PAUL:

S. 1070. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1071. A bill to limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1072. A bill to provide for a good faith exemption from suspicious activity reporting requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1073. A bill to require the Attorney General to establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of certain records; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1074. A bill to remove the extension of the sunset date for section 215 of the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1075. A bill to provide judicial review of National Security Letters; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1076. A bill to modify the roving wiretap authority of the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1077. A bill to require judicial review of Suspicious Activity Reports; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1078. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND:

S. 1080. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, to provide for automatic enrollment for veterans returning from combat zones into the Department of Veterans Affairs medical system, and for other purposes; to the Committee on Armed Services.

By Mr. PAUL:

S.J. Res. 15. A joint resolution declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same; to the Committee on Foreign Relations.

By Mr. PAUL:

S.J. Res. 16. A joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. REED, and Mr. COCHRAN):

S. Res. 199. A resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 376

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 491

At the request of Mr. PRYOR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 643

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 705

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 769

At the request of Mr. HARKIN, the names of the Senator from Vermont

(Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 769, a bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property.

S. 818

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of nonemergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 892

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 892, a bill to establish the Department of Energy and the Environment, and for other purposes.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 960

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1035

At the request of Mr. CARPER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1035, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. CON. RES. 4

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 13

At the request of Mr. REID, his name and the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. COONS), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. KIRK), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. LEE), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from West Virginia (Mr. MANCHIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from

Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. PAUL), the Senator from Ohio (Mr. PORTMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. RUBIO), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from South Dakota (Mr. THUNE), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Louisiana (Mr. VITTER), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. WICKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 13, a concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUMENTHAL. Mr. President, we all have a shared commitment to our Nation's veterans. That shared commitment is reflected in many of the programs that are supported by yourself and my other colleagues in this body every year. I deeply respect the knowledge and dedication that my fellow Senators have brought to this critical issue. Each of my colleagues, almost without exception, has supported measures that have helped our veterans over the years.

I rise to introduce my first piece of legislation, a bill to help our Nation's veterans.

Our Nation must keep faith with the men and women who have served and sacrificed for our freedom. Unfortunately, and unconscionably, America is still failing them and their families by tolerating unemployment, homelessness, and inadequate health care. We must renew our commitment to the more than 250,000 veterans in Connecticut and 22 million across the country to ensure that no veteran is left behind.

Our commitment to veterans must be unwavering. Despite our best intentions, we fail all too often to accord our veterans the support they have earned. Unfortunately, according to the Department of Veterans Affairs, more than 76,000 veterans are homeless on any given night and nearly twice that number will be homeless at some point during the year. The unemployment rate among veterans has doubled over the past 3 years. Twenty-seven percent of veterans in their early twenties are unemployed. That number is almost twice the unemployment rate of their peers who have not served in the military. The Bureau of Labor Statistics recently reported that unemployment for veterans who served their country after September 2001 to be 11.5 percent, again, a figure far higher than the national unemployment rate.

Twenty percent of Iraq and Afghanistan war veterans are estimated to suffer from post-traumatic stress disorder. When veterans return home, they must wait at least half a year, on average, for a claims decision by the Department of Veterans Affairs before they can receive benefits. Those numbers are simply unacceptable. As I speak today, America's longest war continues, with less than 1 percent of the Nation in uniform. Never in the history of the country have so few fought for so long, at such great personal cost and sacrifice.

Under the leadership of Secretary Shinseki, the Department of Veterans Affairs has taken strong steps toward the goal of building a 21st century system that supports caregivers of seriously injured Iraq and Afghanistan veterans, improving services to women veterans, expanding the availability of health care, and preventing veteran homelessness.

Gaps in the system remain, and they are debilitating, destructive, and devastating for many veterans. We can do better and we must do more. The legislation I introduce today is entitled Honoring All Veterans Act of 2011. Its 16 comprehensive provisions are only the first phase of my efforts.

This legislative proposal is a comprehensive package but only an opening salvo in a sustained, unceasing campaign to ensure that no veteran is left behind. It is a downpayment on a larger debt. The goal is to give all veterans the homecoming and the services they need and deserve. Our military men and women have kept their promise to serve and sacrifice for this country, and we must now keep faith with them. Our commitment to veterans should reflect the depth of their sacrifice. This measure is entitled Honoring All Veterans Act because all veterans are brave service men and women, serving today in places we can barely pronounce the names of. They are deployed around the globe, and they deserve to be honored for defending our freedom and democracy. We must honor that service not only in words but in deed.

This legislation comes from veterans and their families—seeing and hearing their struggles and dreams, their achievements and defeats as I have worked for them during my 20 years as attorney general and 4-plus months as a Senator.

In the VFW and American Legion halls, in living rooms, in school auditoriums, and in countless gatherings across the State of Connecticut, I have been privileged to listen and learn from veterans and their families who have shared their personal stories and insights.

This legislation simply continues the work I have done as attorney general. I worked to make the Department of Defense release information on those who may have been improperly separated from military service, and urged the Department of Veterans Affairs to update its obsolete database systems that were preventing tens of thousands of disabled veterans from obtaining deserved tax benefits. In 2007, I worked with the Connecticut congressional delegation to make the Department of Defense provide accurate information about educational benefits to veterans. I have fought for them individually when they encountered bureaucratic resistance and red tape from an unresponsive system. I am proud of that work and proud, most important, of my partnership with veterans in Connecticut in proposing this legislation. My goal then, and it has been continuously, is to keep faith with our veterans, to honor our promises to them.

This Honoring All Veterans Act of 2011 will address four key areas: first, expanding job opportunities for veterans; second, assisting homeless veterans; third, improving veterans health care, with a special emphasis on mental health services; fourth, modernizing the Department of Veterans Affairs.

On expanding job opportunities to honor all veterans and give them the welcome home they deserve, we need to focus first on jobs. Like all Americans, veterans are striving to provide for their families and participate in the economic recovery to find jobs in our slowly recovering economy. Good jobs require education and training, as well

as independent living services for veterans. Our Nation has done much to address this issue, such as the expanded post-9/11 GI bill, but gaps in the system remain. They are all too glaring. My legislation will expand job opportunities in five significant ways.

First, the legislation raises the statutory cap for the Vocational Rehabilitation and Employment Independent Living Program to welcome hundreds of additional veterans. This vital program helps veterans with severe service-connected disabilities, enabling them to live independently. It helps veterans with those kinds of disabilities to participate in family and community life and increases their potential to return to work. There is a strong case for removing the cap on participation in the program. I would like to recognize the distinguished junior Senator from Hawaii for the work that he has done in this regard. I hope that my legislation will ensure the program can continue to assist veterans coming back from Iraq and Afghanistan, while Congress works to find funding to remove the cap completely.

Second, the legislation authorizes veterans to reuse the Department of Defense Transition Assistance Program, known as TAP, and meet with counselors at any military installation for up to 1 year after their separation. This program was developed to assist military personnel leaving the service with information about jobs, education, and career development. Veterans returning to Connecticut wishing to participate again in the Transition Assistance Program should have that opportunity to participate for a second time, maybe even a third time. Coming back from deployment, servicemembers are often focused on other important aspects of the transition process, rather than how to find a job. They may have never written a resume before or attended a job interview. Having started the job search they have specific areas where they realize they need help. I discussed this idea at a recent Senate Armed Services Committee hearing with the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He testified that the military is right now in the process of redesigning the TAP program. I am going to work toward having this provision included in the redesign of the TAP program so that TAP continues to be an opportunity once a servicemember returns home.

Third, the legislation authorizes a study of how best to ensure that civilian employers and educational institutions recognize veterans' military training. The military recruits the most talented men and women in America to serve, and then it invests heavily in their professional development. Yet when they trade their uniforms in for civilian clothes, employers and others such as professional accrediting organizations often refuse to recognize or understand how to make use of their military experience and the expertise they have gained.

The Iraq and Afghanistan Veterans of America reported that 61 percent of employers do not believe they have ''a complete understanding of the qualifications ex-servicemembers offer,'' and recently separated servicemembers with college degrees earn on average almost $10,000 less per year than their nonveteran counterparts.

One way to close this gap is to have the Department of Defense review the list of military occupations specialties, such as the 22 MOS's in Army engineering or 16 MOS's in Army communications, and ensure that completing MOS qualifications will provide those servicemembers with credentials recognized by civilian employers.

The study authorized in this legislation will start that process. I am committed to working in the Senate to see this problem resolved.

Fourth, the legislation reauthorizes the Veterans Education Outreach Program to provide money for campus-based outreach services to veterans. This program was first established in 1972 to provide colleges with a significant number of veterans on campus with additional resources to make sure those students get the most out of their educational experience and use VA benefits available to assist them. I believe that the return of veterans from deployments during the Global War on Terror requires the same kind of on-campus support. While there are other programs helping veterans pay the cost of tuition and many colleges have great veterans services on-campus, the Veterans Education Outreach Program is the missing link to ensuring veterans are informed about their VA benefits and maximizing the opportunity to study and obtain employment.

Fifth, the legislation authorizes a comprehensive program at the Department of Labor to assist veterans with TBI or PTSD in the workplace. It provides technical assistance to employers of veterans living with those conditions and provides best practices relating to helping those employees develop successful strategies for on-the-job success. The legislation requires the Office of Disability Employment Policy to coordinate an inter-agency working group which will produce a federal homecoming plan for reintegration of these veterans. These tasks have been conducted to a limited degree by the Department of Labor through the America's Heroes at Work program and the Veterans Employment & Training Services and they are to be commended for their efforts to date. However, by defining these requirements in statute, it is my hope that these programs will expand to reach all veterans that need help.

This legislation also reaches veterans in a variety of other key areas. Recently, a female veteran visited my office. She and her two children were homeless and needed help. In their case, we could find temporary shelter. But on the issue of homelessness, many veterans do not know where to turn or are hesitant to do so. The current per diem given to homeless veterans does not address rising costs and regional variations in helping homeless veterans. Women are particularly underserved now, and my hope is that new housing projects take care of female veterans. For example, the Newington Mission Homeless Project in my state will help forgotten heroes find shelter. The Honoring All Veterans Act reforms the per diem program and helps military families avoid homelessness by permanently extending their foreclosure protection for servicemembers.

On improving veteran health care and mental health services, as I have traveled Connecticut meeting with veterans, I have seen firsthand how veterans with traumatic brain injury or post-traumatic stress disorder face unique challenges in accessing the Department of Veterans Affairs for benefits and medical assistance. Veterans deserve the best possible medical care, particularly when it comes to treating TBI or post-traumatic stress. These are the signature wounds of the conflicts in Afghanistan and Iraq. More than a quarter of these injuries are undiagnosed, according to the military itself. Then too often, even if they are diagnosed, servicemembers are screened but do not receive a full course of treatment.

To address this issue, my legislation requires the Department of Defense to identify and then close the gap between screenings and treatment. Simply diagnosing a soldier or a marine with symptoms of PTSD or TBI does not heal them.

This legislation also addresses the problem of finding qualified psychiatrists, psychologists, and nursing professionals to work in VA medical hospitals and outpatient clinics by accessing graduates from the Uniformed Services University of the Health Sciences. This university trains outstanding medical professionals for military service. Under existing law the Secretary may exempt graduates from working in a military hospital after graduation, based upon forecast demand. The Honoring All Veterans Act allows those graduates identified by the Secretary as excess to military requirements to serve out their commitment in the VA medical systems, rather than releasing them to private hospitals. This provision is just one example of how the legislation is crafted to better utilize the existing resources of the DOD and VA medical systems.

Modernizing the Department of Veterans Affairs is the final section of this legislation. It addresses the DOD and VA transition process through improved monitoring and oversight. It increases pension benefits and gives veterans grounds for appeal at the Board of Veterans Appeals if the VA has misplaced or misfiled their documents.

I hear about this problem, as my colleagues do, again and again as I listen to veterans. Recently, a veteran visited

my office. He has been waiting on a hearing date with the Board of Veterans Appeals for over a year.

His story is typical.

This legislation provides much needed improvement to the Board of Veterans Appeals. I look forward to working with my colleagues to address other much needed improvements.

We can honor our veterans whose claims are stuck in the Board of Veterans Appeals by confirming judges to the court that reviews them. Three of those nine seats are now vacant, and each judge must preside over 600 cases per year, far more than any other Federal appellate court.

Finally, in closing, let me recognize the many veterans throughout the State of Connecticut who helped me craft this measure.

I thank CDR Richard DiFederico of the VFW and CDR Daniel Thurston of the American Legion for their very dedicated work, not only in assisting me but day in and day out on behalf of veterans.

I thank Bob Janicki, who has spent recent years after serving this country in the U.S. Marine Corps during the Vietnam era, for providing help to homeless veterans and veterans seeking jobs.

Paul ''Bud'' Bucha is a veteran and friend with the most distinguished service record possible in winning the Medal of Honor. His life after military service, giving back to other veterans and managing several successful companies, has been an example of how veterans continue to provide leadership with courage and vision.

MSG Frank Alvarado has made a number of very helpful suggestions, including, for example, reauthorizing the Veterans Education Outreach Program.

I would also like to acknowledge my deep respect to Dr. Linda Schwartz, who has been a tireless advocate for all veterans.

Connecticut is blessed to have the leadership of veterans who help each other, care for each other, look out for each other. I look forward to working with them in ensuring that this legislation is passed. I have no illusions that accomplishing passage of these kinds of measures will be easy, but I hope for support across the aisle. This kind of goal certainly ought to unite us, not divide us. We have so much more in common on this issue than in conflict. I am hoping we can work together to ensure that we keep faith with our veterans, that we honor their service, ensure that we welcome them home with the kind of services they need and deserve so that no veteran will be left behind.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of this legislation.

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

THE HONORING ALL VETERANS ACT OF 2011

SECTION BY SECTION ANALYSIS

TITLE 1—EDUCATION, EMPLOYMENT, AND INDEPENDENT LIVING SERVICES FOR VETERANS

1. Raises the statutory cap for Vocational Rehabilitation and Employment Independent Living program participants from 2,700 new, per annum, to 3,000.

2. Authorizes veterans to retake the Transition Assistance Program (TAP) and meet with counselors at any military installation again up to 1 year after separation.

3. Authorizes a study of how best to ensure the recognition of military training and qualifications that veterans have by civilian employers and education institutions.

4. Reauthorizes the Veterans Education Outreach Program to provide $6 million for campus-based outreach services to veterans.

5. Directs the Secretary of Labor to provide technical assistance to employers of veterans living with Traumatic Brain Injury (TBI) and/or Post Traumatic Stress Disorder (PTSD) as they transition to the civilian workplace. Directs the Secretary of Labor to provide best practices related to helping employees with TBI and/or PTSD find and develop successful strategies for on-the-job success. Directs the Office of Disability Employment Policy to coordinate inter-agency working group ''federal roundtables'' on TBI and PTSD to produce a national homecoming plan that identifies the role of each federal agency in the reintegration of these veterans.

TITLE 2—ASSISTANCE FOR HOMELESS VETERANS

1. Permanently extends foreclosure protection for service members under the Service Members Civil Relief Act.

2. Reforms the daily Homeless Housing per diem voucher program to take account of service costs and geographic disparities. Allows use of other funds (such as those authorized under the McKinney-Vento Homeless Assistance Grant) without offset.

TITLE 3—HEALTH CARE AND MENTAL HEALTH SERVICES FOR VETERANS

1. Directs DOD and VA to monitor referrals for mental health care to ensure that individuals receive care.

2. Directs to VA to ensure that all TBI and PTSD patients leave VA medical treatment with a plan for their long-term care needs that utilizes a ''one-VA'' approach to capture and employment and vocational services that can assist in long-term care and rehabilitation.

3. Authorizes VA medical facilities to provide counseling to family members of deployed service members.

4. Authorizes the VA medical system to receive graduates of the Uniformed Services University of Health Sciences (USU) to serve veterans in Community-Based Outpatient Clinics and readjustment counseling Vet Centers of the Department of Veterans Affairs.

5. Authorizes the VA to Access State Prescription Monitoring Programs to address substance abuse.

TITLE 4—ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS

1. Directs the DOD and VA to establish a monitoring mechanism to identify and address challenges as they arise in all DOD and VA facilities and offices involved in the single separation physical process.

2. Authorizes an independent review board on the DOD to VA transition process that includes the Inspector General from each Agency and the GAO.

3. Reforms the Board of Veterans Appeals process to help veterans with misfiled documents.

4. Increases the pension for disabled veterans married to one another who require aid and attendance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation, the Huna Tlingit Traditional Gull Egg Use Act of 2011, cosponsored by my colleague MARK BEGICH from Alaska, which represents an important step forward in allowing the Huna Tlingit people access to enjoy their traditional subsistence activity of gull egg collection.

The collection and consumption of gull eggs is an integral part of the culture of the Tlingit people of Southeast Alaska, and eggs were gathered at rookeries long before Glacier Bay National Park and Preserve's establishment in 1925. A Legislative Environmental Impact Statement was completed in 2010 regarding this proposal to allow limited harvests of gull eggs in Glacier Bay National Park and Preserve, and the preferred alternative authorized the implementation of a cooperative management program for gull egg collection and emphasized a traditional harvest strategy for the collections.

My bill will authorize this harvest of gull eggs at five nesting areas on two separate days each calendar year within the Park. This would allow a large number of tribal members to interact with their traditional homeland and provide an opportunity for as many as 12 young people to participate annually and spend time with elders learning about traditional egg harvest practices in addition to other aspects Tlingit culture

This bill is widely supported throughout the environmental and conservation communities, as well as the Alaska Native community. The harvesting of gull eggs would only have minor effects on the gulls, but the cultural benefits that would be realized by the Native community would be great.

I would like to thank Senator BEGICH, an original co-sponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as the local tribe members have been eagerly awaiting passage of this measure for quite a long time.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, as families prepare for Memorial Day festivities, and plan outings this summer, most will be outdoors without adequate sun protection, even if they use sunscreen.

This is because there are currently no rules that sunscreen makers must follow when making claims about the level of protection their products provide.

Currently, sunscreen products are only required to protect against UVB rays, the rays that cause tans and sunburns and the level of protection is documented with a Sun Protection Factor, SPF. Unfortunately, even these numbers can be misleading or worse, inaccurate. Researchers have found that a sunscreen product with a SPF of 30 protects against 98 percent of the sun's UVB rays, while a sunscreen labeled with a SPF of 100 protects against 99 percent of the sun's UVB rays. The larger the SPF number doesn't always result in significantly better protection.

Moreover, sunscreen products are not required to protect against cancer-causing UVA rays. UVA rays actually penetrate deeper into the skin and can cause more damage. Some sunscreens and products containing sun protection claim to protect against these rays, but there are no scientific standards by which to measure their validity.

We have seen the effects that a lack of reliable sun protection can have in the rising rates of melanoma in this country, which has doubled in the past 30 years. This year alone, over 2 million people will be informed that they have a preventable form of skin cancer. My state of Rhode Island is among the top ten for reported melanoma diagnoses.

After years of working with my colleagues to press the Food and Drug Administration to act, in August of 2007, the FDA finally proposed a rule that would require sunscreen labels to disclose the level of UVA protection in a standard format that appears near the sun protection factor rating, and ensure that the SPF rating actually corresponds to a product's protection against UVB rays. This was a step in the right direction. The downside is that nearly 4 years later this proposal has still not been finalized.

For this reason, today I am introducing the Sunscreen Labeling Protection Act, the SUN Act, along with my colleagues, Senators SCHUMER, KERRY, LEAHY, and FRANKEN. This legislation would require the FDA to finalize the sunscreen labeling monograph. If the FDA fails to finalize its proposed monograph of August 27, 2007 within 180 days of enactment of the SUN Act, the monograph, as proposed, would become effective. I look forward to a summer when Americans can finally feel protected from the sun's harmful rays.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1064

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 ''Sunscreen Labeling Protection Act of 2011'' or the ''SUN Act''.

SEC. 2. EFFECTIVE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled ''Sunscreen Drug Products for Over-the-Counter Human Use; Proposed Amendment of Final Monograph'', 72 Fed. Reg. 49070 (August 27, 2007), shall take effect on the date that is 180 days after the date of enactment of this Act, unless such Commissioner issues the final rule, which includes formulation, labeling, and testing requirements for both ultraviolet B (UVB) and ultraviolet A (UVA) radiation protection, before such effective date.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the role safe nuclear energy can play in moving our country toward a more secure energy future.

Given the economic, national security, and environmental threats that we face, we need a comprehensive energy policy. In this regard, safe nuclear energy clearly has emerged as an important player in our search for stable and domestic energy sources with fewer greenhouse gas emissions.

A cleaner energy economy will spur innovation in, and accelerate the shift to, clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, and commercialization of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world and cleaner energy technologies will help us get there.

Finally, as we try to emerge from perhaps our greatest economic crisis since the Great Depression, we need an ''all of the above'' solution to jump-start our economy and create new jobs. Beyond renewables and natural gas, this also means next generation nuclear energy.

That is why I am introducing the bipartisan Nuclear Energy Research Initiative Improvement Act today. This bill would authorize the Department of Energy to carry out a research, development, and demonstration program to reduce manufacturing and construction costs of safe nuclear reactors. It would support research in areas critical for us to achieve these goals, while also protecting national security. For example, it would support research into: modular and small-scale reactors, balance-of-plant issues, cost-efficient manufacturing, licensing issues, and enhanced proliferation controls.

In light of the disaster at the Daiichi nuclear facility in Japan, it is evident a new era of safe nuclear energy development is needed: one with enhanced safeguards and more agile manufacturing and operating capabilities. My bill seeks to achieve those objectives.

Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope that we can build new, safe nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow. My bill would help us accomplish these goals.

I would like to thank Senator BINGAMAN and Senator MURKOWSKI for joining me in introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1067

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 ''Nuclear Energy Research Initiative Improvement Act of 2011''.

SEC. 2. NUCLEAR ENERGY RESEARCH INITIATIVE.

Section 952(a) of the Energy Policy Act of 2005 (42 U.S.C. 16272(a)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary;''; and

(2) by adding at the end the following:

''(2) AUTHORIZED RESEARCH INITIATIVES.—In carrying out the program under this subsection, the Secretary shall conduct research to lower the cost of nuclear reactor systems, including research regarding—

''(A) modular and small-scale reactors;

''(B) balance-of-plant issues;

''(C) cost-efficient manufacturing and construction;

''(D) licensing issues; and

''(E) enhanced proliferation controls.

''(3) CONSULTATION REQUIREMENT.—In carrying out initiatives under paragraph (2), the Secretary shall consult with—

''(A) the Secretary of Commerce;

''(B) the Secretary of the Treasury;

''(C) the Nuclear Regulatory Commission; and

''(D) any other individual who the Secretary determines to be necessary.

''(4) SCHEDULE.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall develop and publish on the website of the Department of Energy a schedule that contains an outline of a 5-year strategy to lower effectively the costs of nuclear reactors.

''(B) PUBLIC WORKSHOPS.—In developing the schedule under subparagraph (A), the Secretary shall conduct public workshops to provide an opportunity for public comment.

''(C) REVIEW.—Before the date on which the Secretary publishes the schedule under subparagraph (A), the Nuclear Energy Advisory Committee shall conduct a review of the schedule.

''(D) ANNUAL UPDATES.—

''(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary publishes the schedule under subparagraph (A) and annually thereafter, the Secretary shall update the schedule.

''(ii) PUBLIC WORKSHOPS.—In updating the schedule under clause (i), the Secretary shall conduct public workshops in accordance with subparagraph (B).

''(5) COST SHARING.—Section 988 shall apply to initiatives carried out under this section.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2012 through 2016.''.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, this month marks commencement season at our great colleges and universities across Ohio and the Nation. I have had the honor of speaking at a few this year—Owens Community College, Ashland University, Cleveland Marshall College of Law, and Ohio Northern University.

It is a day of achievement and accomplishment, a reaffirmation of why education is a key to our economic prosperity. But it is also a day of anxiety. Graduates are leaving campuses to enter a difficult job market saddled with student debt.

Approximately 2/3 of Ohioans who attend a private or public 4-year college or university graduate with an average of nearly $26,000 in student loan debt. Unfortunately, as student loan debt levels continue to grow, the Nation's hiring climate remains sluggish. This has led to limited employment opportunities for recent graduates; nearly half of the 2009 graduating class is currently unemployed or employed in a position that does not require a college degree.

Such circumstances are leading to undue personal stress and potentially, a lifetime of financial challenges. Far too often, individuals and families are becoming part of the ''sandwich generation'' where families are paying for the cost of their children's education while also taking care of their aging parents.

That is why last year I supported—and the President signed into law, the Health and Education Reconciliation Act, the single largest federal investment in student aid in generations. The law ends wasteful subsidies to private lenders through the Federal Family Education Loan, FFEL, Program. In doing so, we cut out the middleman and loans are now not only originated, but also serviced, by the U.S. Department of Education.

By ending subsidies to private banks, we saved billions of dollars, and used the savings to allow the maximum Pell Grant award to reach a historic level. We made it easier for students to repay loans through the Income-Based Repayment Program. We did this all at no cost to the taxpayer.

For many colleges and universities, the transition from FFEL to the Direct Loan program has been a resounding success as there has been no disruption to borrowers or financial aid administrators.

For those borrowers who are in the middle of the transition period, I, along with my good colleague Senator FRANKEN, am introducing the Student Loan Simplification and Opportunity Act. This legislation, by simplifying loan repayment and reducing the loan amount, benefits college graduates. And this legislation, by removing costly subsidies provided to private lenders, saves 1.8 billion dollars that will be reinvested in the Pell Grant Program, thereby ensuring that other deserving students can afford to attend college.

The Student Loan Simplification and Opportunity Act would allow students with both FFEL loans and Direct Loans to voluntarily transfer their FFEL debt to a Direct Loan servicer over a nine-month period.

By converting loans, the likelihood that a borrower may miss a payment and end up further in debt would decrease. On average, a borrower with multiple loan servicers has a 20 percent higher chance of defaulting on their loan payments. Yet, this program not only simplifies a borrower's loan repayment, it reduces the amount owed. Borrowers who transferred their debt would be rewarded with up to a 2 percent reduction in the principal amount of their FFEL loan.

I am proud to introduce the Student Loan Simplification and Opportunity Act, as this legislation will benefit both borrowers and taxpayers.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1079

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 ''Domestic Fuel for Enhancing National Security Act of 2011''.

SEC. 2. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.

(a) CIVILIAN AGENCY CONTRACTS.—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

''(a) DEFINITIONS.—For the purposes of this section:

''(1) MULTIYEAR CONTRACT.—The term 'multiyear contract'—

''(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

''(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

''(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

''(2) ADVANCED BIOFUEL.—The term 'advanced biofuel' has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).''.

(b) DEFENSE CONTRACTS.—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

''(k) DEFINITIONS.—For the purposes of this section:

''(1)(A) Except as provided in subparagraph (B), the term 'multiyear contract' means a contract for the purchase of property or services for more than one, but not more than five, program years.

''(B) In the case of a contract for the purchase of advanced biofuel, the term 'multiyear contract' means a contract for the purchase of such fuel for a period of up to 15 program years.

''(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

''(2) The term 'advanced biofuel' has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into on or after the date occurring 180 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—SUPPORTING THE GOALS AND IDEALS OF ''CROHN'S AND COLITIS AWARENESS WEEK''

Mr. REID of Nevada (for himself, Mr. REED of Rhode Island, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 199

Whereas Crohn's disease and ulcerative colitis are serious, chronic inflammatory diseases of the gastrointestinal tract;

Whereas Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, afflict approximately 1,400,000 people in the United States, 30 percent of whom are diagnosed as children;

Whereas the cause of Crohn's disease and ulcerative colitis are unknown and no medical cure exists;

Whereas Crohn's disease and ulcerative colitis can affect anyone, at any age, and is being diagnosed with increased frequency in children;

Whereas Crohn's disease and ulcerative colitis patients are at high risk for developing colorectal cancer;

Whereas a lack of awareness among health professionals and the general public may

contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be $6,100,000,000;

Whereas the goals of ''Crohn's and Colitis Awareness Week'' are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated ''Crohn's and Colitis Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''Crohn's and Colitis Awareness Week'';

(2) encourages media organizations to participate in ''Crohn's and Colitis Awareness Week'' by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

AMENDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture)''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''fined under this title'' and all that follows and inserting ''fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''.

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking ''shall be fined under this title'' and all that follows and inserting ''shall be fined under this title and imprisoned for any term of years not less than 5 or for life.''.

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

SA 357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

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

''shall be punished as provided in section 2242, and, if the conduct would violate section 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United States, shall be punished as provided in section 2241(c).''.

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.''.

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''fined under this title'' and all that follows and inserting ''punished as provided under section 1111(b);''; and

(2) in paragraph (2), by striking ''fined under this title'' and all that follows and inserting ''punished as provided under section 1112(b); and''.

SA 358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or any other offense listed under section 2332b(g)(5)(B) of this title,'' after ''title 49,''; and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

''(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

''(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.''; and

(2) by amending subsection (b) to read as follows:

''(b) CIVIL ACTION.—

''(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(2) EFFECT OF CONDUCT.—

''(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

''(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

''(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

''(B) APPLICABILITY.—A person described in this subparagraph is any person that—

''(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

''(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

''(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.''.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section, the term 'addressed to any other person' includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

''For purposes of this section, the term 'addressed to any person' includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.''.

SA 359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—SAFE COPS ACT

SECTION 201. SHORT TITLE.

This title may be cited as the ''Safe Cops Act of 2011''.

SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

''(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

''(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

''(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.''.

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.''.

SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

''§ 111. Assaulting or interfering with certain officers or employees

''(a) OFFICERS AND EMPLOYEES.—

''(1) IN GENERAL.—It shall be unlawful to—

''(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

''(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

''(C) assault or interfere with an individual on account of that individual's current or former status as an officer or employee described in section 1114.

''(2) PENALTY.—Any person who violates paragraph (1), shall be—

''(A) fined under this title;

''(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

''(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

''(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

''(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

''(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

''(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

''(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

''(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

''(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

''(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

''111. Assaulting or interfering with certain officers or employees.''.

SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual's current or former status as such an officer or judge, the offender shall be punished—

''(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

''(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

''(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

''(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

''(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking ''in section 115(c)(2)'' and inserting ''in section 115(d)(2)''; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking ''in section 115(c)'' and inserting ''in section 115''.

(2) OTHER LAW.—Section 5(a) of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes'' (25 U.S.C. 305d(a)) is amended by striking ''section 115(c)'' and inserting ''section 115(d)''.

SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking ''except that in any action'' and all that follows through ''relief was unavailable.'' and inserting the following: ''except that—

''(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

''(2) in any action seeking redress for a deprivation that was incurred in the course

of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.''; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking ''except that in any action'' and all that follows and inserting the following: ''except that—

''(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

''(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney's fees.''.

SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.

(a) SHORT TITLE.—This section may be cited as the ''Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011''.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer's or judge's performance of official duties or status as a public safety officer or judge—

''(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

''(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

''(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).''.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: ''Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.''.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking ''the subject of a petition'' and all that follows and inserting: ''reheard in the court of appeals or reviewed by writ of certiorari.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ADDITIONAL SUNSETS.

(a) NATIONAL SECURITY LETTERS.—

(1) REPEAL.—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking ''or 627(a)'' each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 7(b) of this Act, by striking ''section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)'' and inserting ''section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)'';

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1881 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110–261; 122 Stat. 2474) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(3) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110–261; 50 U.S.C. 1801 note) is amended in the heading by striking ''DECEMBER 31, 2012'' and inserting ''DECEMBER 31, 2013''.

SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting ''**AND OTHER TANGIBLE THINGS**'' after ''**CERTAIN BUSINESS RECORDS**'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking ''a statement of facts showing'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(ii) by striking ''clandestine intelligence activities,'' and all that follows and inserting ''clandestine intelligence activities;''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) if the records sought contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii)(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(C) a statement of proposed minimization procedures.'';

(3) in subsection (c)(1)—

(A) by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)'' after ''subsections (a) and (b)'';

(B) by inserting '', and directing that the minimization procedures be followed'' after ''release of tangible things''; and

(C) by striking the second sentence; and

(4) by adding at the end the following:

''(i) DEFINITIONS.—In this section—

''(1) the term 'bookseller records' means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

''(2) the term 'library' has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1));

''(3) the term 'patron' means a purchaser, renter, borrower, user, or subscriber of goods or services from a library; and

''(4) the term 'personally identifiable information' includes information that identifies a person as having used, requested, or obtained specific reading materials or services from a library.''.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

''SEC. 503. DEFINITIONS.

''In this title, the terms 'Attorney General', 'foreign intelligence information', 'international terrorism', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101.''.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting ''AND OTHER TANGIBLE THINGS'' after ''CERTAIN BUSINESS RECORDS''.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.'';

and

(B) by inserting after the item relating to section 502 the following:

''Sec. 503. Definitions.''.

SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

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

(2) in paragraph (2)—

(A) by striking ''a certification by the applicant'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

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

(3) by adding at the end the following:

''(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.''.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

''(4) The term 'minimization procedures' means—

''(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking ''the judge finds'' and all that follows and inserting the following: ''the judge finds—

''(A) that the application satisfies the requirements of this section; and

''(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.''; and

(B) by adding at the end the following:

''(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.''.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking ''provisions of this section'' and inserting ''minimization procedures required under this title''.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

SEC. 6. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in

section 3511 of this title, unless an appropriate official of the Federal Bureau of the Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request or order;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) PROHIBITION.—

''(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

''(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

''(aa) a danger to the national security of the United States;

''(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(cc) interference with diplomatic relations; or

''(dd) danger to the life or physical safety of any person.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(aa) those persons to whom disclosure is necessary in order to comply with the request;

''(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

''(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

''(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(iii) RIGHT TO JUDICIAL REVIEW.—

''(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

''(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

''(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows; and

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to

believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking ''FORM OF CERTIFICATION'' and inserting ''CERTIFICATION'';

(2) by striking ''The certification'' and inserting the following:

''(1) FORM OF CERTIFICATION.—The certification''; and

(3) by adding at the end the following:

''(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

''(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking ''section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),'' and inserting ''section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)),''.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

''(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'applicable period' means—

''(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; and

''(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

''(B) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(2) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) the number of authorized requests under the provision, including requests for subscriber information; and

''(ii) the number of authorized requests under the provision—

''(I) that relate to a United States person;

''(II) that relate to a person that is not a United States person;

''(III) that relate to a person that is—

''(aa) the subject of an authorized national security investigation; or

''(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

''(3) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

''(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

''(i) that relate to a United States person;

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

''(I) the subject of an authorized national security investigation; or

''(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked

to the subject of an authorized national security investigation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

''SEC. 602. ANNUAL UNCLASSIFIED REPORT.

''Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

''Sec. 602. Annual unclassified report.''.

SEC. 11. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2013'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

''(C) with respect to calendar years 2007 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

''(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

''(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

''(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

''(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

''(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

''(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

''(2) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2013''; and

(B) in paragraph (3)(C), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

''(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.'';

(3) by striking subsection (g) and inserting the following:

''(h) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

''(2) the term 'national security letter' means a request for information under—

''(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

''(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

''(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

''(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

''(3) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

''(A) examine the use of national security letters by the element of the intelligence community during the period;

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

''(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

''(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.'';

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) or (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)''; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking ''The reports submitted under subsections (c)(1) or (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2013.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2013;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2013, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2012 and 2013.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms ''foreign intelligence information'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) OFFSET.—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 12. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 13. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 14. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 15. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 16. ELECTRONIC SURVEILLANCE.

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting ''with particularity'' after ''description''.

SEC. 17. EFFECTIVE DATE.

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __. PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109–178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except as provided in paragraph (5)''; and

(2) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

''(i) has in effect an established decision-making process with respect to suspicious transactions;

''(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

''(iii) has determined not to file a report with respect to a particular transaction.

''(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).''.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: '', but only upon request of an appropriate law enforcement agency to such institution or person for such report''.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term ''minimization and destruction procedures'' means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

''(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

''(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

''(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.''.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. ___. ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A)(i) the identity of the target of the electronic surveillance, if known; or

''(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

''(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

''(ii) if any of the facilities or places are not known, the identity of the target;''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;''.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end '', subject to judicial review under paragraph (5)''; and

(2) by adding at the end the following:

''(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued

under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.''.

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY ENGAGEMENT IN LIBYA.

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY ENGAGEMENT IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to ''fulfill the intent of the framers of the Constitution of the United States'' in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is ''implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities''.

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is ''(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces''.

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to ''take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya'' and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than ''sixty calendar days''.

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109–178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except as provided in paragraph (5)''; and

(2) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

''(i) has in effect an established decision-making process with respect to suspicious transactions;

''(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

''(iii) has determined not to file a report with respect to a particular transaction.

''(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).''.

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: '', but only upon request of an appropriate law enforcement agency to such institution or person for such report''.

SA 376. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term ''minimization and destruction procedures'' means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

''(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

''(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

''(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.''.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. ___. ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A)(i) the identity of the target of the electronic surveillance, if known; or

''(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

''(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

''(ii) if any of the facilities or places are not known, the identity of the target;''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;''.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY ENGAGEMENT IN LIBYA.

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY ENGAGEMENT IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to ''fulfill the intent of the framers of the Constitution of the United States'' in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is ''implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities''.

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is ''(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces''.

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to ''take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya'' and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than ''sixty calendar days''.

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end '', subject to judicial review under paragraph (5)''; and

(2) by adding at the end the following:

''(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.''.

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 3 through 10 and insert the following:

1861 note, and 50 U.S.C. 1862 note) is amended by striking ''May 27, 2011'' and inserting ''December 1, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended by striking ''May 27, 2011'' and inserting ''December 1, 2011''.

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990,to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government's official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government's official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed

by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDER.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

''(2) shall include—

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii)(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.''.

(b) EXCEPTION.—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2011.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 363 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 364 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 365 on the House message to S. 990.

Mr. PAUL. Mr President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 366 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 367 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 368 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 369 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordancewith rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 370 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 371 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 372 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 373 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 374 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 375 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 376 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 377 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 378 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 379 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 380 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 381 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move

to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 382 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 15, as follows:

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) a state of war between the United States and the Government of Libya is hereby formally declared; and

(2) the President is hereby authorized and directed—

(A) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(B) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 16, as follows:

S.J. RES. 16

Whereas Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war;

Whereas the War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to ''fulfill the intent of the framers of the Constitution of the United States'' in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action;

Whereas the President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security;

Whereas President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011;

Whereas Congress did not consider or pass a formal authorization for the President to initiate military operations in Libya;

Whereas the War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action;

Whereas President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye;

Whereas section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is ''implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities'';

Whereas President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011) and in consultation with the Arab League;

Whereas section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is ''(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces'';

Whereas the Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so;

Whereas President Obama had stated the purpose of enforcing a no-fly zone over Libya was to ''take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya'' and not in response to any direct or immediate threat to the United States;

Whereas section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than ''sixty calendar days'';

Whereas members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011;

Whereas, on May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution;

Whereas Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) requires that ''within sixty calendar days . . . the President shall terminate any use of United States Armed Forces . . . unless the Congress (1) has declared war or has enacted a specific authorization for such use of the United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States'';

Whereas President Obama reiterated on May 20, 2011, that the military forces of the United States remain engaged in hostilities, including ''suppression and destruction of air defenses'' and ''precision strikes by unmanned aerial vehicles'';

Whereas Congress has not considered or passed a formal authorization for the President to continue military operations in Libya; and

Whereas President Obama has not indicated any intent to cease operations in Libya after the sixty-day limit established by the War Powers Resolution: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1070, as follows:

S. 1070

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 ''Fourth Amendment Restoration Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Fourth Amendment of the United States Constitution states ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''.

(2) Prior to the American Revolution, American colonists objected to the issuance of writs of assistance, which were general warrants that did not specify either the place or goods to be searched.

(3) Writs of assistance played an important role in the events that led to the American Revolution.

(4) The Fourth Amendment of the United States Constitution was intended to protect against the issuance of general warrants, and to guarantee that only judges, not soldiers or police officers, are able to issue warrants.

(5) Various provisions of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272) expressly violate the original intent of the Fourth Amendment of the United States Constitution.

SEC. 3. LIMITATIONS ON ROVING WIRETAPS.

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A)(i) the identity of the target of the electronic surveillance, if known; or

''(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

''(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

''(ii) if any of the facilities or places are not known, the identity of the target;''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;''.

SEC. 4. SUNSETS ON ROVING WIRETAP AUTHORITY AND ACCESS TO BUSINESS RECORDS.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005

(Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

''(B) SECTION 215.—Effective February 28, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SEC. 5. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term ''minimization and destruction procedures'' means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

SEC. 6. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

''(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

''(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

''(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.''.

SEC. 7. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end '', subject to judicial review under paragraph (5)''; and

(2) by adding at the end the following:

''(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1071, as follows:

S. 1071

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

SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: '', but only upon request of an appropriate law enforcement agency to such institution or person for such report''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1072, as follows:

S. 1072

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

SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except as provided in paragraph (5)''; and

(2) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

''(i) has in effect an established decision-making process with respect to suspicious transactions;

''(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

''(iii) has determined not to file a report with respect to a particular transaction.

''(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1073, as follows:

S. 1073

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

SECTION 1. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term ''minimization and destruction procedures'' means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in

writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1074, as follows:

S. 1074

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

SECTION 1. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1075, as follows:

S. 1075

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

SECTION 1. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

''(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

''(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

''(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1076, as follows:

S. 1076

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

SECTION 1. ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A)(i) the identity of the target of the electronic surveillance, if known; or

''(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

''(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

''(ii) if any of the facilities or places are not known, the identity of the target;''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;''.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1077, as follows:

S. 1077

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

SECTION 1. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end '', subject to judicial review under paragraph (5)''; and

(2) by adding at the end the following:

''(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m. in room 406 of the Dirksen Senate Building.

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

COMMITTEE ON FINANCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The U.S.-Panama Trade Promotion Agreement.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m. to conduct a hearing entitled ''How to Save Taxpayer Dollars: Case Studies of Duplication in the Federal Government.''

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

COMMITTEE ON THE JUDICIARY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 25, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Holding Criminals Accountable: Extending Criminal Jurisdiction to Government Contractors and Employees Abroad.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 25, 2011, in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m. to conduct a hearing entitled, ''Assessing Efforts to Eliminate Improper Payments.''

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

SUBCOMMITTEE ON FISCAL RESPONSIBILITY AND ECONOMIC GROWTH

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Responsibility

and Economic Growth of the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Spread of Tax Fraud by Identity Theft: A Threat to Taxpayers, A Drain on the Public Treasury.''

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON SEAPOWER

Mr. WYDEN. Mr. President, I ask unanimous consent that the subcommittee on seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE AND INVESTMENT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on May 25, 2011, at 9:30 a.m., to conduct a hearing entitled ''Derivative Clearinghouses: Opportunities and Challenges.''

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

PRIVILEGES OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Emily Eelman, a detailee on the Budget Committee staff, be granted the privileges of the floor for the duration of today's and tomorrow's sessions.

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

HONORING SERVICE AND SACRIFICE OF MEMBERS OF THE U.S. ARMED FORCES

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 13 and that the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and I further ask unanimous consent that all Senators be listed as cosponsors of this resolution.

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

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 13

Whereas over 2,000,000 members of the United States Armed Forces have deployed to theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas hundreds of thousands of members of the United States Armed Forces have deployed for multiple tours of duty, leaving their homes, their families, and in many cases, their civilian jobs;

Whereas more than 5,500 members of the United States Armed Forces have made the ultimate sacrifice for the United States while serving in Iraq or Afghanistan;

Whereas tens of thousands of members of the United States Armed Forces have been seriously wounded in the line of duty while serving in Iraq or Afghanistan;

Whereas the members of the United States Armed Forces who have participated in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn have answered the call to duty of the United States, serving bravely and nobly and, in most cases, without fanfare or acclaim;

Whereas those members of the United States Armed Forces and veterans have personified the virtues of patriotism, service, duty, courage, and sacrifice; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; and

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces and veterans and to hold those members and veterans in a special place of honor, both now and in the future.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101–509, the reappointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MAY 26, 2011

Mr. REID. Mr. President, at the end of this day, it is a pleasure for me to ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, May 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. REID. Mr. President, there will be a cloture vote on the motion to concur with respect to the PATRIOT Act at 10 a.m. tomorrow. We are working on a final agreement. A lot of progress has been made in that regard, and there likely will be more rollcall votes tomorrow to amendments to the PATRIOT Act.

FILING DEADLINE

Mr. REID. Mr. President, before we terminate tonight, there is some additional business.

I ask unanimous consent that the filing deadline for second-degree amendments be at 9:40 a.m. tomorrow morning.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, May 26, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF MRS. DOROTHY ROTH

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. BOEHNER. Mr. Speaker, I rise today in honor of my friend and my constituent Dorothy Roth, who sadly passed away on Monday. Dorothy's life was a testament to the innate goodness of human nature; a demonstration of the overwhelming positive effect one person can have on the community; and a reflection of the can-do spirit of America. She will be deeply missed by countless people.

Throughout her 81 years, Dorothy lived life to the fullest, with endless enthusiasm, an unmistakable grace, and an unwavering commitment to others. Her leadership challenged others to achieve more. Whether it was her work on behalf of the West Chester Liberty Chamber Alliance, Friends of the West Chester Library, Partners in Prime, The Community Foundation, the West Chester Historical Society, or the local Republican Party, Dorothy always gave more than she ever asked or received.

It is little wonder that in 1999 the West Chester Liberty Chamber Alliance designated its annual award as the Dorothy and Art Roth Citizen of the Year Award, in honor of Dorothy and her late husband Art. And it is also little wonder that in 2005 Dorothy received the Chamber's Lifetime Member Award.

As deserving as the awards and accolades were, the true hallmarks of Dorothy's life were the small things she did day in and day out for people across our community, and for the organizations that work each day to make West Chester a wonderful place to live, work and raise a family. Dorothy's infectious smile in a time of need; her wit and energy to boost one's day; her never-give-up attitude; and her ability to see the best in people changed our community for the better . . . one person, one group, one smile, one laugh, one encouraging comment at a time.

Dorothy Roth's life was a testament to the American ethos, to the spirit of community and of devotion to others. I consider it an honor to have represented Dorothy in Congress. She was a friend and a citizen in the truest sense of the word. Her passing is a loss for our community, but her life is an example for us all to follow so that we can continue the work she so deeply loved. May God watch over my dear friend Dorothy Roth.

REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations:

Mr. LEVIN. Mr. Chair, I rise in opposition to this short-sighted and harmful legislation, H.R. 1216.

Everybody recognizes that we don't have enough primary care physicians and by 2020 most experts believe that we will face a shortage of over 40,000 primary care doctors. This legislation ignores reality and would jeopardize funding for a program whose purpose is to increase the number of primary care doctors and bring down the cost of health care.

As a result, it would be more difficult to find a doctor and people would be forced to turn to more expensive and less effective emergency room care.

This bill is a step backwards. Rather than supporting a meaningful effort that will reduce this shortage of primary care physicians, Republicans have brought a bill to the Floor that undermines health care. It is one of the many mindless attempts to repeal health care reform that just make needed change harder to achieve. We need to strengthen our health care system by implementing health care reform.

To move forward we need to reject Republican efforts, vote down this bill and reject the dangerous health care policies in the Republican budget that will end Medicare and cut Medicaid.

I urge Members of Congress to reject this bill.

ELIZABETH ROHN-NELSON TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Elizabeth Rohn-Nelson for her commitment to helping others through her vast experience in public affairs and media relations. Ms. Rohn-Nelson has dedicated herself to dozens of important causes and has been an exemplary volunteer.

Her ability to publicize and popularize a program or issue is a rare talent. If not for Ms. Rohn-Nelson's efforts, the famous "Bells Across America" event would never have been launched, nor a number of other, similar events. She also played an instrumental role in the United States Bicentennial celebration, several political campaigns and many nonprofit groups.

Perhaps her most admirable characteristic is her passion for connecting to people. The warmth and care she shows towards all is commendable. It is one of the reasons she has displayed such affluence in public affairs.

She launched campaigns to help the homeless, created volunteer awards, and fought for education across the country.

Mr. Speaker, it is an honor to stand and recognize Elizabeth Rohn-Nelson. She has spent a lifetime helping the less fortunate and I have no doubt that she will continue to provide leadership to communities across the country.

CELERATING REPUBLIC OF AZERBAIJAN 93RD REPUBLIC DAY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mrs. MYRICK. Mr. Speaker, on May 28, the Republic of Azerbaijan will celebrate its 93rd Republic Day, as well as the 20th anniversary of its freedom from the Soviet Union and the start of diplomatic relations with the United States.

Located between Russia and Iran in the strategic region between Europe and Asia, Azerbaijan is a stable and secular country, and is one of the few places in that part of the world where Muslims, Jews and Christians live together in peace.

Additionally, Azerbaijan has always been a great ally of the United States, offering assistance after the attacks on 9/11, and supporting action in the Middle East to protect the United States and the world from the threat of terrorism.

My colleagues are encouraged to join me in honoring Azerbaijan on the occasion of its 93rd Republic Day and celebrating the continuation of the great United States-Azerbaijan relationship.

NATIONAL SMALL BUSINESS WEEK

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. BARLETTA. Mr. Speaker, once again, I rise this morning to share with my colleagues in the House what my neighbors at home shared with me during the May Constituent Work Period.

The week at home coincided with National Small Business Week. I was happy to meet with a number of small business owners.

And I participated in the ribbon-cutting of the newest small business in my hometown of Hazleton—a little sandwich shop. Small businesses like that are the lifeblood of this country. More than 50 percent of Americans either work for or own a small business.

And while big business usually gets the press, businesses with more than 100 employees make up less than one half of one percent of all of the businesses in the United States.

I'm a former small business owner. My wife and I started a business with twenty-nine dollars and ninety-five cents. I know what it takes to grow a business.

I know how burdensome overregulation and high taxes cripple small business owners and prevent them from expanding and hiring more people.

We in Congress need to support businesses of all sizes. Back home, I toured the Packerton Yards, a brownfield site in Carbon County.

Local economic developers hope to turn an abandoned railroad station into a 57-acre industrial park that would employ hundreds of people. Of course, one of the things we need to do to grow business in the future is to provide a skilled workforce.

During my week at home, I was privileged to participate in the commencement exercises of about 1,000 students from King's College and Lackawanna College. Some of these students are just starting their professional careers. Some are adults who returned to college to improve their chances at a better career.

All are to be commended for their hard work and dedication, and I know my neighbors back home join me in wishing them luck.

I also had the chance to interact with future graduates at McCann School of Business and Technology in Lackawanna County, and with students who are making the most of their educational opportunity at the Keystone Job Corps Center in Drums, Luzerne County. It was inspiring to talk with them and hear about their hopes for the future.

And as this Congress continues to debate the future of health care, I toured facilities in my district that help people suffering from the ravages of cancer and from autism. Both the Northeast Regional Oncology Center and the Friendship House of Lackawanna County provide compassionate care, and their employees are to be commended for their work.

Finally, on May 17, thousands of people across Pennsylvania went to the polls and cast their votes for local and county races. I'd like to congratulate all those candidates who were successful in the primary election races, and I'd like to commend everyone who sought public office.

As anyone in this Chamber can attest, running for office is not easy. It requires a tremendous amount of sacrifice, for the candidates and their families.

Public service is a noble cause. It is the cornerstone of our democracy. And as we head into this Memorial Day weekend, we must remember that serving the public—and even voting itself—honor the memories of all those who died defending our freedom.

INTRODUCING THE RECOVERING MISSING CHILDREN ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. STARK. Mr. Speaker, I rise today with my colleagues and fellow Ways and Means members ERIK PAULSEN (R–MN) and PATRICK TIBERI (R–OH), and my colleague JOE COURTNEY (D–CT), to introduce the Recovering Missing Children Act. Today, May 25th is National Missing Children's Day. This legislation will help state and local law enforcement access the resources they need to bring missing children home safely.

Each year, more than 200,000 children are abducted by family members. These are usually not the stories that make national headlines, but the effects can be just as devastating. Even when there is a happy ending and young people are returned home, challenges remain. As one young woman who experienced a family abduction explains, ''I had to get to know my mother from scratch, while at the same time dealing with my own prejudices and fear I had built up toward this stranger from years on the run and the negative messages from my father.''

In the case of a missing child, any information that might lead to the child's return is crucial. Recently, the U.S. Treasury Department studied 1,700 parental abductions and found that in over one third of the cases, tax returns were filed using the missing child's Social Security number. Hundreds of those tax returns had a new address for the child and the abductor. Tragically, law enforcement officers were not allowed access to this information.

The Recovering Missing Children Act amends the Internal Revenue Code to add the case of a missing or exploited child to the list of exceptions allowing the release of Internal Revenue Service, IRS, tax return information. The privacy of one's IRS information is vital and must be protected. However, the law makes exceptions for the release of select information in specific cases, such as for child support enforcement, verifying information for Medicare benefits, or if someone has defaulted on a student loan. The chance to find a missing child and bring him or her home deserves such an exception.

The Recovering Missing Children Act requires a Federal court order for the release of this information to ensure that taxpayers' rights to privacy are respected. It also limits the release of such information to only Federal, state and local law enforcement agents personally and directly involved in the investigation of a missing or exploited child. The vast majority of missing children cases are investigated by state and local law enforcement. They need all possible resources at their disposal to make sure these children are safe and home where they belong.

I urge my colleagues to stand with myself, Mr. PAULSEN, Mr. TIBERI and Mr. COURTNEY on behalf of missing children and the law enforcement officers who diligently work for their safety. I ask for your support of the Recovering Missing Children Act.

PAUL SCHAUER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize University of Colorado Regent Paul Schauer for his lifelong commitment to the state of Colorado and its people. Mr. Schauer has devoted much of his career to serving the citizens of the Centennial state and is one of its proudest residents.

Mr. Schauer was born and raised in DeKalb, Illinois, but it didn't take long for him to make Colorado his permanent home. He attended Doane College, in Nebraska, where he received a bachelor of arts in economics, and finished his post graduate studies at the University of Colorado at Denver.

After graduation, Mr. Schauer became an immensely successful businessman in Centennial and committed himself to public service. In 1979 he was elected to the state legislature and held his seat for nearly 20 years. He was popular among his colleagues at the state Capitol and he focused his efforts on such crucial issues as education, the environment and the state economy.

Following his stint in the Colorado General Assembly, Mr. Schauer became a University of Colorado Regent. He established himself quickly and became the board's chairman for a brief period. His guidance has contributed to the University's tremendous success.

Mr. Speaker, it is an honor to stand and recognize one of Colorado's foremost businessman and public figures. He has spent a lifetime fighting for the issues facing Colorado and its higher education system.

HONORING CLOUD, WILD STALLION OF THE ROCKIES

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GRIJALVA. Mr. Speaker, I rise today to honor the wild horse stallion known as Cloud, born May 29, 1995 in the Pryor Mountain Wild Horse Range of Montana.

This majestic stallion has become the most famous wild horse in the world, and serves as the ambassador and emblem of wild horses and burros living free and protected on public lands.

No other wild horse in United States history has had his life story known and shared throughout the world.

Filmed as a tottering newborn foal beside his mother, the citizens of our great nation watched him grow into a bachelor stallion living among other young males, testing his strength, honing the skills he would one day need to start his own family.

Eventually, Cloud became a band stallion, winning mares and fathering his own foals. Cloud's history, captured on film and books by Ginger Kathrens, filmmaker and documentarian, has been shown throughout the United States on Public Broadcasting as part of the Nature Series, and throughout the world on numerous channels and networks.

Cloud symbolizes the spirit of the West and links us with our heritage. The study of his life

has brought recognition and appreciation of wild horses and burros on our public lands. Cloud has taught us that what wild horses and burros cherish most is not so different than for all Americans, freedom and family.

HONORING ATHENS OLD FIDDLERS CONTEST AND REUNION 80TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. HENSARLING. Mr. Speaker, I would like to recognize the 80th Anniversary of the Athens Old Fiddlers Contest and Reunion in Henderson County, Texas.

Founded in 1932 in Bethel, the contest was moved to Athens in 1933 and found a permanent home at the Henderson County Courthouse on the square in downtown Athens.

The Athens Old Fiddlers Reunion is one of the oldest continuous fiddle reunions in the United States, and it is devoted to the preservation of the style of music that once brought courage to our starving troops at Valley Forge, earned devoted admirers like Benjamin Franklin and Thomas Jefferson, and today continues to delight millions.

On behalf of the Fifth Congressional District of Texas, I commend the volunteers who generously donate their time and talents to ensure the future of this festival.

HONORING JOEL ARNIER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to recognize the valiant efforts of Joel Arnier, an 18-year firefighter-paramedic from Addison, Illinois.

A few weeks ago, while fishing on the Fox River, Joel heard a woman screaming for help in the distance. Sensing trouble, Joel rushed to the scene and discovered that the woman's infant daughter had fallen into the water. Joel immediately recognized the urgency of the situation and quickly began performing mouth-to-mouth resuscitation. After a few critical minutes of attentive care, Joel was able to successfully revive the infant and save her life.

Although Joel was off-duty that day, he did not hesitate to come to the mother's assistance. Joel's training and expertise allowed him to respond promptly and effectively to such an urgent and terrifying incident. Every day, heroic men and women like Joel keep our communities safe, and they deserve to be recognized.

Mr. Speaker and Distinguished Colleagues, please join me in commending Joel Arnier for his extraordinary effort.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. LUETKEMEYER. Mr. Speaker, on May 23, 2011, I missed three rollcall votes (Nos. 330–332)—H.R. 1627, H.R. 1383 and H.R. 1657—because of a delayed flight due to inclement weather. Had I been present, I would have voted "yea" on each of the aforementioned rollcall votes.

HONORING MONTGOMERY COUNTY PUBLIC LIBRARIES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize the 60th anniversary of the Montgomery County Public Libraries, a nationally recognized library system that I am proud to have located in Maryland's Eighth Congressional District.

Libraries have provided service to Montgomery County residents for generations. The first private library was established in 1838, stimulating wealthy patrons, clubs, civic associations and municipalities to begin libraries for their own communities. The Montgomery County Public Libraries system began operations in 1951 with the formerly independent libraries in Four Corners, Gaithersburg, Garrett Park, Noyes, Sandy Spring, Silver Spring, and Wheaton.

Today, Montgomery County has one of the leading library systems in the nation. It has grown to 21 branches, reaching every corner of the county. I am proud that these libraries, staffed by a combination of trained and dedicated professionals and volunteers, are able to serve so many people. In fact, two-thirds of the residents of Montgomery County are active library users.

Libraries have changed a great deal over the decades. While books and printed materials are still vitally important, Internet access, e-books and databases are playing an increasingly important role in how libraries serve their communities. The Montgomery County Public Libraries system has adapted well over the last 60 years, and I am confident that it will continue to do so as it enriches the lives of county residents, from the youngest to the oldest, by helping to teach new skills and providing information, education and recreational materials.

Mr. Speaker, I urge my colleagues to join me not only in recognizing the six decades of achievement by the Montgomery County Public Libraries, but of the outstanding achievements of public libraries in each congressional district throughout our Nation.

PERSONAL EXPLANATION

HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. CARNEY. Mr. Speaker, on rollcall No. 331, I was present, but I was distracted and missed the second vote in the three vote series. Had I been present, I would have voted "yes."

HONORING PRIVATE FIRST CLASS PHILLIP WYSOCKI

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize and pay tribute to Private Class Phillip Wysocki of Hebron, Kentucky.

Phillip has served honorably with the United States Army's 101st Airborne Division during two deployments to Afghanistan, in support of Operation Enduring Freedom.

He joined the United States Army after graduating from Conner High School in Boone County, Kentucky in 2009. He played Varsity football for the Cougar football team and was a standout athlete. He is also a volunteer firefighter with the Hebron Fire Protection District which he joined during his junior year of high school.

On November 1st, 2010, while serving in Kandahar Province, Afghanistan, Phillip and other members of his unit came under attack from Taliban fighters. An IED exploded, critically injuring several soldiers. Phillip contributed significantly to facilitating the evacuation of casualties under heavy enemy fire and repelling the enemy attack.

In February of 2011, he was awarded the Silver Star for gallantry in this combat action. His actions were in keeping with the proud military heritage of Kentucky and the heroism of Kentuckians in the defense of our Nation for over two centuries.

I ask my colleagues to join me in recognizing the outstanding heroism of Private First Class Phillip Wysocki, Jr. in service to the United States Army and our Nation.

THE DISTRICT OF COLUMBIA TAX PARITY FOR NON-RESIDENT PROFESSIONAL ATHLETES ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Tax Parity for Non-Resident Professional Athletes Act of 2011, at the request of the D.C. Council, which unanimously passed a Sense of the Council resolution, introduced by D.C. Council members Jack Evans and Harry Thomas, Jr., calling on me to introduce the bill in Congress. The bill would amend the District of Columbia Home Rule Act to allow the District to impose a tax on income earned in the District by non-resident professional athletes, just as a number of states currently do. For example, California received $102 million in tax revenue from income earned by non-resident athletes in 2006–2007. Tennessee raised $1.1 million in tax revenue from visiting athletes, which was used for municipal parks and recreation projects. The bill does not tax the income of citizens of neighboring states. It is those states, not visiting athletes, that Congress intended to protect with the Home Rule Act provision that prohibits D.C. from taxing non-resident income.

The District continues to be responsible for providing state-like services to D.C. residents,

in addition to providing services to non-residents and the federal government, despite congressionally imposed restrictions on the District's revenue-raising capacity. The prohibition on taxing non-resident income should not be stretched to cover visiting athletes, a group not intended to be covered by the prohibition in the Home Rule Act. I urge my colleagues to support the bill.

TO HONOR THE TRAGIC PASSING OF HECTOR R. CLARK AND EDUARDO ROJAS, JR.

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GRIJALVA. Mr. Speaker, I rise to honor U.S. Border Patrol Agents Hector R. Clark and Eduardo Rojas, Jr.

Hector R. Clark and Eduardo Rojas, Jr., agents of the U.S. Border Patrol, sadly lost their lives on Thursday, May 12, 2011 in Gila Bend, AZ.

The agents were out on patrol in this rural area of Southern Arizona when their patrol car was struck by a train.

They were rushing to the aid of fellow agents and, due to the remote nature of the area, there was no warning sign of the incoming train.

Border Patrol Agents put their life on the line every day they report for duty.

It is not an easy job and it takes an honest commitment to the values and ideals that make the United States such a great country.

Each agent exhibits a true sense of patriotism, service and honor.

The work of the Border Patrol is not only vital to the security of the communities adjacent to the border, but also to the nation as a whole.

Without their bravery and dedication, Arizona and the United States would be a less safe place to live. Nothing can prepare us for the tragic passing of those who serve our nation.

Their sacrifice will never be forgotten.

REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

SPEECH OF

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations:

Ms. SCHWARTZ. Mr. Chair, I rise today in opposition to H.R. 1216.

This legislation is yet another Republican attack on health care innovations that promise to increase patient access to care. We must make a successful transition to a more efficient, high-quality health system and, through health care reform, we can.

Instead, Republicans are making every effort to undermine this mission by chipping away at the graduate medical education system.

H.R. 1216 threatens progress toward patient-centered health care delivery, in which primary physicians ensure that patients receive preventive, comprehensive and ongoing care.

Academic medical centers have long been integral to developing innovative treatments and assuring access to care for Americans who need the most help. As we begin to implement health care reform, these institutions are seeking to become leaders in biomedical science as well as innovators in new delivery models.

The Albert Einstein Healthcare Network in Philadelphia, for example, was recently approved as a patient-centered medical home. The Hospital and its network of physicians is now offering patients a new model of coordinated, continuous care in an academic setting, all while improving quality and reducing costs.

Community-based training, such as the teaching health center program, is a valuable supplement to our Nation's prestigious teaching hospitals.

Our Nation faces a crisis in access to primary care—more than 1.3 million Medicare beneficiaries have difficulty finding a new primary care physician.

In 1961, half of U.S. physicians were generalists, primarily general practitioners. Since then, the percentage has dramatically declined, while the cost of delivering care has increased substantially.

While our Nation's hospital-based teaching programs yield thousands of highly trained physicians, we simply do not have the capacity to meet demand—specifically when it comes to primary care.

The teaching health center program is uniquely positioned to address primary care training for underserved populations.

Community-based training models, such as teaching health centers, will serve the Nation by creating new capacity in our graduate medical education system, which will lead to an increase in the total number of primary care physicians.

Primary care and community-based health centers, particularly, produce excellent outcomes at lower costs, and have the potential to save the system billions of dollars annually by preventing avoidable emergency room visits.

If every American made use of primary care, the health care system would see $67 billion in savings annually.

Yet this bill would create uncertainty and unpredictability in a program intended to move us toward this ideal.

I urge my colleagues to support training of primary care physicians and cost-saving innovations by opposing H.R. 1216.

IN MEMORY OF REAR ADMIRAL GEORGE STROHSAHL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GALLEGLY. Mr. Speaker, I rise in memory of an American military icon and my friend, Rear Admiral George Strohsahl (Ret.), who passed away this week after a lifetime of service to his country.

Admiral Strohsahl had a storied career from the time he entered the Naval Academy in 1955 until he retired in 1994. Among his many accomplishments, George Strohsahl flew jet attack aircraft from aircraft carriers in both the Pacific and Atlantic fleets, which included two tours of combat flying in Vietnam and command of an A–6 squadron. He was the Air Boss on USS *Nimitz* and played himself in the popular Kirk Douglas movie Final Countdown.

He conducted operational testing of weapons systems at China Lake, California, and was the director of the Tactical Air Analysis office in the Pentagon, which was a part of the McNamara systems analysis team known as the "Whiz Kids." He was Program Manager for the F/A–18 Hornet family of aircraft, which was and still is the largest aircraft acquisition program in the Navy.

From 1988 to 1990, Admiral Strohsahl commanded the Pacific Missile Test Center at Pt. Mugu, in my congressional district. As senior naval officer for the South Central California area, he was active in many civic organizations in Ventura County at that time.

Following Navy retirement, Admiral Strohsahl spent more than seven years in fighter aircraft design, testing, and logistic support management positions at the Boeing Development Center in Seattle, Washington. He provided consulting services to industry and the Navy and contributed as a volunteer to Ventura County organizations involved in community support of Naval Base Ventura County.

I testified with Admiral Strohsahl before the 2005 Base Realignment and Closure Commission. I believe his testimony was instrumental in minimizing the amount of technical work being moved from the base.

Admiral Strohsahl was married for 44 years to the late Marvalyn Fiske. They raised three children, one of whom resides now in Ventura with her husband and family. After Marvalyn passed away, he married Mary Anne Vernallis, whose late husband, Sam, was a longtime associate of the admiral's in the Navy and a well-respected civic leader in Ventura County. Together, they share five children and eight grandchildren.

Mr. Speaker, I know my colleagues join me in honoring the memory of Rear Admiral George Strohsahl and in offering our condolences to his family.

HONORING PADUCAH MIDDLE SCHOOL'S NATIONAL SCIENCE BOWL TEAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize the team of students from Paducah Middle School who won second place in the U.S. Department of Energy's 21st Annual National Science Bowl. Team members Erin Burba, Reese Butler, Grant Hutcheson, Parker Lloyd, and Palmer Stroup were led by Cindy Glisson and Dianne Cypret in their successful creation of a hydrogen-fueled model car.

After placing first in the regional competition in February, the team of seventh and eighth

graders had only 5 weeks to create the hydrogen-fueled vehicle and prepare for competition with 41 middle school teams from across the country. In addition to building the car, the students also prepared for a quick recall competition and wrote a research paper about their project. Energy Secretary Steven Chu noted at the event that our Nation is in need of outstanding young researchers and scientists, and I am extremely proud of these young students for their ingenuity and dedication to scientific knowledge.

The National Science Bowl is the largest academic competition of its kind, and tests students' knowledge in all areas of science, including biology, chemistry, earth science, physics, astronomy, energy, and math. After the day of question and answer rounds, students had the opportunity to race their hydrogen-fueled cars against one another. Through their innovative design, Paducah Middle School's team finished the ten-meter race in a mere 3.84 seconds as the runner-up in the competition.

Congratulations to the Paducah Middle School team members for their accomplishment at the Regional and National Science Bowl competitions, and best wishes for you in your next academic endeavors.

HONORING KEVIN AND SARAH DIAMOND

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to recognize Kevin and Sarah Diamond of Elmhurst, Illinois, for their outstanding display of service.

On May 5, 2011, Kevin and Sarah were presented with the Elmhurst Jaycees Distinguished Service Award. Each year, this award is given to a resident in recognition of one's dedication to bettering the City of Elmhurst. Typically, the Distinguished Service Award is reserved for a single person, but in this case, both were seen as deserving of this honor.

Kevin and Sarah have been involved with numerous improvement projects in Elmhurst. In particular, Kevin led the passage of a referendum that brought new classrooms to every school in District 205. Kevin is especially active with the Elmhurst Children's Assistance Fund, which provides assistance to families with children impacted by a serious medical or disabling condition. Sarah serves on the board of the local YMCA and has assisted with the organization's fundraising efforts. She previously served on the District 205 Foundation Board, and has recently joined the Hospital Board. In addition to participating in all these volunteer activities, Kevin and Sarah are also busy raising three daughters.

The Diamonds have demonstrated exceptional civic service, and I am proud to represent them. Mr. Speaker and Distinguished Colleagues, please join me in commending Kevin and Sarah Diamond for their extraordinary commitment to their community.

RECOGNIZING PINE FOREST HIGH SCHOOL GIRLS' TRACK AND FIELD TEAM AS FLORIDA STATE CLASS 3A CHAMPIONS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Pine Forest High School girls' track and field team on their recent victory as Florida State Class 3A champions for the second consecutive year.

Bringing home the trophy for the 2011 state championship is an accomplishment these young women earned through their unwavering determination and hard work. Returning to the competition this year, they knew that steadfast commitment to their team, coach and community would be what it would take to win yet another state championship and maintain their title.

Under the leadership of their head coach, Paul Bryan, the true grit and determination it took for these young women to bring home a state championship is inspiring. The victory did not come easily for the Lady Eagles. Once they took flight, they were faced with injuries and trials; however, just like any great athletes, they overcame these setbacks and soared to 59 points, crossing the finish line as champions. Their dreams of keeping their title became a reality, and the Lady Eagles made history. As the first team from the Pensacola area to win two consecutive state team titles, they made Northwest Florida proud.

On behalf of the United States Congress, I congratulate the Pine Forest High Lady Eagles for their outstanding accomplishments. My wife Vicki joins me in offering our best wishes to the team, coaches, faculty, and students at Pine Forest High School for their continued success.

COMMENDING THE RESNICK FAMILY OF HUNTERDON COUNTY, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. LANCE. Mr. Speaker, I rise today to join the Chabad of Hunterdon County, New Jersey in honoring the Resnick family.

This year, Carl, Ted and Martin Resnick of Flemington, New Jersey will receive the Chabad of Hunterdon County's prestigious Community Leadership Award during a community celebration that will be held on Thursday, June 2 at the Grand Colonial in Hampton, New Jersey.

Each year the Chabad of Hunterdon County presents its Community Leadership Award to recognize individuals, families and businesses who take leadership roles in the community, by giving back to the community and being involved to improve the overall community.

As a lifelong resident of Hunterdon County, I have known Carl, Ted and Martin Resnick and their family for most of my life. In addition to owning the Flemington Department Store—which is a successful family-owned business—the Resnick family have been active members of our community for more than 50 years.

Over the years, the Resnicks have been involved with local sports teams, clubs, service organizations, wildlife refuge efforts, the arts and area first responders. In 2009 the Resnicks deservingly received the Distinguished Citizen Award from the Central New Jersey Council of the Boy Scouts of America for their community involvement.

I am proud to join the Chabad of Hunterdon County in praising Carl, Martin and Ted Resnick for their hard work and devotion to the Hunterdon County community. I am also pleased to praise their accomplishments and share their story with my colleagues in the U.S. House of Representatives and with the American people.

PROCLAMATION FOR CHARLIE SHERMAN FOR HIS TRADITION OF COMMUNITY SERVICE AND DEDICATION TO THE GRANITE STATE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GUINTA. Mr. Speaker, here in New Hampshire, we have a strong tradition of community service and dedication to our fellow Granite Staters, and no one exemplifies this better than my friend Charlie Sherman.

For over 21 years, from radio to television, Charlie has become one of New Hampshire's most recognizable personalities. Whether it has been covering a high school football game on the 11 o'clock news or interviewing a presidential hopeful bright and early on his radio talk show, he has always exhibited an immense passion for the Granite State.

Along with countless hours of bettering our community via the airwaves, Charlie Sherman has devoted his life to helping others through the dozens of charitable causes he has been involved with throughout the years. One such organization, the Special Olympics of New Hampshire, has been the biggest recipient of Charlie's big heart where he has helped raise over a million dollars for the cause through the annual Penguin Plunge.

Charlie Sherman will now continue his commitment to our state through a new phase of his life as Executive Director of New Horizons. The Manchester-based adult homeless shelter and soup kitchen will certainly benefit from Charlie's life-long experience in devoting his life to helping others. Today, we wish him well in his new path and take this moment to thank him for all he has done and will continue to do for New Hampshire.

RECOGNIZING ANTHONY J. PACK FOR TWENTY-ONE YEARS OF SERVICE TO THE EASTERN MUNICIPAL WATER DISTRICT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the civil service of Anthony Pack and commend his tenure of twenty-one years with the Eastern Municipal Water District (EMWD).

Joining the water district team in 1990 as the project coordinator, followed by the role of Deputy General Manager, Mr. Pack was appointed to the post of General Manager on September 4, 2001. Over the last decade, Mr. Pack's management and leadership has been instrumental to EMWD's success on critical projects that have made a tremendous impact throughout the District.

As the General Manager, Mr. Pack introduced the District to the superior principles of the Malcolm Baldrige National Quality Program and the State counterpart, the California Award for Performance Excellence. Under his guidance and expertise, Mr. Pack implemented and administered these principles to ensure they were met at every level. As a result of this rigorous program for performance measurement and continuous improvement, EMWD has attained the highest level of any public agency in the State.

During his tenure with EMWD he has provided assistance to the State, Federal and local legislators in addressing complicated water related issues and worked cooperatively with government agencies in implementing policies and projects.

Among his many roles, Mr. Pack has served as president and vice president of the California Municipal Utilities Association, a statewide association of publicly owned utilities, a board member of the Santa Ana Watershed Project Authority, and currently serves as a board member for the California Council for Excellence.

Prior to joining the District, Mr. Pack served 20 years with the U.S. Marine Corps in posts throughout the United States, Japan and the Middle East, retiring as a Lieutenant Colonel in 1990. I would also like to extend my appreciation for his years of military service.

Through his work at EMWD he has assisted the community and the California water industry. I offer Mr. Pack my congratulations and may he enjoy a rewarding retirement with his wife Kelly, their two sons and four grandchildren.

Mr. Speaker, I ask you to please join me in paying tribute to Mr. Pack's dedicated and loyal service to the Eastern Municipal Water District.

2011 NATIONAL STROKE AWARENESS MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mrs. CAPPS. Mr. Speaker, I rise in recognition of May as National Stroke Awareness Month, the time each year that we as a nation reaffirm our support in the fight against stroke, a leading cause of death and disability.

National Stroke Awareness Month plays an important role in educating Americans on the warning signs and risk factors for strokes, as well as how the latest neuroscience discoveries enhance our understanding of strokes and lead to new and exciting treatments.

According to the American Stroke Association, a stroke occurs every 40 seconds, affecting roughly 795,000 Americans each year—killing approximately 136,000 people a year, and costing the nation through healthcare services, medications, and missed days of work.

As a co-chair of the Congressional Heart and Stroke Coalition, and through my experience as a nurse and health care advocate, I know firsthand the importance of educating the American people to recognize the warning signs of a stroke and be ready to act fast.

Moreover, the most effective method to combat stroke is to prevent it, and that to do that, we need to place a greater focus on educating the American people on the risk factors associated with an increased risk of stroke: high blood pressure, atrial fibrilliation, diabetes, heightened cholesterol, lack of exercise, and smoking.

Family history of stroke, gender, and place of residence are also factors.

While strokes are one of the major reasons that quality of life can diminish as people get older, they are not inevitable.

The same steps that contribute to keeping physical vigor—regular exercise, a healthy weight, and a balanced diet—can maximize the chances of staying sharp and alert for decades to come.

Mr. Speaker, based on basic science findings, neuroscientists have developed several options for treating stroke, including clot-busting drugs and minimally invasive surgery techniques.

Yet despite numerous advances, the global and national prognosis for stroke is dire.

According to a study by the American Heart Association and the American Stroke Association published earlier this year, stroke prevalence is projected to increase by 25 percent in the U.S. by 2030, and direct medical costs for treating stroke are expected to increase by 238 percent, to $95.6 billion within the same time period.

This makes continued strong and sustainable funding for the National Institutes of Health even more critical.

By supporting the National Institutes of Health, researchers will be able to discover better ways to protect the brain from potential strokes, minimize the damage that occurs, and develop better ways to repair and reorganize the brain after a stroke.

For all of these reasons, I ask my colleagues to join me in recognizing National Stroke Awareness Month, celebrating the outstanding contributions the field of neuroscience is making to learn more about stroke; the contributions of the American Stroke Association in educating the public about stroke warning signs and treatment; and the investments made in scientific research through the National Institutes of Health to develop treatments for those suffering from this devastating disease.

HONORING MR. RONALD SHELLEY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. AKIN. Mr. Speaker, I rise today to honor Mr. Ronald Shelley of Boeing Defense, Space & Security. Ron will be retiring this coming June after more than thirty years with the company.

In his more than three decades with Boeing, Ron has held a number of leadership positions; with ever increasing responsibilities. During the development and first flight of the C–17 Globemaster III, today the backbone of our air mobility, Ron served as General Manager, Supplier Management, in Long Beach, California.

Ron also served as program manager for the F/A–18 Super Hornet, responsible for directing, planning, organizing, leading and controlling development, production and cost support for all Super Hornet programs in St. Louis. Ron clearly knows his business, because the Super Hornet program has consistently delivered aircraft to the United States Navy on time and on budget.

Additionally, Shelley held a number of director-level Supplier Management and Procurement positions in Naval Systems, Production Operations and Phantom Works—the advanced prototyping arm of Boeing Defense, Space & Security.

Today, Ron Shelley serves as vice president of Global Sourcing for The Boeing Company and as vice president of Supplier Management for Boeing Defense, Space & Security, based in St. Louis. He leads an organization of more than 2,800 employees in 30 States and 10 countries; and he's responsible for annual purchases of nearly $17 billion in products and services. Clearly you don't just put anyone in charge of spending $17 billion!

My staff and I have had the honor of working with Ron on a number of occasions over the past decade. Through his work on C–17 and Super Hornet, he has contributed much to our national security. His fellow citizens are more secure today because of the contributions Ron Shelley made to these vital defense programs.

Thank you, Ron. I wish you all the best in your retirement and God's blessing.

RECOGNIZING THE 125TH ANNIVERSARY OF ST. PATRICK CATHOLIC CHAPEL OF CLIFFORD, MI

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege to properly acknowledge a special event occurring in the 10th Congressional District. On Sunday, June 5, 2011, St. Patrick Catholic Church of Lapeer County in Clifford, Michigan will celebrate a significant and historic milestone—its 125th Anniversary Celebration. This achievement will begin with a 1 p.m. Celebration Mass presided by special guest, Archbishop Allen H. Vigneron of the Archdiocese of Detroit. Following mass, the celebration will continue with an open house and reception for all to enjoy. Although I will be unable to personally attend this festive occasion, I certainly wanted to recognize this extraordinary accomplishment and offer my heartfelt congratulations.

Mr. Speaker, I believe it would be fitting to share some history about St. Patrick Chapel. However, first let me start with the Archdiocese of Detroit which was formally established in 1833, but can trace its Catholic lineage back to 1701 when the first French traders arrived in the region. The history of St. Patrick Chapel shares a similar story in that the Church was first built in 1886, but Father Clement Krebs started offering masses inside the homes of local residents in 1879—seven prior to the church being constructed.

Despite lacking an official diocese or church, both stories exemplify a Catholic presence and influence which exceeds the creation of physical infrastructure. It is a testament to an often repeated adage which states that the people inside the church are the church; a church without people is just an empty building.

St. Patrick Catholic Church has been an important resource for Michigan's Thumb Region, and has always worked to improve the community. It has always answered the call of service and almsgiving. And despite the struggles and obstacles faced along the way, St. Patrick has remained steadfast and resilient exhibiting its core values and trust in God.

Currently, over 1.4 million Catholics embody the Archdiocese of Detroit and St. Patrick Church has been a strong part of its history and the history of Lapeer County. Parishioners can be extremely proud of this keystone anniversary and have every reason to celebrate. Reaching this notable achievement is a strong reflection of the faith and commitment of the people who attend religious services and worship every Sunday.

Lastly Mr. Speaker, I commend the leadership, parish staff, event coordinating committee and everyone who had a helping hand in seeing this day come to fruition. Their hard work is recognized and greatly appreciated. I extend my best wishes to St. Patrick Catholic Church on a successful and wonderful celebration.

AMERICAN JEWISH HERITAGE MONTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mrs. MALONEY. Mr. Speaker, I rise in honor of American Jewish Heritage Month. For more than 350 years, members of the Jewish faith have lived in this country, built this country and contributed to this country.

From colonial days to the present, the course of American history would be profoundly different if it were not for the contributions of American Jews. The early settlers arrived in New York in 1654 and won official toleration, despite the objections of Peter Stuyvesant, marking America as a place where Jews would be free to practice their religion. America's toleration was unusual. Elsewhere in the world the Spanish Inquisition was in full swing; Italian Jews were confined to ghettos; Jews had not yet officially been readmitted to England or France; and they were banned from Scandinavia. Toleration became accepted practice in New England and the South as well, and Jewish communities began to form in many parts of America. A Jewish doctor, Samuel Nunez Ribiero, kept the settlers of the new colony of Georgia from being ravaged by malaria in 1733, which persuaded the founder of the colony, James Edward Oglethorpe, to allow Jewish people to settle in Savannah.

Jews played an important role in the Revolutionary War and the establishment of the fledgling United States. From the merchants who carried supplies and arms to Hayim Solomon who helped bankroll the new government at a crucial time, Jews contributed to the birth of our country. And, as the country grew, Jews found opportunities and freedom in the new towns and cities that were built in the West.

Jews began to immigrate to the United States in large numbers during the 1880s. And their language, customs and stories were incorporated into American culture. What could be more American than nosh on a bagel while watching a Woody Allen movie? Thanks to comedians like Milton Berle, Jack Benny, Fanny Brice, Mel Brooks, Carl Reiner, Neil Simon, Phil Silvers, Jerry Seinfeld, Roseanne Barr, Sacha Baron Cohen, Gilda Radner and thousands of others, American comedy often seems to have a distinctly Jewish humor.

Jews have made their mark in American literature, music and the arts. Saul Bellow, Herman Wouk and Michael Chabon are among the 14 percent of Pulitzer Prize winners in literature who are Jewish; Barbara Tuchman, Studs Terkel and Jared Diamond are among the 51 percent of Pulitzer Prize winners for non-fiction who are Jewish. From Leonard Bernstein to Aaron Copeland, some of America's most famous composers are Jewish. And many of the most influential artists of the last 100 years have been Jewish, including Man Ray, Helen Frankenthaler and Mark Rothko.

Jewish scientists have expanded our knowledge of the world and have helped discover new cures. From Albert Einstein to Jonas Salk, Carl Sagan to Mark Zuckerberg, Jews have used their scientific knowledge to change our understanding.

Mr. Speaker, I am pleased to join my colleagues in celebrating Jewish American Heritage Month, and the myriad of ways in which Jewish Americans have influenced our lives.

INTRODUCING THE SMALL BUSINESS TAX EQUITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. STARK. Mr. Speaker, I rise today with my colleagues Mr. POLIS (D–CO), Mr. FRANK (D–MA), Mr. ROHRABACHER (R–CA), and Mr. PAUL (R–TX) to introduce the Small Business Tax Equity Act.

Our tax code currently undercuts legal medical marijuana dispensaries by preventing them from taking the full range of deductions allowed for other small businesses. While unfair to these small business owners, the tax code also punishes the thousands of patients who rely on them for safe, legal, reliable access to medical marijuana as recommended by a doctor.

The Small Business Tax Equity Act would create an exception to Internal Revenue Code Section 280E to allow businesses operating in accordance with state law to take tax deductions associated with the sale of medical marijuana. This legislation is one in a series of bills being introduced today that would help ensure the fair treatment of medical marijuana businesses and the patients they serve.

Forty years after the start of the War on Drugs, 16 states and the District of Columbia now regulate and allow the sale of marijuana for medical purposes. Our tax laws have not kept pace with these changes in state law. My legislation would amend a portion of the Internal Revenue Code that was intended to prevent criminal drug dealers from claiming tax benefits. Under this bill, dispensaries operating legally under state law will no longer be prohibited from taking tax deductions and credits attributed to the sale of marijuana to patients.

Medical marijuana dispensaries operate legally in my home state and pay federal, state, and local taxes. California now collects over $100 million in state taxes annually from these small businesses. They should be able to claim the full range of benefits under the U.S. tax code just like other businesses that operate legally under state law. I urge my colleagues to join us in support of fair tax treatment for the medical marijuana industry and to ensure safe access to the patients it serves.

IN MEMORY OF KEN MORGAN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to pay tribute to a great voice for labor, a great Mainer and most importantly, a great friend, Ken Morgan.

For 35 years, Ken worked at the AFL–CIO fighting for the rights of Maine's hard-working men and women. As a union brother of the International Brotherhood of Electrical Workers Local 1837, Ken believed that united in solidarity, we could all move our society forward.

In the late 1960s, Ken's principles led him to refuse his doctorate from Northwestern University because of a dispute regarding the extension of civil rights based upon sexual orientation. Ken carried this strong commitment to justice and solidarity into all aspects of his life and was a trail blazer in the civil rights community. During his long career, Ken served as a member of the U.S. Commission on Civil Rights, was an award-winning member of the Maine Gay and Lesbian Political Alliance and a member of the Board of Directors of the Maine Center for Economic Policy. These are only a few of the many organizations Ken was involved with, all of which worked to help those who might otherwise be forgotten.

However, Ken is best remembered by his friends and family as a great man, with a mind that was deep, broad and keen. His heart was huge. He was a gentle soul who leaves a huge void and who so richly filled the lives of his many friends and family. Above all, Ken was a loving friend, mentor, brother, son and partner.

On the 40th anniversary of the assassination of Dr. Martin Luther King, President Obama declared, "Dr. King once said that the arc of the moral universe is long but it bends towards justice. It bends towards justice, but here is the thing: it does not bend on its own. It bends because each of us in our own ways put our hand on that arc . . ." Ken's work and life embodied this active engagement with our nation's, and our world's, struggle to be a place of equality and freedom.

Ken leaves behind his partner of more than three decades, Rick Strout, his brother Charles, his sister-in-law Jerie, and many cousins, nieces and nephews.

Mr. Speaker, please join me in remembering a great American, Ken Morgan.

RECOGNIZING NATIONAL SENIOR HEALTH AND FITNESS DAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of National Senior Health and Fitness Day, the nation's largest annual health promotion event for older Americans.

The contributions and sacrifices made by the senior citizen community are invaluable. Some have proudly served our country overseas and abroad. Others, through their ingenuity and innovations, have paved the way for the United States' leadership in technology. They are the very foundation of this country's evolution.

By the year 2030, approximately one in five U.S. residents will be a member of the senior citizen community and we must ensure that our seniors will have access to resources that will aide them in living strong and healthy lives.

Today, I'm proud to partner with the H. Louis Lake Senior Center, Acacia Adult Day Services and Community SeniorServ to host the National Senior Health and Fitness Day in my district.

In celebration of this important day, seniors in my district will have access to free fitness classes, healthy foods cooking demonstrations and brain stimulating exercises.

In honor of National Senior Health and Fitness Day, I encourage all our seniors to join in on the exciting activities taking place throughout our respective communities and to stay active physically, mentally and spiritually.

HAL DAVID'S 90TH BIRTHDAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Ms. PELOSI. Mr. Speaker, I rise to celebrate the 90th birthday of a great songwriter, lyricist, advocate, and leading voice of America's artistic community: Hal David.

The child of immigrants blessed with an extraordinary talent, Hal David has lived—and continues to live—the American dream. He used his musical gifts in service of our country as part of the U.S. Army Entertainment Section on the Pacific front during World War II. He returned home to write songs for the nation's top performers; produce Grammy-winning Broadway masterpieces and Oscar-winning lyrics; and partner with great composers to create soundtracks for stage and screen, and popular hits that remain classics to this day.

For his achievements, his success, his creativity, and his contributions to our history and society, Hal David was inducted into the Songwriters Hall of Fame and the Nashville Songwriters Hall of Fame.

On behalf of his colleagues—whether leaders in the field, famous faces, or those struggling to earn their place in the pantheon of great artists—Hal David has advocated for the rights of all performers and writers in the halls of Congress and in our nation's public discourse.

As President of the American Society of Composers, Authors and Publishers, he focused on key legislative issues facing music creators, led the charge against source licensing efforts, and oversaw the organization's increased presence in the field of country music. As Chairman and CEO of the Songwriters Hall of Fame, he invested in new technologies and an expanded digital presence for the institution, and strengthened the Grammy Museum in Los Angeles.

Hal David has spent his career enriching our music, our culture, our society, and our nation. His story is a tribute to his desire to do what he loved, his willingness to work hard, his ability to succeed and thrive across generations, and his creativity. I join my colleagues in the House of Representatives, and fans of music across the country, in wishing Hal David a happy and healthy 90th birthday.

RECOGNIZING THE 175TH ANNIVERSARY OF ATHERTON COMMUNITY SCHOOLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. KILDEE. Mr. Speaker, Atherton Community Schools will celebrate the 175th anniversary of the school district's start on May 29th in Burton, MI. An All School Class Reunion is planned to celebrate the occasion.

The Atherton Settlement was founded by three brothers: Perus, Shubael and Adonijah. The settlement grew to 30 farming families and the Settlement school was founded in 1836. The first teacher was Adonijah's daughter, Betsey Atherton. She held the teacher's position in the single-room schoolhouse for 20 years. The Atherton Agricultural School, as it was known at the time, remained a 1 room schoolhouse for over 100 years. In 1940, an 8-room schoolhouse was built to accommodate the growing community. In 1946, the Atherton School District combined with the Howe and Casper districts. Until 1954 classes were only offered through the eighth grade. If a student wanted to continue their education beyond that grade level, they had to transfer to Bendle, Flint Central or Davison High Schools. In 1954, Atherton Schools graduated its first high school class of about 18 students.

Currently, the Atherton School District holds classes in the Vern Van Y Elementary School, Atherton Middle School and Atherton High School. Graduates have gone on to fill roles in the spectrum of society including doctors and judges.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the alumni, educators, students, staff, parents and supporters for their commitment to education and community. I commend them for 175 years of continuous education, and I wish them the best in the coming years.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Tuesday, May 24, 2011. Had I registered my vote, I would have voted:

1. "Nay" on rollcall 333, On Ordering the Previous Question on the Rule—Consideration of H.R. 1216 to amend the Public Health Service Act to convert funding for graduate medical education in teaching health centers from direct appropriations to an authorization of appropriations; consideration of H.R. 1540, the National Defense Authorization Act, FY 2012; and waiving clause 6(a) of rule XIII.

2. "Nay" on rollcall 334, On Agreeing to the Resolution (H. Res. 269)—Consideration of H.R. 1216 to amend the Public Health Service Act to convert funding for graduate medical education in teaching health centers from direct appropriations to an authorization of appropriations; consideration of H.R. 1540, the National Defense Authorization Act, FY 2012; and waiving clause 6(a) of rule XIII.

3. "Nay" on rollcall 335, On Motion that the Committee Rise—To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

4. "Yea" on rollcall 336, On Agreeing to the Amendment—Tonko of New York Amendment No. 2.

5. "Yea" on rollcall 337, On Agreeing to the Amendment—Cardoza of California Amendment No. 9.

HONORING CLAUDETTE VIOLETTE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Claudette Violette of Lewiston, ME, on her graduation after having earned her GED.

This achievement is a great personal accomplishment for Claudette. She has faced many obstacles in her life, but her work ethic and tenacity allowed her to persevere, raise her family and volunteer thousands of hours for the Lewiston/Auburn community.

She has truly found her voice with her volunteer work. Claudette volunteers for the Good Shepherd Food Bank, Red Cross Blood Drives and Salvation Army fundraising. She delivers promotional posters for L/A Arts and the Public Theatre, and assembles a multi-thousand piece mailing in hours. Claudette also helps organize a monthly French luncheon for the Franco-American Heritage Center, making 300 plus calls each month to invite attendees.

Claudette is an inspiration to both me and my staff. Her commitment and dedication to completing her high school education speaks to the strength of her character. I am so proud of Claudette's achievement and her personal growth over the 10 years that I have known her. Claudette is a well-known and well-loved member of the community, and I know she will continue to play an active role in the lives of Lewiston/Auburn residents, my staff and myself.

Mr. Speaker, please join me in congratulating Claudette on her outstanding personal achievement.

THE CHASE FOR THE CHAMPIONSHIP

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. COBLE. Mr. Speaker, inspiration can come in many forms for athletes and teams when they are seeking fame, glory, records and titles. It is rare, however, when a team dedicates its quest for a championship to a teammate who didn't see a single minute of action.

The lacrosse team from Northwest Guilford High School, located in the Sixth District of North Carolina, dedicated its season and its title hopes to a teammate who was tragically killed last fall. On October 29, 2010, Chase Bunting died following a skateboarding accident. Northwest Guilford dubbed its quest for a state title the ''Chase for the Championship'' in honor of Chase Bunting.

With an ending only Hollywood could have imagined, the Vikings of Northwest Guilford completed their mission for Chase with a 13-9 win over East Chapel Hill High School to capture the 2011 North Carolina High School Athletic Association lacrosse championship.

On May 14, 2011, at the WakeMed Soccer Park in Cary, Northwest Guilford started out strong with a 7–0 lead after the first period of play. The Vikings never let East Chapel Hill within 4 goals to capture their first lacrosse championship. The team knew all along it was playing for more than just themselves. ''The death of Chase changed our season in a big way,'' sophomore starter Robert Lincks told The Northwest Observer. ''It brought our team a lot closer together and motivated us even more to win it for him.''

The players of the championship team are Captain and tournament MVP Jay Goldsmith, Dre Baskerville, Conner Dillion, Ethan Tingler, Jacob Marrapese, Brian Ha, Braden Payne, Nolan Carper, Travis Price, Robert Lincks, Trenton Ankenbruck, Diego Rengel-Parrish, Kyle Dorr, Reid Baxter, Chase Bunting, Conner Burkett, John Pappas, Jon Duncan, Hector De Jesus, Tammer Aboughalyoun, Adam Griffin, Zach Leicht, Cole Anderson, Cole Abourjilie, Parker Scaggs, Brandon Safrit, Will Ross, Payne Dunlap, Grant Simpkins, Brandon Sumner, Nick Nawrocki, Thomas Harris, Zach Sprague, Parker Leonard, Dallas Joyce, and Seth Hendrix.

The Vikings were led by Head Coach Mark Goldsmith. Coach Goldsmith actually captured his second North Carolina high school lacrosse championship. In 2000, he was the head coach when Southeast Guilford captured the state title. With the death of Chase Bunting prior to the start of the season, Coach Goldsmith told the Raleigh News & Observer that his current team had a special mission because of Chase's death. ''That brought us together,'' he told the newspaper, ''with one goal in mind. We dedicated the season to Chase. The kids worked so hard for everything we got. I'm just glad we're able to bring home the hardware.''

We are sure that Coach Goldsmith would agree that he was ably assisted by Assistant Coach Vern Schmidt, Second Assistant Coach Robbie Innella and managers Tara Murphy, Morgan Eddins, Chamberlain Staub, and Mia Furfaro. In addition, those aiding the title hunt were members of the Northwest Vikings Lacrosse Booster Club, including President Darrel Pappas, Vice President Karen Abourjilie, Trish Hendrix, Robin Lincks, Neil Dorr, Robin Bunting, Marc Dillon, Tim Ankenbruck, Stacy Leicht, Kristin Sprague, and Todd Sprague.

The Vikings finished their magical season with a record of 20–2 and the satisfaction of knowing that they completed their mission. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Northwest Guilford lacrosse team for winning the 2011 state title, but more importantly, for completing the ''Chase for the Championship.'' We know that Chase Bunting is smiling approvingly.

HONORING DONALD G. LEY SR., VETERAN AND WOODBURY HEIGHTS FIRE MARSHAL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Donald G. Ley Sr. for his five decades of service with the Woodbury Heights Fire Department. Currently serving as Fire Marshal and Safety Officer for the borough of Woodbury Heights, Mr. Ley is an inspirational example of American courage and heroism.

Some aspire to retire young from their profession, but not Mr. Ley. At seventy-nine, Mr. Ley is still a firefighter. You will find him at the Woodbury firehouse any time throughout the day. A graduate of Drexel University, Mr. Ley found his calling in serving his community and country. As an Army veteran of the Korean War, Mr. Ley returned to the United States a decorated veteran and continued his tireless public service.

In the Woodbury Heights Fire Department, Mr. Ley fought for the donation of an ambulance to begin emergency life support service in the 1960s. He has held several positions within the company, including assistant chief, deputy chief, safety officer, fire marshal and secretary for relief associations. His public service record includes time as a disaster volunteer with the Red Cross and Mayor of Woodbury Heights.

Over the years, Mr. Ley has been given several awards to recognize his consistent contributions to our community. The awards include the Jaycees Distinguished Service Award, the Certificate of Special Congressional Recognition and Distinguished Citizen Award, the Exceptional Duty Award in Gloucester County Fire Chiefs Association, the Unsung Hero Award—Russell Berrie Foundation and the Lifetime of Service Presidential Award.

It takes tremendous valor to run into a burning building while everyone else is running out. As he begins his fifty-second year at Woodbury Heights Fire Department, let us take a moment to honor the dedication, professionalism and bravery Don demonstrates every day. The core values we aspire to teach our children are all exemplified by his courage and selflessness.

HONORING COLBY HARRISON SCROGGINS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Colby Harrison Scroggins. Colby is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and earning the most prestigious award of Eagle Scout.

Colby has been very active with his troop, participating in many scout activities. Over the many years Colby has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Colby has contributed to his community through his Eagle Scout project. Colby refinished the floor of the Firemen's Memorial in Cameron, Missouri, and also constructed two 8′ × 10′ planters on either side of the memorial.

Mr. Speaker, I proudly ask you to join me in commending Colby Harrison Scroggins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LESTER B. LAVE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. DOYLE. Mr. Speaker, I rise today to celebrate the life of Carnegie Mellon University professor Lester B. Lave, who passed away on May 9th at the age of 71.

Dr. Lave spent most of his career at CMU, where he distinguished himself as one of the world's most influential contributors to economics and environmental science. In addition to his title as University Professor, the highest distinction a faculty member can achieve at Carnegie Mellon, Dr. Lave served as the Harry B. and James H. Higgins Professor of Economics at the Tepper School of Business, director of the Green Design Initiative, and co-director of the Carnegie Mellon Electricity Industry Center.

In a career that spanned more than 40 years, Dr. Lave tackled some of the most important questions relating to health, safety, energy, and the environment. By applying principles from economics and risk analysis, he performed ground-breaking research on a wide range of topics including global warming, automobile and transportation safety, dam safety, and the environmental effects of fuel additives.

Dr. Lave first gained attention from scholars and policy-makers in the 1970's when he and Eugene Seskin published research showing that air pollution was linked to increased death rates in American cities. Lave and Seskin's work was highly controversial. But it was supported by further research, and we now know that approximately 1 percent of all deaths in the United States stem from small-particle air pollution. This research later served as a basis for EPA clean air regulations.

Among other significant studies he performed throughout his career, Dr. Lave and his colleagues showed in the 1990's that electric cars run on lead-based batteries were actually more harmful to the environment than cars that burned leaded gasoline. In recent years, his work focused on green design and improving the electricity system. Along with his colleagues, he helped found the Carnegie Mellon Electricity Industry Center, which is the largest electric power research group of its kind.

In addition to teaching and researching at CMU, Dr. Lave was a senior fellow at the Brookings Institution. In 1982, he was elected to the Institute of Medicine, and in 1985, he was named president of the Society for Risk Analysis. Dr. Lave served on and chaired numerous committees of the National Academies, where he most recently oversaw a study entitled ''Real Prospects for Energy Efficiency in the United States.''

As a CMU professor, Dr. Lave served as the economics department chair for eight years and served as the primary mentor to 40 doctoral students.

Dr. Lave is remembered by his colleagues and students as a caring teacher and untiring researcher who was dedicated to objective, thorough analysis. He should be remembered by this nation as a talented researcher whose body of work has improved U.S. public policy markedly and will continue to do so for years to come.

I want to take this opportunity to express both my sincere admiration for Dr. Lave and my condolences to his wife, Judith, and his two children, Jonathan and Tamara.

ALDERMAN MARY ANN SMITH—A REMARKABLE RECORD OF ACHIEVEMENT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I would like to honor Alderman Mary Ann Smith, who represented Chicago's wonderful 48th Ward for 21 years before her retirement this May. Alderman Smith has dedicated over 30 years of her life to public service.

As Alderman, she was especially active in public safety, community-directed development, transit and walkability, lakefront planning, animal rights, health care, seniors' issues, affordable housing and public sector accountability. Her recent groundbreaking advocacy to combat Medicare and Medicaid fraud and the exploitation of the mentally ill has helped make nursing homes and our communities safer.

Alderman Smith was chair of the City Council Committee on Chicago Parks where she worked to restructure the Chicago Park District and its management, improve programming, secure the parks and increase access to recreation for all Chicagoans with an emphasis on teenagers and youth. She was also a member of the City Council Committees on Traffic Control and Safety, Buildings, Rules and Ethics, Budget, Finance, Historical Landmark Preservation, License and Consumer Protection and the Mayoral Task Forces on Lake Michigan and on Transportation. She served on the city's Advisory Council on Chicago ''Green'' development and as a commissioner of both the Northeastern Illinois Plan Commission and the Chicago Plan Commission.

Mary Ann is extremely proud of the diversity of the 48th Ward. She worked to integrate immigrant groups into the mainstream business, financial and social structure of the neighborhood. An early supporter of the Human Rights Ordinance, she interacted closely with advocacy groups to protect the rights of all people. She served as vice chair of the Illinois Citizens for Better Care, a group which advocates for nursing home residents' rights and was founder of the Committee Against Nursing Home Election Fraud.

Internationally recognized as a leader on building livable communities and protecting the environment, particularly around Chicago's lakefront, Alderman Smith represented the city of Chicago on the International Council on Local Environmental Initiatives. She served as vice-chair of the City Council Subcommittee on the Chicago Lakefront, as a vice-chair of the Lake Michigan Federation (now the Alliance for the Great Lakes), and was a founding member of PCB's Gone. Her leadership on environmental issues earned her a United Nations Environment Programme Award for Citizen Action to Protect the Global Environment and a fellowship from the German Marshall Fund of the United States to study urban planning in several European cities. Alderman Smith's commitment to employ new alternative energy and flood control technologies in the 48th Ward includes the installation of the nation's first water-permeable alley in 2001 and the creation of rain gardens.

Her work on public safety and transportation in the community include unsnarling longstanding traffic and transportation problems. She was instrumental in helping to organize the state's first city/suburban traffic and transportation and in obtaining funding for a project to improve pedestrian safety and neighborhood walkability.

Alderman Smith is a passionate advocate against cruelty to animals, and, in response to information about the cruel treatment of elephants by trainers, she introduced legislation that would outlaw the use of disciplinary methods that inflict pain and/or cause injury to the animal.

I have had the pleasure of sharing an office with Alderman Smith since 1999, and our offices have collaborated closely on issues and projects including environmental concerns, animal rights, community safety, nursing homes and seniors, education, and youth. I consider her a treasured friend and wish her fulfillment and success as she embarks in a new direction.

Mary Ann and her husband Ronald, a professor at John Marshall Law School who recently served as chairman of the American Bar Association Criminal Justice Section, have lived in the Edgewater and Uptown communities for more than 30 years. They have two sons, Michael, a software engineer in Portland, Oregon, and Matthew, a clinical psychologist who also lives in the 48th Ward, and many beloved pets.

HONORING EDWIN K. ''NED'' ZECHMAN, JR.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Edwin K.''Ned'' Zechman, Jr. for over 30 years of service, with 16 years as President and CEO, at Children's National Medical Center in Washington, DC, often referred to as Children's Hospital.

Under Mr. Zechman's leadership, Children's Hospital, which serves children from the District of Columbia, this region, and across the country, has become a national and international leader in pediatric care, advocacy, research and education. Children's Hospital is technologically advanced, community oriented, and fiscally responsible.

Mr. Zechman's retirement marks a milestone in the hospital's history of great service and quality healthcare. Last year alone, Children's Hospital had more than 370,000 outpatient visits in 45 specialties. The hospital performed nearly 15,000 surgeries on children of all ages, from babies a few hours old to high school students. Children's Hospital leads the way in developing and providing innovative treatments for childhood illnesses and injuries, with a cardiac intensive care unit, a neuro-intensive care unit, and a Level I pediatric trauma center, as well as with its Research Institute, Heart Institute, and Brain Tumor Institute.

Last fall, Children's Hospital opened a new emergency department at United Medical Center (UMC) in Southeast Washington, DC, staffed by doctors, nurses and clinical team members from Children's Hospital, providing children and families east of the Anacostia River with a full range of emergency care services. Children's Hospital used to see 8,000 to 10,000 emergency visits per year from patients near UMC, but now, these patients can receive the same level of care closer to home, instead of commuting to Northwest, where Children's Hospital is located.

In addition to the commitment and service of all staff and personnel at Children's Hospital, Mr. Zechman's wonderful leadership has taken Children's National Medical Center to the next level of quality healthcare, making it a national and international model for children's hospitals.

I ask the House to join me in congratulating Edwin K. ''Ned'' Zechman, Jr. on his retirement from Children's National Medical Center and thanking him for his years of commitment and service to the children and families of the District of Columbia.

RECOGNIZING DR. HOWARD ALLEN CHUBBS FOR HIS 45 YEARS OF SERVICE AS PASTOR OF PROVIDENCE BAPTIST CHURCH IN GREENSBORO, NORTH CAROLINA

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. WATT. Mr. Speaker, I rise today to recognize the Reverend Howard Allen Chubbs for

his 45 years of service as pastor of Providence Baptist Church in Greensboro, North Carolina.

Dr. Chubbs, an excellent leader, has led the church from a small congregation without a building to a six million dollar edifice with a membership of approximately 1300. In addition to his important religious role as the leader of a dynamic congregation, he is recognized as a leader in race and interfaith missions. The members of Dr. Chubbs' congregation always share their expertise with those in need without having to be asked and Dr. Chubbs spends substantial time mentoring young ministers in the community. Under Dr. Chubbs' leadership, Providence Baptist Church has provided opportunities for young people to prepare themselves to become the best that they can be through SAT preparation, Girl Scouts, exercise and other programs. And he has provided adults continuous opportunities to reinforce all the positive attributes needed to be assets to the church, the community, the State of North Carolina and the nation.

Dr. Chubbs is also recognized as an outstanding husband and father and was honored by the National Diabetes Association as a "Father of the Year" recently.

Dr. Chubbs has also been an active force internationally. He has worked diligently with the National Conference of Community and Justice, NCCJ, and the Jewish Federation to promote peace and mutual respect among ethnic groups, cultures and religious groups and travelled to Israel in 1994, 1997, 2000, and 2010.

Mr. Speaker, I ask my colleagues to join me in wishing Reverend Dr. Howard Allen Chubbs and the Providence Baptist Church congregation a great pastoral 45th anniversary and best wishes in the years to come.

HONORING ERIC BRIAN HALLMARK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Eric Brian Hallmark. Eric is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many Scout activities. Over the many years Eric has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Eric has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Eric Brian Hallmark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

JOYCE ROTHERMEL AND GREATER PITTSBURGH COMMUNITY FOOD BANK

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. DOYLE. Mr. Speaker, I rise today to announce several milestones in southwestern Pennsylvania.

On June 7, the Greater Pittsburgh Community Food Bank will celebrate its 30th anniversary and observe Hunger Awareness Day. On that day, the Greater Pittsburgh Community Food Bank will also celebrate the important work done by its co-founder and CEO, Joyce Rothermel, who is retiring after 25 years.

Hunger is a widespread problem that affects millions of households across the United States. In 2009, one out of every eight Americans required emergency food assistance, and in 2010, over 40 million people relied on Food Stamps for their daily meals. According to the U.S. Department of Agriculture, approximately 17 million of the nation's hungry are children. In Pennsylvania, roughly one in seven people are not getting enough to eat.

Hunger has a drastic effect on the health of those who suffer from it. Children from food-insecure households are more likely to fall behind in school, show signs of depression, exhibit cognitive disabilities and behavioral problems, and are more likely to be hospitalized with preventable illnesses. Similarly, hungry seniors are also more likely to suffer from poor health compared to food-secure seniors.

That's why it's so important to raise public awareness about the problem of hunger our nation faces today with events like Hunger Awareness Day. It's essential that every community across the country take action to eradicate the scourge of hunger.

I'm proud to say that in our region, a lot of our friends and neighbors have stepped up to meet this challenge. The Greater Pittsburgh Community Food Bank has tirelessly fought hunger in southwestern Pennsylvania for the past 30 years. With the help of more than 400 affiliate food banks and member agencies, the Greater Pittsburgh Community Food Bank is able to serve more than 122,000 hungry people each month.

The Food Bank has done an outstanding job at providing much-needed healthy food to the hungry of southwestern Pennsylvania. During fiscal year 2009–2010, it distributed more than 22 million pounds of food throughout 11 counties. Despite declining food donations nationwide, the Food Bank has managed to supply more than 50 percent of the food offered by local soup kitchens, 87 percent of the food distributed by the region's food pantries, and 43 percent of the food distributed by local shelters in recent years. I would like to commend the Food Bank for the fantastic work it has done on behalf of southwestern Pennsylvania.

Much of the Food Bank's success can be traced to the work of one person—Joyce Rothermel, who co-founded the Greater Pittsburgh Community Food Bank in 1980 and became its CEO in 1987.

During her 25 year tenure, Joyce oversaw the growth of the Food Bank into one of the most respected non-profit groups in the nation. Among other honors, the Food Bank has won awards from America's Second Harvest, received a four-star rating from Charity Navigator, and obtained the Pennsylvania Association of Nonprofit Organization's Standards of Excellence Certification under Joyce's leadership.

This year, in recognition of her leadership and service, Joyce received both the Dick Goebel Public Service Award from Feeding America and the John E. McGrady Award from the Catholic Youth Association of Pittsburgh. In past years, Joyce's commitment to service has been recognized by a variety of organizations, including the YWCA, the Pennsylvania Hunger Action Center, the Public Relations Society of America, and the United Nations Association.

I can add from personal experience that Joyce has been an effective and tireless advocate on hunger issues with the region's Congressional delegation as well. My staff and I have worked closely with Joyce over many years to support and improve federal anti-hunger programs. It was always a pleasure to work with her, and we will miss her.

I want to commend Joyce Rothermel for her decades of commitment to eliminating hunger in the greater Pittsburgh community, and I want to congratulate her on the beginning of her much-deserved retirement. And in closing, I want to express my sincere appreciation to the Greater Pittsburgh Community Food Bank for the extraordinary work it has done on behalf of the people of southwestern Pennsylvania.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. QUIGLEY. Mr. Chair, I rise today in opposition to H.R. 1540, the National Defense Authorization Act for FY 2012.

More specifically, I rise in fierce opposition to provisions of this bill which seek to deter and derail the repeal of Don't-Ask-Don't-Tell.

A repeal, which has been implemented only after the Department of Defense completed a comprehensive review of the issues associated with the repeal.

A repeal, which has been implemented only after DOD solicited the views of nearly 400,000 active duty and reserve component Servicemembers.

A repeal, which has been implemented only after DOD conducted one of the largest surveys in the history of the U.S. military.

Still, we stand here today to consider a measure that demonstrates that this body doesn't believe that Secretary Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, are right to support the repeal.

I believe in our military's ability to evaluate and make recommendations, and I fully support their plan to implement repeal.

I urge my colleagues to do the same and oppose this bill.

HONORING WALTER THOMPSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Walter Thompson. Walter is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 161, and earning the most prestigious award of Eagle Scout.

Walter has been very active with his troop, participating in many scout activities. Over the many years Walter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Walter has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Walter Thompson for his accomplishments with the Boy Scouts of America and for his efforts put forth inachieving the highest distinction of Eagle Scout.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 512, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and S. 937, to repeal certain barriers to domestic fuel production.

SD–366

Foreign Relations

To hold hearings to examine the nominations of Geeta Pasi, of New York, to be Ambassador to the Republic of Djibouti, Donald W. Koran, of California, to be Ambassador to the Republic of Rwanda, and Lewis Alan Lukens, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, all of the Department of State, and Ariel Pablos-Mendez, of New York, to be an Assistant Administrator of the United States Agency for International Development.

SD–419

2:30 p.m.

Foreign Relations

To hold hearings to examine Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996 (Treaty Doc. 112–01), Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the ''proposed Protocol'') and a related agreement effected by the exchange of notes also signed on May 20, 2009 (Treaty Doc. 111–08), Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest (the ''proposed Convention'') and a related agreement effected by an exchange of notes on February 4, 2010 (Treaty Doc. 111–07), Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110–23), and Treaty between the Government of the United States of America and the Government of Bermuda relating to Mutual Legal Assistance in Criminal Matters, signed at Hamilton on January 12, 2009 (Treaty Doc. 111–06).

SD–419

JUNE 8

9:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, Department of State.

SD–419

Veterans' Affairs

To hold hearings to examine pending calendar business.

SR–418

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of D. Brent Hardt, of Florida, to be Ambassador to the Co-operative Republic of Guyana, James Harold Thessin, of Virginia, to be Ambassador to the Republic of Paraguay, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Nicaragua, and Lisa J. Kubiske, of Virginia, to be Ambassador to the Republic of Honduras, all of the Department of State.

SD–419

JUNE 9

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 963, to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, S. 1000, to promote energy savings in residential and commercial buildings and industry, and S. 1001, to reduce oil consumption and improve energy security.

SD–366

10 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine border corruption, focusing on assessing customs and border protection and the Department of Homeland Security Inspector General's office collaboration in the fight to prevent corruption.

SD–342

JUNE 15

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD–192

JUNE 16

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 343, to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD–366

JUNE 29

10 a.m.

Veterans' Affairs

Business meeting to consider pending calendar business.

SR–418

Daily Digest

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Routine Proceedings, pages S3289–S3365

Measures Introduced: Twenty-two bills and three resolutions were introduced, as follows: S. 1059–1080, S.J. Res. 15–16, and S. Res. 199. **Pages S3338–39**

Measures Passed:

Honoring the Service and Sacrifice of Members of the United States Armed Forces: Committee on Armed Services was discharged from further consideration of S. Con. Res. 13, honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn, and the resolution was then agreed to. **Page S3365**

Measures Considered:

House Passed Budget: By 40 yeas to 57 nays (Vote No. 77), Senate did not agree to the motion to proceed to consideration of H. Con. Res. 34, establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021. **Pages S3331–32**

Budget: By a unanimous vote of 97 nays (Vote No. 78), Senate did not agree to the motion to proceed to consideration of S. Con. Res. 18, setting forth the President's budget request for the United States Government for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021. **Page S3332**

Budget: By 42 yeas to 55 nays (Vote No. 79), Senate did not agree to the motion to proceed to consideration of S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021. **Page S3332**

Budget: By 7 yeas to 90 nays (Vote No. 80), Senate did not agree to the motion to proceed to consideration of S. Con. Res. 20, setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2016. **Pages S3332–33**

House Message:

Small Business Additional Temporary Extension Act—Agreement: Senate continued consideration of the amendment of the House of Representatives to S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, taking action on the following motions and amendments proposed thereto: **Pages S3298–S3316, S3333**

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, of a perfecting nature. **Page S3298**

Reid Amendment No. 348 (to Amendment No. 347), to change the enactment date. **Page S3298**

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid Amendment No. 349, to change the enactment date. **Page S3298**

Reid Amendment No. 350 (to (the instructions) Amendment No. 349), of a perfecting nature. **Page S3298**

Reid Amendment No. 351 (to Amendment No. 350), of a perfecting nature. **Page S3298**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, at approximately 9:30 a.m., on Thursday, May 26, 2011, with the time until 10 a.m. equally divided and controlled between the two Leaders, or their designees; that the mandatory quorum under rule 22 be waived, and that the cloture vote on the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, occur at 10 a.m., without intervening action or debate; and that if cloture is invoked the time post-cloture be counted from 1 a.m., Thursday, May 26, 2011; provided further, that the filing deadline for second-degree amendments be at 9:40 a.m. on Thursday, May 26, 2011. **Page S3333**

Appointments:

Advisory Committee on the Records of Congress: The Chair announced, on behalf of the Republican Leader, pursuant to Public Law 101–509, the reappointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress. **Page S3365**

Messages from the House: **Page S3337**

Measures Placed on the Calendar: **Pages S3289, S3337**

Executive Communications: **Page S3337**

Executive Reports of Committees: **Pages S3337–38**

Additional Cosponsors: **Pages S3339–41**

Statements on Introduced Bills/Resolutions: **Pages S3341–46**

Additional Statements: **Page S3337**

Amendments Submitted: **Pages S3346–61**

Notices of Intent: **Pages S3361–64**

Authorities for Committees to Meet: **Pages S3364–65**

Privileges of the Floor: **Page S3365**

Record Votes: Four record votes were taken today. (Total—80) **Pages S3332–33**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:44 p.m., until 9:30 a.m. on Thursday, May 26, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3365.)

Committee Meetings

(Committees not listed did not meet)

PROTECTING AMERICAN JOBS

Committee on Appropriations: Subcommittee on Department of Homeland Security concluded a hearing to examine protecting American jobs, focusing on strengthening trade enforcement including anti-dumping and maritime laws, and past initiatives to improve anti-dumping and countervailing duty collection and additional options for improving anti-dumping and countervailing duty collection, after receiving testimony from Allen Gina, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protection; J. Scott Ballman, Jr., Deputy Assistant Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Ronald K. Lorentzen, Deputy Assistant Secretary of Commerce for Import Administration; Loren Yager, Director, International Affairs and Trade, Government Accountability Office; Edward T. Hayes, Leake and Andersson LLP, and Kristen M. Baumer, Paul Piazza and Sons, Inc., both of New Orleans, Louisiana; Jim Adams, Offshore Marine Service Association, Harahan, Louisiana; and Keith E. Busse, Steel Dynamics, Inc., Fort Wayne, Indiana.

CREATING JOBS AND TRANSFORMING COMMUNITIES

Committee on Appropriations: Subcommittee on Financial Service and General Government concluded a hearing to examine creating jobs and transforming communities, focusing on funding for the Small Business Administration and the Community Development Financial Institutions Fund, after receiving testimony from Karen G. Mills, Administrator, U.S. Small Business Administration; Donna J. Gambrell, Director, Community Development Financial Institutions Fund, Department of the Treasury; Warner Cruz, J.C. Restoration, Inc., Rolling Meadows, Illinois; Calvin L. Holmes, Chicago Community Loan Fund (CCFL), Chicago, Illinois; and Ray Moncrief, Kentucky Highlands Investments Corporation, London.

APPROPRIATIONS: MISSILE DEFENSE AGENCY

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency, after receiving testimony from Lieutenant General Patrick J. O'Reilly, USA, Director, Missile Defense Agency, Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on SeaPower concluded a hearing to examine Navy shipbuilding programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Sean J. Stackley, Assistant Secretary of the Navy for Research, Development and Acquisition, Vice Admiral Kevin M. McCoy, Commander, Naval Sea Systems Command, and Captain William J. Galinis, Supervisor of Shipbuilding (SUPSHIP), Gulf Coast, all of the Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Michael E. Guest, of South Carolina, Ana Margarita Guzman, of Texas, and Christopher B. Howard, of Virginia, all to be a Member of the National Security Education Board, and 3,463 nominations in the Army, Navy, Air Force, and Marine Corps.

DERIVATIVES CLEARINGHOUSES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine derivatives clearinghouses, focusing on opportunities and challenges, after receiving testimony from Christopher Edmonds, ICE Trust, and Terrence A. Duffy, CME Group Inc., both of Chicago, Illinois; Benn Steil, Council on Foreign Relations, Don Thompson, JPMorgan Chase and Co., and James Cawley, Javelin Capital Markets, all of New York, New York; Chester Spatt, Carnegie Mellon University Tepper School of Business, Pittsburgh, Pennsylvania; and Clifford Lewis, State Street Global Markets, Singer Island, Florida.

PUBLIC LANDS AND FORESTS BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 233, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 268, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, S. 375, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 714, to reauthorize the Federal Land Transaction Facilitation Act, and S. 730, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, after receiving testimony from Senators Baucus, Tester, and Begich; Harris Sherman, Under Secretary of Agriculture for Natural Resources and Environment; Marcilynn A. Burke, Deputy Director, Bureau of Land Management, Department of the Interior; Byron Mallott, and Jaleen Araujo, both of the Sealaska Corporation, Juneau, Alaska; Sherman Anderson, Sun Mountain Lumber, Deer Lodge, Montana; Walter E. Congdon, Montana Cattlemen's Association, Dell; and Myla Poelstra, Edna Bay, Alaska.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission, who was introduced by Senator Webb, Richard C. Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority, who was introduced by Senators Cochran and Wicker, and Lieutenant General Thomas P. Bostick, to be Chief of Engineers, and Commanding General, United States Army Corps of Engineers, Department of Defense, after the nominees testified and answered questions in their own behalf.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT

Committee on Finance: Committee concluded a hearing to examine the United States-Panama Trade Promotion Agreement, after receiving testimony from Miriam Sapiro, Deputy United States Trade Representative; Jason Speer, Quality Float Works, Inc., Schaumburg, Illinois; and Garry Niemeyer, National Corn Growers Association, Auburn, Illinois.

SPREAD OF TAX FRAUD BY IDENTITY THEFT

Committee on Finance: Subcommittee on Fiscal Responsibility and Economic Growth concluded a hearing to examine the spread of tax fraud by identity theft, focusing on a threat to taxpayers, a drain on the public treasury, and the status of Internal Revenue Service initiatives to help victimized taxpayers, after receiving testimony from Nina E. Olson, National Taxpayer Advocate, and Beth Tucker, Deputy Commissioner, Operations Support, both of the Internal Revenue Service, Department of the Treasury; James R. White, Director, Strategic Issues, Government Accountability Office; Sharon Hawa, Bronx, New York; and Terry D. McClung, Jr., Finksburg, Maryland.

DUPLICATION IN FEDERAL GOVERNMENT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine how to save taxpayer dollars, focusing on case studies of duplication in the Federal government, after receiving testimony from Gene L. Dodaro, Comptroller General of the United States, Government Accountability Office; and Daniel I. Gordon, Administrator, Federal Procurement Policy, and Vivek Kundra, Federal Chief Information Officer, Administrator, E-Government and Information Technology, both of the Office of Management and Budget.

EFFORTS TO ELIMINATE IMPROPER PAYMENTS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine assessing efforts to eliminate improper payments, after receiving testimony from Daniel I. Werfel, Controller, Officer of Management and Budget; Richard L. Gregg, Fiscal Assistant Secretary

of the Treasury; Robert F. Hale, Under Secretary of Defense (Comptroller); Calvin L. Scovell III, Vice Chairman, Recovery Accountability and Transparency Board; and Kelly Croft, Deputy Commissioner for Systems, Social Security Administration.

HOLDING CRIMINALS ACCOUNTABLE

Committee on the Judiciary: Committee concluded a hearing to examine holding criminals accountable, focusing on extending criminal jurisdiction to government contractors and employees abroad, after receiving testimony from Lanny A. Breuer, Assistant Attorney General, Criminal Division, Department of Justice; Tara Lee, DLA Piper LLP (US), and Michael J. Edney, Gibson, Dunn & Crutcher LLP, both of Washington, D.C.; and Geoffrey S. Corn, South Texas College of Law, Houston.

VETERANS TRANSITION

Committee on Veterans' Affairs: Committee concluded a hearing to examine a seamless transition, focusing on meeting the needs of service members and veterans, after receiving testimony from Antonette Zeiss, Acting Deputy Chief Officer, Mental Health Services, and Deborah Amdur, Chief Consultant Care Management and Social Work, both of the Office of Patient Care Services, Shane McNamee, Chief of Physical Medicine and Rehabilitation, Hunter Holmes McGuire Veterans Affairs Medical Center, and Janet E. Kemp, National Suicide Prevention Coordinator, all of the Veterans Health Administration, Department of Veterans Affairs; George Taylor, Deputy Assistant Secretary, Force Health Protection and Readiness, and Philip Burdette, Principal Director, Wounded Warrior Care and Transition, Policy Office, both of the Department of Defense; Steven A. Bohn, Wounded Warrior Project, Salem, Massachusetts; James R. Lorraine, Wounded Warrior Care Project, Augusta, Georgia; and Lance Corporal Tim Horton (Ret.), San Antonio, Texas.

DRUG VIOLENCE IN CENTRAL AMERICA

United States Senate Caucus on International Narcotics Control: Caucus concluded a hearing to examine combating drug violence in Central America, focusing on United States efforts to enhance security throughout Central America, after receiving testimony from Thomas M. Harrigan, Assistant Administrator and Chief of Operations, Drug Enforcement Administration, Department of Justice; Roberta Jacobson, Principal Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs; and Cynthia J. Arnson, Woodrow Wilson International Center for Scholars, Kevin Casas-Zamora, Brookings Institution, and Ray Walser, Heritage Foundation Center for Foreign Policy Studies, all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 1978–1999; and 3 resolutions, H. Con. Res. 55; and H. Res. 278–279 were introduced. **Pages H3644–45**

Additional Cosponsors: **Page H3646**

Report Filed: A report was filed today as follows:

H.R. 1315, to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer Financial Protection, with an amendment (H. Rept. 112–89). **Page H3644**

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H3413**

Recess: The House recessed at 11:08 a.m. and reconvened at 12 noon. **Page H3420**

Chaplain: The prayer was offered by the guest chaplain, Reverend Gene Mills, Louisiana Family Forum, Baton Rouge, Louisiana. **Pages H3420–21**

Resignation of the Chaplain of the House of Representatives: Read a letter from the Reverend Daniel P. Coughlin in which he submitted his resignation as Chaplain of the House of Representatives, effective April 30, 2011. **Page H3430**

Privileged Resolution: The House agreed to H. Res. 278, Electing the Chaplain of the House of Representatives. **Page H3430**

Administration of the Oath of Office to an Officer of the House: The Speaker administered the Oath of Office to Father Patrick J. Conroy of the State of Oregon, Chaplain of the House of Representatives. **Page H3432**

Amending the Public Health Service Act to convert funding for graduate medical education in

qualified teaching health centers from direct appropriations to an authorization of appropriations: The House passed H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, by a recorded vote of 234 ayes to 185 noes, Roll No. 340. Consideration began yesterday, May 24th. **Pages H3430–31, H3432–34**

Rejected the Clyburn motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 184 ayes to 236 noes, Roll No. 339. **Pages H3432–34**

Agreed to:

Foxx amendment (No. 7 printed in the Congressional Record of May 23, 2011) that was debated on May 24th that prohibits the use of funds provided for graduate medical education from being used to provide abortion or training in the provision of abortion. Additionally, funds will not be provided to a teaching health center if the institution discriminates against individual health care entities that refuse to provide abortion, undergo training in the provision of abortion, or offer referral for abortion services (by a recorded vote of 234 ayes to 182 noes, Roll No. 338). **Page H3431**

H. Res. 269, the rule providing for consideration of the bills (H.R. 1216) and (H.R. 1540) was agreed to yesterday, May 24th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, May 26th. **Page H3436**

National Defense Authorization Act for Fiscal Year 2012: The House resumed consideration of H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012. Consideration of the measure began yesterday, May 24th. **Pages H3423–30, H3434–36, H3436–3621, H3621–30, H3630–43**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Pages H3436–H3595**

Agreed to:

Wittman amendment (No. 1 printed in H. Rept. 112–88) that allows the Secretary of the Navy to enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers subject to appropriations; **Pages H3595–97**

McKeon en bloc amendment No. 1 that consists of the following amendments printed in H. Rept. 112–88: Tonko amendment (No. 3) that encourages the Medical Research program to use RNA technology when conducting research for breast and prostate cancer, battlefield infectious diseases, and rare diseases; Hayworth amendment (No. 4) that express the sense of Congress that active matrix organic light emitting diode (OLED) technology displays are an integral factor in reducing the size, weight, and energy consumption of both dismounted and mounted system of the Armed Forces, and that OLED technology is a Defense-critical manufacturing capability; Miller (MI) amendment (No. 7) that designates the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff; Schock amendment (No. 8) that allows a service member with a minor dependent to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone; Baca amendment (No. 9) that directs the Secretary of Defense to coordinate with each military department to enhance current suicide prevention information sharing services for members of the Armed Forces; Cohen amendment (No. 10) that adds the text of H.R. 1046, the Honor the Written Intent of Our Servicemember Heroes (HONOR the WISH) Act, to the bill; Becerra amendment (No. 11) that provides funding for the United States Military Academy, United States Naval Academy, and the United States Air Force Academy for diversity recruitment activities; McNerney amendment (No. 13) that expresses the Sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for service members and their families; McNerney amendment (No. 14) that strikes and replaces section 591 of the bill, which makes it more difficult for Guard and Reserve components to engage in military training missions that also provide assistance to local communities; King (NY) amendment (No. 15) that directs the Secretary of Defense to provide for a program under which members of the Armed Forces of the United States on active duty and serving in Iraq or Afghanistan or hospitalized at a facility under the jurisdiction of the Armed Forces as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan would receive one-free postal voucher per month to be transferred to loved ones to send packages to the soldiers at no cost; Ruppersberger amendment (No. 16) that authorizes the Secretary of Defense to extend United

States Central Command Rest and Recuperation benefits to U.S. Armed Forces assigned to the Egypt Multi-National Force and Observors Mission; Carter amendment (No. 17) that deems Members of the Armed Forces, and DoD civilian employees, who were killed or wounded in the November 5th, 2009 Fort Hood attack to have been killed or wounded in a combat zone as the result of an action of an enemy of the United States; Sessions amendment (No. 21) that creates a pilot program for treatment outside of military facilities for members of the armed forces and veterans affected by traumatic brain injury and post-traumatic stress disorder; Waters amendment (No. 29) that provides a preference for potential DOD contractors that carry out certain investment and philanthropic activities to bolster education and training in science, technology, engineering, and mathematics (STEM) disciplines; Hayworth amendment (No. 34), as modified, that adds a Sense of Congress that the Department of Defense shall not convert from private sector to public sector performance any functions or positions that are not inherently governmental in nature; Cuellar amendment (No. 35) that expresses the sense of Congress that the Department of Defense should continue to share intelligence and technology with the Department of Homeland Security to address national security threats on the southwest border from transnational criminal organizations; Hunter amendment (No. 36), as modified, that directs the Secretary of the Navy to name the next available ship after Marine Corps Sergeant Rafael Peralta; and Schiff amendment (No. 5), as modified, that requires the Secretary of Defense to submit health assessment reports to the Committees on Armed Services of the Senate and House of Representatives when waste is disposed of in open-air burn pits; **Pages H3597–3604**

Carter amendment (No. 6 printed in H. Rept. 112–88) that expands existing military whistleblower protections, from retaliatory personnel actions, to include communications by Armed Forces Members of ideologically based threats or actions of another Member that the reporting Member reasonably believes could be counterproductive or detrimental to United States interests or security; **Pages H3604–05**

Carson amendment (No. 19 printed in H. Rept. 112–88) that directs the Department of Defense to provide mental health assessments to service members during deployment; **Pages H3607–09**

McKeon en bloc amendment No. 2 that consists of the following amendments printed in H. Rept. 112–88: Hanabusa amendment (No. 44) that limits past, present, and future detainees from rights afforded under Compact of Free Association; Hanabusa amendment (No. 45) that directs the Secretary of Defense and the OMB to identify programs within the DoD budget that are ineffective, redundant or unused; Rogers (MI) amendment (No. 51) that requires the Department of Defense to repatriate, identify and honor with a military funeral the remains of 13 American Sailors killed during the First Barbary War in 1804; Campbell amendment (No. 52) that terminates the Joint Safety Climate Assessment System of the Department of Defense; Garrett amendment (No. 58) that clarifies that the United States Congress has not authorized military actions in Libya upon adoption of the National Defense Authorization Act for Fiscal Year 2012; Young (AK) amendment (No. 68), as modified, that requires the Secretary of Defense to submit a report and assessment on the infrastructure needs of Department of Defense designated ports; McKeon manager's amendment (No. 73), as modified, that makes conforming changes in the bill; Braley amendment (No. 75) that requires a report from the President, in consultation with the Secretaries of Defense, State and Veterans Affairs, on the long-term costs of military operations in Iraq, Afghanistan and Libya; Bishop (UT) amendment (No. 76) that clears title to a 2.7 acre of formerly utilized defense land in Ogden Utah which was BRAC'd in 1995 so that the locally recognized municipal redevelopment authority may proceed to redevelop the property consistent with BRAC redevelopment authorities; Bishop (UT) amendment (No. 77) that clarifies certain terms in military depot statute, modifies the DoD's existing reporting requirements to include the 3 previous fiscal years' record of performance at each covered military depot in a table format, and adds the Tooele Army Depot, Utah, onto the list of depots for which annual reporting is required; Bishop (NY) amendment (No. 78) that expresses the Sense of Congress urging the Department of Defense to pursue all feasible efforts to recover, identify, and return the bodies of the crew of the Navy Flying Boat George 1 from Thurston Island, Antarctica; Bishop (NY) amendment (No. 79) that requires the Secretary of Defense to submit a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and chemical hazards, including waste disposal, during contingency operations; Bishop (NY) amendment (No. 80) that expresses the Sense of Congress regarding the efforts by the Department of Defense to keep America safe from terrorist attacks since September 11th; Blumenauer amendment (No. 81) that requires the Secretary of Defense to notify the congressional defense committees and the Committees on the Budget, within 90 days, when entering into or modifying

an indemnification agreement; Blumenauer amendment (No. 82), as modified, that modifies the Department of Defense's Operational Energy Report criteria to include an evaluation by the Department of practices used in contingency operations to reduce vulnerabilities associated with fuel convoys and a heavy reliance on fossil fuels in the field; Boren amendment (No. 83) that prohibits the unauthorized use of names and images of living and deceased military service members on merchandise and retail products without first obtaining permission from the service member or, if deceased, their family; DeLauro amendment (No. 98) that broadens the definition of entities prevented from receiving Department of Defense contracts to include all entities owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with the Government of the People's Republic of China; and Donnelly amendment (No. 99) that improves DoD oversight of private security contractors funded by the DoD by requiring a standard Quality Assurance Surveillance Plan that sets out standards for oversight of all private security contracts; **Pages H3609–15**

Cole amendment (No. 27 printed in H. Rept. 112–88) that precludes an executive agency from requiring an entity submitting an offer for a Federal contract to disclose political contributions as a condition of participation (by a recorded vote of 261 ayes to 163 noes, Roll No. 347); **Pages H3618–19, H3633**

Flake amendment (No. 39 printed in H. Rept. 112–88) that adds a Sense of Congress indicating that the deployment of National Guard personnel along the southwestern border should continue through the end of fiscal year 2011; and **Pages H3638–39, (continued in next issue.)**

Edwards (MD) amendment (No. 100 printed in H. Rept. 112–88) that requires that the effects on local businesses, neighborhoods, and local governments be included in the analysis of the impacts on transportation infrastructure related to consideration and selection of military installations for closure or realignment (BRAC). **(See next issue.)**

Rejected:

Woolsey amendment (No. 2 printed in H. Rept. 112–88) that sought to eliminate the availability of funds for procurement of the Navy and Air Force V–22 Osprey aircraft (by a recorded vote of 83 ayes to 334 noes, Roll No. 343); **Pages H3630–31**

Hunter amendment (No. 12 printed in H. Rept. 112–88) that sought to create a five-year pilot program to provide opportunity scholarships to dependent children with special education needs (by a recorded vote of 203 ayes to 213 noes, Roll No. 344); **Pages H3605–07, H3631**

Sarbanes amendment (No. 24 printed in H. Rept. 112–88) that sought to strike Section 937 of the bill relating to Modification of Temporary Suspension of Public-Private Competitions for Conversion of Department of Defense Functions to Contractor Performance (by a recorded vote of 198 ayes to 225 noes, Roll No. 345); **Pages H3615–16, H3632**

Murphy (CT) amendment (No. 25 printed in H. Rept. 112–88) that sought to give manufacturers the opportunity to provide information to DoD regarding how their bid for a contract will affect domestic employment (by a recorded vote of 208 ayes to 212 noes, Roll No. 346); **Pages H3616–18, H3632–33**

Garamendi amendment (No. 28 printed in H. Rept. 112–88) that sought to require the Secretary to ensure that each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors (by a recorded vote of 168 ayes to 256 noes, Roll No. 348); **Pages H3619–21, H3634**

Maloney amendment (No. 26 printed in H. Rept. 112–88) that sought to require public disclosure of information submitted under Section 847 of this act (by a recorded vote of 176 ayes to 248 noes, Roll No. 349); **Pages H3621–22, H3634–35**

Himes amendment (No. 30 printed in H. Rept. 112–88) that sought to require any savings as a result of shifting to civilian employees from contractors within the Department of Defense be directed towards deficit reduction (by a recorded vote of 184 ayes to 240 noes, Roll No. 350); **Pages H3622–24, H3635–36**

Jackson Lee (TX) amendment (No. 31 printed in H. Rept. 112–88) that sought to require the Secretary of Defense, prior to awarding of defense contracts to private contractors, to conduct an outreach program to benefit minority and women-owned businesses (by a recorded vote of 191 ayes to 232 noes, Roll No. 351); **Pages H3624–26, H3636**

Andrews amendment (No. 32 printed in H. Rept. 112–88) that sought to temporarily suspend the implementation and enforcement of workforce management and sourcing policies pursuant to the DOD's efficiency initiative (by a recorded vote of 178 ayes to 246 noes, Roll No. 352); **Pages H3627–28, H3636–37**

Richmond amendment (No. 37 printed in H. Rept. 112–88) that sought to prevent the payment of certain incentives with respect to a Navy shipyard in Avondale, Louisiana, saving the Department of Defense up to $310 million (by a recorded vote of 177 ayes to 246 noes, Roll No. 353); and **Pages H3628–29, H3637–38**

Schakowsky amendment (No. 41 printed in H. Rept. 112–88) that sought to freeze Department of

Defense funding at current levels until the Pentagon can successfully pass an audit. The amendment contained a national security waiver and exceptions for overseas contingency operations, defense personnel, and wounded warrior accounts. **Pages H3639–41**

Withdrawn:

Lee (CA) amendment (No. 33 printed in H. Rept. 112–88) that was offered and subsequently withdrawn that would have returned Defense Department spending to the 2008 level, with exemptions for personnel and health accounts and **Pages H3627–28**

Rohrabacher amendment (No. 59 printed in H. Rept. 112–88) that was offered and subsequently withdrawn that would have removed satellites and satellite components from the Munitions List and make them available to foreign nations. The amendment would have also continued the ban on sending such items and technology to China, its allies or terrorist-supporting states as under current law. **(See next issue.)**

Proceedings Postponed:

Mica amendment (No. 38 printed in H. Rept. 112–88) that seeks to require that the rules of engagement allow any military service personnel assigned to duty in a designated hostile fire area to have rules of engagement that fully protects their right to proactively defend themselves from hostile actions; **Pages H3629–30, (continued in next issue.)**

Flake amendment (No. 40 printed in H. Rept. 112–88) that seeks to repeal the establishment of the National Drug Intelligence Center; **(See next issue.)**

Smith (WA) amendment (No. 42 printed in H. Rept. 112–88) that seeks to amend Section 1039 to allow transfer of detainees to the U.S. to testify in federal court. The amendment strikes language barring transfer of detainees held abroad to the U.S. requires certification by the Attorney General prior to transfer; **Page H3641, (continued in next issue.)**

Buchanan amendment (No. 43 printed in H. Rept. 112–88) that seeks to require all foreign terrorists, with links to terrorist networks, who attack the United States or the Government be considered enemy combatants to be tried by military tribunals, not in the civilian court system; **(See next issue.)**

Maloney amendment (No. 47 printed in H. Rept. 112–88) that seeks to clarify that the exemption from Freedom of Information Act for Data Files of the Military Flight Operations Quality Assurance Systems of the Military Departments is for ''information contained in data files of the military flight operations quality assurance system of a military department that would reveal flight patterns or tactical techniques or tactical procedures from disclosure under section''; **(See next issue.)**

Mack amendment (No. 48 printed in H. Rept. 112–88) that seeks to make changes to the language of the Sunken Military Craft Act of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Would clarify the language of the Sunken Military Craft Act to restore its original intent, and would specify that a sunken military craft would be defined as a vessel only when on military non-commercial service when it sank; **(See next issue.)**

Langevin amendment (No. 49 printed in H. Rept. 112–88) that seeks to coordinate federal information security policy through the creation of a National Office for Cyberspace, updating information security management practices, and establishing measures for the protection of critical infrastructure from cyberattacks; **(See next issue.)**

Amash amendment (No. 50 printed in H. Rept. 112–88) that seeks to strike section 1034 of the bill, relating to the authorization for use of military force; **(See next issue.)**

Campbell amendment (No. 53 printed in H. Rept. 112–88) that seeks to terminate the Human, Social, and Culture Behavior (HSCB) Modeling program at the Department of Defense; **(See next issue.)**

Campbell amendment (No. 54 printed in H. Rept. 112–88) that seeks to reduce the baseline number of civilian employees at the Department of Defense by 1% every year for the next five years; **(See next issue.)**

Chaffetz amendment (No. 56 printed in H. Rept. 112–88) that seeks to require U.S. ground troops to withdraw from Afghanistan, leaving just those who are involved in small, targeted counter-terrorism operations. The amendment would further require the Secretary of Defense to submit a withdrawal plan to Congress within 60 days of enactment; **(See next issue.)**

Polis amendment (No. 60 printed in H. Rept. 112–88) that seeks to reduce the amount of troops stationed in Europe to 30,000 and would cut overall end strength levels by 10,000 a year over the next five years; **(See next issue.)**

Conyers amendment (No. 61 printed in H. Rept. 112–88) that seeks to prevent funds authorized in the Act from being used to deploy, establish, or maintain the presence of Members of the Armed Forces or private security contractors on the ground in Libya unless the purpose of the presence is to rescue a Member of the Armed Forces from imminent danger; **(See next issue.)**

Flake amendment (No. 62 printed in H. Rept. 112–88) that seeks to eliminate funds for the Mission Force Enhancement Transfer Fund; **(See next issue.)**

Ellison amendment (No. 63 printed in H. Rept. 112–88) that seeks to strike section 1604, Budget Item Relating to LHA—7 Ship Program; and **(See next issue.)**

Loretta Sanchez amendment (No. 64 printed in H. Rept. 112–88) that seeks to reduce the funding for Ground-based Midcourse Defense systems by $100,000,000. **(See next issue.)**

H. Res. 276, the rule providing for further consideration of the bill (H.R. 1540), was agreed to by a recorded vote of 243 ayes to 170 noes, Roll No. 342. **Pages H3435–36**

Agreed to the Bishop (UT) amendment to the rule by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 239 yeas to 181 nays, Roll No. 341. **Page H3435**

A point of order was raised against the consideration of H. Res. 276 and it was agreed to proceed with consideration of the resolution by voice vote. **Page H3424**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, May 26th. **(See next issue.)**

Senate Message: Message received from the Senate today appears on page H3413.

Quorum Calls—Votes: One yea-and-nay vote and fifteen recorded votes developed during the proceedings of today and appear on pages H3431, H3433–34, H3434, H3435, H3435–36, H3630–31, H3631, H3632, H3632–33, H3633, H3634, H3634–35, H3635, H3636, H3636–37, H3637. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:06 p.m.

Committee Meetings

HARMONIZING GLOBAL DERIVATIVES REFORM

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing on Harmonizing Global Derivatives Reform: Impact on U.S. Competitiveness and Market Stability. Testimony was heard from the following Commodity Futures Trading Commission officials: Jill E. Sommers, Commissioner; and Bart Chilton, Commissioner; and public witnesses.

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT—APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development and Related Agencies held a hearing on the Office of Public and Indian Housing (HUD) FY 2012 Budget Oversight. Testimony was heard from Sandra Henriquez, Assistant Secretary, Public and Indian Housing, HUD.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Full Committee held a markup of H.R. 1891, the Setting New Priorities in Education Spending Act. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee began markup of the following: H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism Standards (CFATS) Act; and H.R. 1939, Enhancing CPSC Authority and Discretion Act of 2011. This markup will continue on May 26, 10 a.m., 2123 Rayburn.

EXPANDING HEALTH CARE OPTIONS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines.'' Testimony was heard from Steve Larsen, Director, Center for Consumer Information and Insurance Oversight, Centers for Medicare and Medicaid Services; and public witnesses.

PUBLIC SAFETY NETWORK

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled ''Creating an Interoperable Public Safety Network.'' Testimony was heard from public witnesses.

FUTURE ROLE OF FHA, RHS AND GNMA IN THE SINGLE- AND MULTI-FAMILY MORTGAGE MARKETS

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''Legislative Proposals to Determine the Future Role of FHA, RHS and GNMA in the Single- and Multi-Family Mortgage Markets.'' Testimony was heard from public witnesses.

TRANSPARENCY, TRANSITION AND TAXPAYER PROTECTION: MORE STEPS TO END THE GSE BAILOUT

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''Transparency, Transition and Taxpayer Protection: More Steps to End the GSE Bailout.'' Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; and public witnesses.

WAR POWERS

Committee on Foreign Affairs: Full Committee held a hearing on War Powers, United States Operations in Libya, and Related Legislation. Testimony was heard from Rep. Amash; Rep. Gibson; and Rep. Rooney.

UN CLIMATE TALKS AND POWER POLITICS

Committee on Foreign Affairs: Subcommittee on Oversight and Investigations held a hearing on UN Climate Talks and Power Politics: It's Not about the Temperature. Testimony was heard from Todd D. Stern, Special Envoy for Climate Change, Department of State; and public witnesses.

THREATS TO THE AMERICAN HOMELAND AFTER KILLING BIN LADEN

Committee on Homeland Security: Full Committee held a hearing entitled ''Threats to the American Homeland after Killing Bin Laden: An Assessment.'' Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on House Administration: Full Committee held a markup of the following: H.R. 672, to Terminate the Election Assistance Commission, and for other purposes; and H.R. 1934, to Improve Certain Administrative Operations of the Library of Congress, and for other purposes. H.R. 672 was ordered reported, as amended. H.R. 1934 was ordered reported, without amendment.

CYBERSECURITY

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled ''Cybersecurity: Innovative Solutions to Challenging Problems.'' Testimony was heard from James A. Baker, Associate Deputy Attorney General, Department of Justice; Greg Schaffer, Assistant Secretary, Cybersecurity and Communications (CS&C); Department of Homeland Security; Ari Schwartz, Senior Internet Policy Advisor, National Institute of Standards and Technology (NIST), Department of Commerce; and public witnesses.

LEGISLATIVE HEARING

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law held a hearing on H.R. 1864, the Mobile Workforce State Income Tax Simplification Act of 2011. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES AND GASOLINE PRICES

Committee on Natural Resources: Full Committee held a markup of the following: H.R. 290, War Memorial Protection Act; and H.R. 1670, the Sikes Act Amendments Act. H.R. 290 was ordered reported, without amendment. H.R. 1671 was ordered reported, as amended. Following the markup a hearing was held on Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices—Part III: Impacts on Seniors, Working Families and Memorial Day Vacations. Testimony was heard from public witnesses.

OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''Unfunded Mandates, Regulatory Burdens and the Role of the Office of Information and Regulatory Affairs.'' Testimony was heard from Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, OMB.

CYBERSECURITY

Committee on Oversight and Government Reform: Subcommittee on National Security, Homeland Defense and Foreign Operations held a hearing entitled ''Cybersecurity: Assessing the Immediate Threat to the United States.'' Testimony was heard from Sean McGurk, Director, Control Systems Security Program, National Cyber Security Division, Department of Homeland Security; and public witnesses.

HOW FEDERAL RESERVE POLICIES ADD TO HARD TIMES AT THE PUMP

Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending held a hearing entitled ''How Federal Reserve Policies Add to Hard Times at the Pump.'' Testimony was heard from public witnesses.

PROTECTING INFORMATION IN THE DIGITAL AGE

Committee on Science, Space, and Technology: Subcommittee on Research and Science Education; and Subcommittee on Technology and Innovation held a joint hearing on Protecting Information in the Digital Age: Federal Cybersecurity Research and Development Efforts. Testimony was heard from George Strawn, Director, National Coordination Office, Networking and Information Technology Research and Development Program; Farnam Jahanian, Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation; Cita Furlani, Director, Information Technology Laboratory, National Institute of Standards and Technology; and Rear Admiral Michael A. Brown, Director, Cybersecurity Coordination, Department of Homeland Security.

DECREASING DUPLICATION AT SBA

Committee on Small Business: Full Committee held a hearing entitled ''Promoting Entrepreneurship and Job Creation by Decreasing Duplication at SBA.'' Testimony was heard from William B. Shear, Director, Financial Markets and Community Investment, GAO; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a markup of H.R. 1734, the Civilian Property Realignment Act. The bill was forwarded, as amended.

IMPROPER TAX PAYMENTS IN THE ADMINISTRATION OF REFUNDABLE TAX CREDITS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on improper tax payments in the administration of refundable tax credits. Testimony was heard from Steven Miller, Deputy Commissioner for Services and Enforcement, IRS; J. Russell George, Treasury Inspector General for Taxpayer Administration, Department of the Treasury; Michael Brostek, Director, Tax Policy and Administration, Strategic Issues, GSA; Nina E. Olson, National Taxpayer Advocate, IRS.

Joint Meetings

DRIVING INNOVATION AND JOB GROWTH

Joint Economic Committee: Committee concluded a hearing to examine driving innovation and job growth through the life sciences industry, after receiving testimony from Steve Tang, University City Science Center, Philadelphia, Pennsylvania; Thomas R. Kowalski, Texas Healthcare and Bioscience Institute, Austin; Arthur Sands, Lexicon Pharmaceuticals, Inc., Woodlands, Texas, on behalf of the Biotechnology Industry Organization (BIO); and Mark G. Heesen, National Venture Capital Association (NVCA), Arlington, Virginia.

COMMITTEE MEETINGS FOR THURSDAY, MAY 26, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine the role, risks, and challenges for American agriculture and the next farm bill in meeting the demands of a growing world, 10 a.m., SH–216.

Committee on Appropriations, Subcommittee on Department of Defense, to receive a closed briefing on proposed budget estimates for fiscal year 2012 for United States Central Command and United States Africa Command, 10:30 a.m., SVC–217.

Committee on Banking, Housing, and Urban Affairs, business meeting to consider the nomination of Timothy G. Massad, of Connecticut, to be an Assistant Secretary of the Treasury; to be immediately followed by a hearing to examine public proposals for the future of the housing finance system, part II, 10 a.m., SD–538.

Committee on Energy and Natural Resources, business meeting to consider S. 630, to promote marine and hydrokinetic renewable energy research and development, an original bill to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States, and for other purposes, an original bill to promote the domestic development and deployment of clean energy technologies, and for other purposes, an original bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities, S. 699, to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, S. 757, to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies, S. 916, to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and S. 917, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, 10 a.m., SD–366.

Committee on Finance, to hold hearings to examine the United States-Korea Free Trade Agreement, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine the nomination of Gary Locke, of Washington, to be Ambassador to the People's Republic of China, Department of State, 10:15 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs, business meeting to consider S. 792, to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005, 2:30 p.m., SD–342.

Committee on Indian Affairs, to hold an oversight hearing to examine expanding the success of native language and culture-based education, 2:15 p.m., SD–628.

Committee on the Judiciary, business meeting to consider S. 968, to prevent online threats to economic creativity and theft of intellectual property, S. 978, to amend the criminal penalty provision for criminal infringement of a copyright, and the nominations of John Andrew Ross, to be United States District Judge for the Eastern District of Missouri, Timothy M. Cain, to be United States District Judge for the District of South Carolina, Nannette Jolivette Brown, to be United States District Judge for the Eastern District of Louisiana, Nancy Torresen, to be United States District Judge for the District of Maine, and William Francis Kuntz, II, to be United States District Judge for the Eastern District of New York, 10 a.m., SD–226.

Select Committee on Intelligence, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging, to hold hearings to examine meals, rides, and caregivers, focusing on the "Older American Act", 2 p.m., SD–106.

House

Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor and Pensions, hearing entitled ''Corporate Campaigns and the NLRB: The Impact of Union Pressure on Job Creation.'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Full Committee, continued markup of the following: H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism Standards (CFATS) Act; and H.R. 1939, Enhancing CPSC Authority and Discretion Act of 2011. 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''FDIC Oversight: Examining and Evaluating the Role of the Regulator During the Financial Crisis and Today,'' 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, hearing entitled ''Unlocking the SAFETY Act's Potential to Promote Technology and Combat Terrorism.'' 10 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Oversight, hearing on Inspector General Audit of the House's F.Y. 2009 Financial Statements, 9:30 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled ''How Will the Proposed Merger Between AT&T and T-Mobile Affect Wireless Telecommunications Competition?'' 10:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Indian and Alaska Native Affairs, hearing on H.R. 1408, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes, 11 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, hearing on ''Buying More Land When We Can't Maintain What We Already Own: The National Wildlife Refuge System's Operations and Maintenance Backlog Story!'' 1 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing entitled ''Rightsizing the Federal Workforce.'' 9:30 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 1745, Jobs, Opportunity, Benefits & Services (JOBS) Act of 2011, 10 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Space and Aeronautics, hearing on NASA's Commercial Cargo Providers: Are They Ready to Supply the Space Station in the Post-Shuttle Era? 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Workforce, hearing entitled ''Defer No More: The Need to Repeal the 3% Withholding Provision.'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing entitled ''Opening the Northeast Corridor to Private Competition for the Development of High-Speed Rail.'' 10 a.m., 2167 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing on H.R. 1892, Intelligence Authorization Act for Fiscal Year 2012, 10 a.m., HVC–304 Capitol. Hearing will begin as an open hearing and then proceed to a closed hearing.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 26

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to concur in the amendment of the House to S. 990, Small Business Additional Temporary Extension Act, with Reid Amendment No. 347, and vote on the motion to invoke cloture thereon at approximately 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 26

House Chamber

Program for Thursday: Resume consideration of H.R. 1540—National Defense Authorization Act for Fiscal Year 2012.

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