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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Eternal God, who undergirds our weakness with Your strength, look with favor upon us today. With Your favor, we can face any future with the confident assurance that You control our destinies.

As our lawmakers wrestle with great issues, let Your presence provide them with the empowering experience of inner quiet and certainty. Guide them by Your enabling might that they may maintain their integrity.

Lord, give us all an inheritance, incorruptible and undefiled, that does not fade away.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 2112. There could be as many as seven rollcall votes. Likely, there will only be six.

The Senate will recess from 12:30 until 2:15 p.m. for the weekly caucus meetings.

There will be a Senators-only national security briefing at 3:30 p.m. in SVC–217. I haven't had an opportunity to speak to the Republican leader, but we will discuss whether we should be out of session during that hour. It is a very important briefing. I will talk to my counterpart to determine whether we should be out of session during that important briefing.

Also, I want to put all Senators on notice that we are going to stick to our timelines on these votes. The first vote will be 15 minutes, with a 5-minute grace period. The rest of the votes will be 10 minutes, with a 5-minute grace period. If people are not here, we are turning in the vote. We have two very important caucuses today and we need to start them. We cannot have the votes dragging on forever. If you have committee meetings, walk out of them. If you have business meetings in your office with constituents, leave and come here and vote. I say to both Democrats and Republicans, we are going to turn in the votes at the end of the expired time. It is not fair to Senators who are here on time to wait for others. Senator MCCONNELL and I have caucuses today that are extremely important. We need to have the full time. It is the only time we have all week to visit with our Senators about what is going on in the Senate.

MEASURES PLACED ON CALENDAR—H.R. 674 AND S. 1769

Mr. REID. Madam President, there are two bills at the desk for a second reading, I am told.

The ACTING PRESIDENT pro tempore. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purpose of determining eligibility for certain healthcare-related programs, and for other purposes.

A bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

Mr. REID. Madam President, I object to any further proceedings regarding these two bills, en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

REBUILD AMERICA JOBS ACT

Mr. REID. This week, Democrats introduced legislation that will put Americans back to work rebuilding this Nation's crumbling infrastructure. It will allow us to hire thousands of people to upgrade 150,000 miles of roadways, thousands of miles of train tracks, and modernize our Nation's runways and air traffic control systems. The Rebuild America Jobs Act will invest $50 billion to ensure that our world-class economy has world-class infrastructure and get this economy working again.

This is not a new issue. It is something that is long overdue. A number of years ago, I conducted a hearing in the

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Public Works Committee, where we brought in mayors from around the country, from Atlanta, Washington, DC, and other places around the country. They lamented the sorry state of the infrastructure. Sadly, in those approximately 10 years, nothing has been done—nothing.

This commonsense plan we have proposed has enjoyed broad bipartisan support in the past. Many of my Republican colleagues in the Senate have spoken glowingly about what infrastructure investments could do to put people back to work and improve the economy in their States. Yet this week Republicans have raised a hue and cry against our plan because it has millionaires and billionaires—those whose income is more than $1 million—to contribute their fair share to right our listing economy.

We don't cast a net over millionaires and billionaires, only those who make more than $1 million a year. The plan would require the richest of the rich in America to contribute a tiny fraction of income to that effort. They would pay a seven-tenths of 1 percent surtax on income in excess of $1 million a year. If someone made $1.1 million a year income, they would have to pay an additional $700 to put America back to work.

Yet my Republican colleagues adamantly oppose this fair and balanced approach because it would require Americans who have done better each year for decades to contribute a tiny fraction more than they do now. These people are the top two-tenths of 1 percent of American taxpayers—two-tenths of 1 percent, the richest of the rich. Yet Republicans have put the interests of these millionaires and billionaires ahead of those who are desperate for work, and it has cost this Nation literally millions of jobs.

It is important that we be clear about who these lucky few millionaires and billionaires are who enjoy the protections of the Senate GOP. Who are they? Here is who they are: the same millionaires and billionaires whose annual aftertax income has increased by 275 percent over the last 3 decades—I repeat, 275 percent. That is not a figure made up out of the blue by some right-wing or leftwing organization. It came from the nonpartisan Congressional Budget Office. These are the same millionaires and billionaires whose annual aftertax income has increased by 275 percent over the last 3 decades.

Between 1979 and 2007, the bottom 20 percent of wage earners saw their wages creep up slowly—18 percent. Meantime, the top 1 percent saw theirs double again and again and again, to almost a 300-percent increase. The bottom 20 percent of wage earners saw theirs go up 18 percent. The people I have talked about—the millionaires and billionaires—have gone up almost 300 percent. In fact, their share of the Nation's income is higher than at any time since 1928—just before the stock market crash, plunging this Nation into the Great Depression. Their share of the national income has doubled since 1979. Listen to this. And now they take home more than half of all the money earned each year in this great country, even after taxes. They take home more than half the money earned each year in this country. That means this 1 percent now makes more than the other 99 percent combined. And they are not going to allow us to proceed to create hundreds of thousands of jobs for a tax increase of seven-tenths of 1 percent on the richest of the rich? No one deprives them of their prosperity. They have worked hard, and it hasn't all been inherited money. We understand that. But their tremendous fortunes mean they can afford to contribute a tiny fraction more to shore up the economic future of our Nation.

John D. Rockefeller, Jr., the grandfather of JAY ROCKEFELLER from West Virginia, who serves in this body today, said:

> Every right implies a responsibility; every opportunity, an obligation; every possession, a duty.

Seventy-two percent of Americans, including 54 percent of Republicans, support the Democrats' plan to pull this Nation out of the worse recession we have seen since the Great Depression by investing in new roadways, runways, and railways. And 76 percent of Americans, including 56 percent of Republicans, agree the Nation's most privileged citizens should contribute a little more to help pay for it. Democrats, Republicans, Independents, and even the tea party favor this. They all believe in initiatives that we have proposed to jumpstart our economy, but they know the money will have to come from somewhere. They know tough choices must be made. The world out there supports what we are trying to do. The world inside this body, with the 47 Republicans who are stopping us with obstructionist tactics, is not allowing what America knows they want and need.

Again, they believe in initiatives we have proposed to jumpstart our economy. They know the money will have to come from somewhere, and they know tough choices must be made.

Asking someone making, for example, $1.1 million to contribute a few dollars more every year should not be one of our tough choices; it should be a no-brainer. Yet while Democrats fight for the middle class, it seems that Republicans will fight for the 1 percent of Americans who have every resource in America to fight for themselves.

RESERVATION OF LEADER TIME

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

> Crapo amendment No. 814 (to amendment No. 738), to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.
>
> Lee motion to recommit Appropriations.
>
> Blunt (for DeMint) amendment No. 763 (to amendment No. 738), to prohibit the use of funds to implement regulations regarding the removal of essential-use designation for epinephrine used in oral pressurized metered-dose inhalers.
>
> Blunt (for DeMint) amendment No. 764 (to amendment No. 738), to eliminate a certain increase in funding.
>
> Coburn amendment No. 794 (to amendment No. 738), to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs.
>
> Coburn amendment No. 795 (to amendment No. 738), to collect more than $500,000,000 from developers for failed, botched, and abandoned projects.
>
> Coburn amendment No. 797 (to amendment No. 738), to delay or cancel new construction, purchasing, leasing, and renovation of Federal buildings and office space.
>
> Coburn amendment No. 799 (to amendment No. 738), to prohibit the use of funds to carry out the Rural Energy for America Program.
>
> Coburn amendment No. 800 (to amendment No. 738), to reduce funding for the Rural Development Agency.
>
> Coburn amendment No. 801 (to amendment No. 738), to eliminate funding for the Small Community Air Service Development Program.
>
> Coburn amendment No. 833 (to amendment No. 738), to end the outdated direct payment program and to begin restoring the farm safety net as a true risk management tool.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

AMENDMENT NO. 800

Mr. KOHL. Madam President, the first amendment we will be considering today is the Coburn amendment to reduce funding for the rural development mission area by $1 billion, or 41 percent, spread equally over the agency. I am opposing this amendment. This is not the time to curtail essential programs that support jobs and incomes in our rural areas. So I will oppose this amendment, and I urge my colleagues to do so as well.

I would now like to yield to Senator SHERROD BROWN of Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I rise in opposition to the Coburn amendment's 41 percent of a $1 billion cut to USDA's rural development mission. Everyone in this Chamber talks

about job growth, as we should—some of us want to do some more specific things than others perhaps—but we have to ask the question: If we are going to consider a 40-percent cut to rural development, how does a small town recruit a 21st-century business or support entrepreneurs when the best it can offer is dial-up Internet access? How does a rural village in Allen County, OH, finance a $2½ million water system without some kind of grant or loan?

The ACTING PRESIDENT pro tempore. Time in opposition to the amendment has expired.

Mr. BROWN of Ohio. I ask my colleagues to vote no on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the proponent's time is yielded back.

Mr. DURBIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. BURR).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 85, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—13

Coburn	Hatch	Lee
Corker	Hutchison	Paul
Cornyn	Inhofe	Toomey
DeMint	Johnson (WI)	
Graham	Kyl	

NAYS—85

Akaka	Gillibrand	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Ayotte	Hagan	Portman
Barrasso	Harkin	Pryor
Baucus	Heller	Reed
Begich	Hoeven	Reid
Bennet	Inouye	Risch
Bingaman	Isakson	Roberts
Blumenthal	Johanns	Rockefeller
Blunt	Johnson (SD)	Rubio
Boozman	Kerry	Sanders
Boxer	Kirk	Schumer
Brown (MA)	Klobuchar	Sessions
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Shelby
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Chambliss	Lieberman	Thune
Coats	Lugar	Udall (CO)
Cochran	Manchin	Udall (NM)
Collins	McCaskill	Vitter
Conrad	McConnell	Warner
Coons	Menendez	Webb
Crapo	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Enzi	Moran	Wyden
Feinstein	Murkowski	
Franken	Murray	

NOT VOTING—2

Burr	McCain

The amendment (No. 800) was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky is to be recognized to offer an amendment.

The Senator from Kentucky.

AMENDMENT NO. 821 TO AMENDMENT NO. 738

Mr. PAUL. Madam President, I call up my amendment No. 821.

Mrs. BOXER. Parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will withhold.

The Senator from California.

Mrs. BOXER. I want to make sure I will have a minute to respond against the amendment.

The ACTING PRESIDENT pro tempore. That is correct. There is 2 minutes evenly divided on this amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 821 to amendment No. 738.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To reallocate 10 percent of the amounts appropriated for capital investments in surface transportation infrastructure from transportation enhancement activities to the highway bridge program)

On page 213, line 13, insert ": *Provided further*, That notwithstanding section 133(d)(2) of title 23, United States Code, none of the funds made available under this heading may be used to implement or execute transportation enhancement activities: *Provided further*, That at least 10 percent of the funds made available under this heading shall be made available for the highway bridge program authorized under section 144 of title 23, United States Code" before the period at the end.

Mr. PAUL. Madam President, this amendment will secure funds for preparing our Nation's bridges. I have stood with the President in the shadows of our crumbling bridges. I told the President personally that I would help to rebuild the bridges.

This amendment should be bipartisan. This amendment should be noncontroversial. This amendment spends no new money and raises no new taxes. This amendment simply takes funds from beautification and puts them into bridges.

As legislators, we need to prioritize and spend money on what is most important to us. Some on the other side may like the beautification projects. We like them also. But we are running a $1.5 trillion deficit, and we must prioritize.

If we wish to fix our Nation's bridges and if we are serious about it, we will pass this amendment, which will immediately create a fund to begin fixing our Nation's bridges.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, this amendment is not about taking funds from beautification and putting them into bridges. As a matter of fact, what this amendment does is it prohibits any bridge that is a historic bridge from being fixed, and there are thousands of those bridges all over this great Nation, including the Brooklyn Bridge.

Second, it would tell our States they can't use these TIGR funds for things they want. I know my colleague thinks it is beautification to have a pedestrian or a bicycle path built. The fact is, 13 percent of traffic fatalities nationwide occur because we don't have these safety improvements. There were 47,000 pedestrians killed between 2000 and 2009. That is the equivalent of a jumbo jet crashing every month. So this isn't about taking money for beautification.

Senator INHOFE and I have worked very closely to make sure we are not frivolous in what we fund.

Please vote this down. We have voted down a similar amendment before.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has 3 seconds.

Mr. PAUL. Three million dollars was spent on a turtle tunnel. Do you want to keep spending on turtle tunnels or fix our bridges?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Under the previous order, 60 votes are required for the adoption of this amendment.

Mr. PAUL. I ask for the yeas and nays, Madam President.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. BURR).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—38

Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—60

Akaka	Brown (MA)	Conrad
Alexander	Brown (OH)	Coons
Baucus	Cantwell	Durbin
Begich	Cardin	Feinstein
Bennet	Carper	Franken
Bingaman	Casey	Gillibrand
Blumenthal	Cochran	Hagan
Boxer	Collins	Harkin

Inhofe	Manchin	Sanders
Inouye	McCaskill	Schumer
Johnson (SD)	Menendez	Shaheen
Kerry	Merkley	Snowe
Kirk	Mikulski	Stabenow
Klobuchar	Murray	Tester
Kohl	Nelson (NE)	Udall (CO)
Landrieu	Nelson (FL)	Udall (NM)
Lautenberg	Pryor	Warner
Leahy	Reed	Webb
Levin	Reid	Whitehouse
Lieberman	Rockefeller	Wyden

NOT VOTING—2

Burr McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 38, the nays are 60. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. BLUNT. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 763

The ACTING PRESIDENT pro tempore. There will now be 2 minutes, evenly divided, on amendment No. 763.

The Senator from South Carolina.

Mr. DEMINT. Madam President, 3 million Americans use over-the-counter inhalers to control asthma and other respiratory problems. Three years ago, the EPA came out with a ruling that bans these over-the-counter inhalers which takes effect this——

Mr. ROBERTS. Madam President, I do not think the Senate is in order. This is a very important amendment. I have a bill on this amendment which is the same thing. I would ask for order.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Senator from South Carolina.

Mr. DEMINT. The EPA has banned these inhalers, even though they acknowledged negligible impact on the environment. My amendment just keeps this rule from going into effect until the manufacturer can complete its work with the FDA to change its propellent.

Let's allow Americans to continue their quality of life while we solve the problem. We don't need to do that this January. It will be solved without the FDA enforcing this rule.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. This amendment affects the ability of people with asthma to purchase an inhaler that works, and the American Lung Association opposes this amendment. The American Thoracic Society, which is the expert—these are the experts on anything to do with respiratory diseases. There are 150,000 doctors who oppose this amendment.

I am perplexed by it because the reason we want to get away from these CFCs is because Ronald Reagan signed the treaty to do away with them and George W. Bush passed the rule to do away with them.

On behalf of the people who depend on inhalers that work right, that don't use CFCs, I hope we will stand with the Lung Association and the 150,000 doctors of the Thoracic Society.

I hope we will vote this down.

Mr. DEMINT. Madam President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has 18 seconds.

Mr. DEMINT. Certainly, there are many doctors who want folks to come in and get prescriptions. There are many manufacturers who make prescription drugs, but let 3 million Americans access these inhalers. They do not cause any problems with the environment. The EPA has recognized it is negligible and the manufacturer will have this worked out over the next few years.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DEMINT. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—44

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Snowe
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—54

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—2

Burr McCain

The amendment (No. 763) was rejected.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. REID. Madam President, it is my understanding that on the next vote scheduled, the Crapo amendment, Senator CRAPO and Senator STABENOW will enter into a colloquy, and I ask unanimous consent that they both be given 2 minutes to explain what this is all about.

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

The Senator from Idaho.

AMENDMENT NO. 814 WITHDRAWN

Mr. CRAPO. Madam President, as the leader has indicated, I will withdraw this amendment at the conclusion of this colloquy, but I want to make sure my colleagues understand what the amendment does.

This amendment prohibits any funds from being used by the CFTC to promulgate any final rules under title VII until the agency substantiates that those rules are economically beneficial, adhere to congressional intent, provide end users with a clear exemption from margin requirements, and set clear bounds on the overseas application of derivatives requirements.

While there is not yet a bipartisan agreement to go forward with this amendment at this time, there is a bipartisan list of issues that regulators need to address. They need to protect end users from burdensome margin requirements. Margin requirements proposed by regulators currently ignore the clear intent of Congress not to impose them on end users. They need to limit the extraterritorial application of title VII per congressional intent in sections 722 and 764. This is also being addressed in the House of Representatives. They need to encourage greater coordination and harmonization between the SEC, the CFTC, and international regulators to seek broad harmonization of cross-border issues, and they need to ensure that the new rules are subject to robust and quantitative assessment of the costs and benefits.

The regulators involved in our rulemaking process should know that Congress is going to closely monitor how they proceed, and we expect a change in course. If we don't get that change in course, then we will need to return to this kind of legislation.

I wish to thank Senator STABENOW for working with me. She and many other Senators across the aisle have indicated a willingness to help try to achieve these objectives and to work together to try to make this happen.

With that, I yield my time to Senator STABENOW.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Madam President. First I wish to thank my colleague for raising issues of great importance to all of us. Financial regulatory reform is critically important

for our country moving forward. Senator CRAPO and I spoke earlier about this amendment. We have a number of areas of shared concern and I have committed to work with him on these issues.

First and foremost, I agree with my friend from Idaho that we need to protect our manufacturers, our rural co-ops, energy providers, and other companies that use financial products to manage their legitimate business risks. These end users did not cause the financial crisis. So when we passed Wall Street reform, we included protections for them.

We have held several hearings in the Agriculture Committee to reinforce to the regulators that manufacturers and others need to be protected. We will continue to do that oversight.

We certainly agree that as new rules are written, we need have an open and transparent process. I believe the Commodity Futures Trading Commission has created, in fact, an open and transparent process and has worked to improve that process over time. They have held roundtables, sought public comment, and are making changes based on those comments to ensure that the new rules work. But it is important that Congress continues to work with the agencies to get these rules right. We also expect the agencies to work with each other and with their international counterparts. We need to make sure rules are robust and consistent across international borders, avoiding a regulatory race to the bottom while using ''mutual recognition'' as a guidepost. Most importantly, the agencies need to create these rules in a way that provides businesses with market certainty. To that end, we will be holding another oversight hearing in the next few weeks.

It is important that we continue to urge the regulators to be mindful of the effects that these rules will have on American businesses. It is also important to remember that we passed reform because of the serious consequences of the financial crisis. Millions of families lost their homes, countless businesses shuttered, 8 million jobs lost. We need to ensure that the rules are not written in a way that creates incentives for banks to move their operations overseas to avoid oversight—we share that concern. We definitely need to get the rules right and keep the jobs here in America.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. STABENOW. As I have told my colleague, I will continue to work with him on these important issues.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, The amendment prohibits any funds from being used by the CFTC to promulgate any final rules under Title VII until the agency substantiates that those rules are economically beneficial, adheres to congressional intent to provide end-users with a clear exemption from margin requirements, and sets clear bounds on the overseas application of the derivatives requirements.

While there is not yet bipartisan agreement to go forward with this amendment at this time, there is a bipartisan list of issues that the regulators need to address:

Protect end-users from burdensome margin requirements. Margin requirements proposed by regulators currently ignore the clear intent of Congress not to impose margin on end users.

Limit the extraterritorial application of title VII per Congressional intent in Sections 722 and 764. In the House of Representatives bipartisan legislation was just introduced that sets clear bounds on overseas application of the derivatives requirements, while allowing regulators to stop systemically dangerous transactions intended to evade U.S. requirements.

Encourage greater coordination and harmonization between the SEC, CFTC, and international regulators to seek broad harmonization of cross-border issues.

Ensure new rules are subject to robust and quantitative assessment of costs and benefits.

The regulators involved in the rulemaking process should understand that Congress is going to closely monitor how they proceed and we expect a change in course.

If the regulators ignore congressional intent and fail to adequately harmonize their rules with each other and with their foreign counterparts, then it is my intention to revisit this amendment and push for a vote.

Madam President, I ask unanimous consent that my amendment be withdrawn.

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

Mr. LEVIN. Madam President, I am pleased that Senator CRAPO has withdrawn his amendment, No. 814. I would have opposed this amendment because it would have brought to a screeching halt the financial reforms Congress recently enacted to end Wall Street abuses, because it would weaken capital and margin requirements to limit risk, and because it would add to the law multiple layers of complexity.

Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act to put a cop back on the Wall Street beat. It ended the decades of deregulation that helped unleash the forces of self-dealing and conflicts of interest that thrust our economy into the recession from which we are still digging out.

The Crapo amendment would have forced the key Federal banking, commodities and securities regulators to stop issuing all regulations to implement the Dodd-Frank law until they issued a host of studies. It would have buried financial reform under an unprecedented regulatory procedure requiring piles of new paperwork. The new procedures and studies could have required years of additional delay, when Congress has already decided that financial reforms are needed now to protect the public from high risk financial activities. That was reason enough to oppose the Crapo amendment.

Second, the Crapo amendment would have weakened a key set of reforms contained in the Dodd-Frank Act, requiring capital and margin requirements to reduce risk in the shadowy market in derivatives. Now, just as rules requiring increased transparency and accountability are starting to become a reality, some have decided that they prefer the derivatives market the way it was before.

Some too quickly forget exactly why we need transparency, accountability, and reduced risk. So let me remind us all about AIG. A small unit, based in London and buried within the bowels of AIG, nearly brought about the collapse of the firm, and with it, the world economy. They sold a type of derivative called a credit default swap. Lots of them. While they got paid for taking on the risk behind those swaps, they had insufficient reserves to pay off the bets if they lost. Later, when all of those swaps went bad, they simply did not have the funds to pay off their bets. And only AIG knew how much it owed to whom, because the swaps market had no transparency. Federal regulators were prohibited by law from overseeing swaps.

Worse yet, Federal regulators could not just let AIG fail, because the losses to those on the other side of their bets could have brought them down as well. A global nightmare caused by one small unit of one company, allowed to run wild by selling a ton of swaps without the reserves to pay off the bets if they lost. So taxpayers bailed out AIG, and through them, the banks and companies that did business with AIG. If those banks had been allowed to collapse, the financial markets would have frozen. Companies would have been unable to get funds they needed to operate and grow. Families would have been unable to get loans to fund their educations, to buy cars and homes, and live.

The Dodd-Frank Act was designed to prevent that nightmare from happening again. It would institute new capital and margin requirements for swap dealers and other major participants active in the derivative markets. Yet just as we start to restore sanity and put the financial cops back on the Wall Street beat, the Crapo amendment would have stopped the cops from doing their jobs. The amendment would have fundamentally undermined Dodd-Frank in two principal ways. First, it would have delayed any new regulations as already described. Second, the amendment would have carved out vast amounts of derivatives trades from the new protections.

While the amendment was written in a complex way, it seems to prohibit the

CFTC from imposing capital and margin requirements for a whole host of swaps. Let me give you an example. As I understand the amendment, it could have prohibited the CFTC from using any of its funds to regulate derivatives involving at least one party that's a favored entity. Some of the favored entities are even investment firms.

Take, for example, the Hudson CDO that my Subcommittee on Investigations examined. It was a $2 billion synthetic CDO designed by Goldman Sachs and then turned over to a special purpose investment vehicle set up by Goldman Sachs in the Cayman Islands. That company issued the Hudson credit default swap that allowed Goldman Sachs to bet against the very instrument it had constructed. If one of the purchasers of this bet was a manufacturing firm or some other type of special entity, shouldn't they also be protected?

For the last decade, the CFTC couldn't do anything to regulate swaps because the Commodity Futures Modernization Act explicitly exempted swaps from all government oversight. The Dodd-Frank Act reversed that ill-advised policy by making swaps once again subject to federal regulation and oversight. The Crapo amendment would have restored some of those exemptions and done it in a way that is poorly designed, and could have engendered years of litigation over what it meant.

In short, the Crapo amendment would have delayed important financial reforms, reduced protections against taxpayer bailouts, and crippled the abilities of our regulators to set the new rules of the road. To me, the Crapo amendment had a pretty simple message: return to the financial deregulation that preceded, and contributed to, the financial crisis of the last few years.

I am of the opposite view. I think that the collapse of AIG, Bear Stearns, Lehman Brothers, Merrill Lynch, Washington Mutual, and countless other firms teach us a different lesson. The findings of the bipartisan investigation conducted by the Permanent Subcommittee on Investigations tell a different story. Our financial system needs a cop back on the beat. I am glad that the Crapo amendment has been withdrawn.

Mr. REID. Madam President, I hope everyone just listened to and watched the exemplary way we are ridding ourselves of some of these amendments. We have two more amendments and it would be great if we didn't have to vote on those. I think the explanation given by the two Senators is an indication that progress can be made even without a vote.

I ask unanimous consent, since the amendment next in line is being delayed, that we move to the Coburn amendment.

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

The Senator from Oklahoma.

COBURN AMENDMENT NO. 801

Mr. COBURN. Madam President, this is a straightforward amendment on a program that fails 70 percent of the time. We spend $35 million a year. It has an abject failure rate. Only 30 percent of it results in anything positive happening; 70 percent of the time it does not. The Obama administration and the Bush administration thought this program should be canceled.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, only $6 million is provided for this program, but it makes a big difference for small rural communities that are struggling to provide air service. Air service is so important to jobs and economic development in these regions.

It is important to note that there is a requirement for State and local participation in these programs, and that there is a high demand. Nearly 300 communities across this country have benefited from this program since its establishment. Senator HUTCHISON has offered to tighten up the program to meet the concern of the Senator from Oklahoma.

I urge my colleagues to reject the amendment. This is critical to small rural communities.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, what the Senator from Maine just said is that $4.2 million is going to be unsuccessful and $2.8 million might be. The fact is that with a $1.3 trillion deficit and a $15 trillion debt, we can't continue to do this no matter how great it sounds when it fails 70 percent of the time.

I ask for the yeas and nays on my amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—41

Alexander	Corker	Johanns
Ayotte	Cornyn	Johnson (WI)
Barrasso	Crapo	Kyl
Bennet	DeMint	Lee
Boozman	Enzi	Lieberman
Brown (MA)	Graham	McCaskill
Carper	Grassley	McConnell
Chambliss	Hatch	Murkowski
Coats	Heller	Paul
Coburn	Inhofe	Portman
Coons	Isakson	Risch
Rubio	Shelby	Udall (CO)
Sessions	Thune	Vitter
Shaheen	Toomey	

NAYS—57

Akaka	Harkin	Murray
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Blunt	Kerry	Reid
Boxer	Kirk	Roberts
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Casey	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lugar	Udall (NM)
Durbin	Manchin	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wicker
Hagan	Moran	Wyden

NOT VOTING—2

Burr	McCain

The amendment (No. 701) was rejected.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The motion is pending. The Senator has 1 minute.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I filed this motion to recommit H.R. 2112 with instructions to send this ''moneybus'' back to the Committee on Appropriations for one simple reason: it spends more for the same set of expenditures in fiscal year 2012 than it did in 2011 to the tune of about $10 billion.

I understand there are reasons for this excess. I understand when we look at individual components of the 2012 provisions there may be some cuts in there. But the overall picture, the entire pie, is about $10 billion more than what we had in fiscal year 2011.

Unless we can be open and transparent with the American people and acknowledge the fact that we are, in fact, spending more, I think this is a problem. We have to get the fiscal house in order, and this is how it is perpetuated, when we claim we are cutting when we are, in fact, spending more. That is the reason for this motion to recommit. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. This motion to recommit purports to set discretionary spending at fiscal year 2011 levels for these three bills. But this motion is extremely misleading because increased mandatory spending included in the three bills—they are not touching that.

Agriculture alone would see a $7 billion cut due to increases in mandatory programs. If we include the emergency disaster relief, it would force an additional cut of $3.2 billion. The measure before us is within our 302(b) allocation scored by the CBO and the Senate Budget Committee, and it meets every requirement of the Budget Control Act.

I strongly urge a ''no'' vote.

Mr. LEE. Mr. President, 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.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—39

Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Snowe
Crapo	Kyl	Thune
DeMint	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McConnell	Wicker

NAYS—60

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Blunt	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden

NOT VOTING—1

McCain

The motion was rejected.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 764

Mr. KOHL. Mr. President, I raise a point of order against the pending DeMint amendment No. 764.

The PRESIDING OFFICER. The point of order is sustained. The Senator's amendment falls.

AMENDMENTS NOS. 794, 795, 797, 799, AND 833 TO AMENDMENT NO. 738, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the remaining Coburn amendments are withdrawn.

Mrs. MURRAY. Mr. President, I am so pleased that we have completed work on the transportation, housing and urban development appropriations bill. This is an important bill that supports critical transportation investments—it is a jobs bill. It also supports housing and services for the Nation's most vulnerable.

This bill was difficult to put together, and there are cuts in here that I would rather not see. But on the whole it is a good bill. I thank all of my colleagues for all of the efforts and input on this bill, and I look forward to working with the House to get a final bill that we can send to the President.

I want to say a special thank-you to Senator COLLINS and her staff for all of their hard work. Senator COLLINS has been a great partner. And I thank my own staff as well for all their efforts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read for the third time, the question is, Shall the bill pass, as amended?

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—69

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boxer	Kerry	Rockefeller
Brown (MA)	Kirk	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Shelby
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wicker
Gillibrand	Moran	Wyden

NAYS—30

Ayotte	DeMint	Lugar
Barrasso	Enzi	McConnell
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter

NOT VOTING—1

McCain

The bill (H.R. 2112), as amended, was passed, as follows:

H.R. 2112

Resolved, That the bill from the House of Representatives (H.R. 2112) entitled ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $4,798,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $11,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,514,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,946,000.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, $1,421,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $1,351,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $36,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,935,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $848,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $21,558,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $764,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40

U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $230,416,000, to remain available until expended, of which $164,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 for payment to the Department of Homeland Security for building security activities; and of which $52,146,000 for buildings operations and maintenance expenses: Provided, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,792,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $28,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That $8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,676,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $8,105,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $84,121,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $39,345,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $848,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $77,723,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $152,616,000, of which up to $41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,094,647,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $709,825,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $32,934,000; for payments to eligible institutions (7 U.S.C. 3222), $50,898,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $4,181,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,830,000; for competitive grants (7 U.S.C. 450(i)(b)), $265,987,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,944,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $961,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,774,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,790,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,530,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,239,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,194,000; for a secondary agriculture education program and 2-year postsecondary education, (7 U.S.C. 3152(j)), $981,000; for aquaculture grants (7 U.S.C. 3322), $3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), $5,000,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), $4,000,000, which shall be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $898,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $749,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $856,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,497,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,246,000; and for necessary expenses of Research and Education Activities, $11,006,000, of which $2,645,000 for the Research, Education, and Economics Information System and $2,089,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

For the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund under section 1456 (7 U.S.C. 3243) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, $10,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $478,179,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $295,800,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $67,934,000; payments for the pest management program under section 3(d) of the Act, $9,918,000; payments for the farm safety program under section 3(d) of the Act, $4,610,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,660,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,975,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $461,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $3,929,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,039,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,735,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $42,592,000, provided that each institution receives no less than $1,000,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $8,388,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $25,948,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $17,964,000, including $8,982,000 for the water quality program, $2,994,000 for regional pest management centers, $1,996,000 for the methyl bromide transition program, and $3,992,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $998,000; $998,000 for the regional rural development centers program; and $5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $848,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $820,110,000, of which $1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (''contingency fund'') to the extent necessary to meet emergency conditions; of which $17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $7,000,000, to remain available until expended, shall be for Animal Disease Traceability; of which $891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $48,733,000, to remain available until expended, shall be used to support avian health; of which $4,474,000, to remain available until expended, shall be for information technology infrastructure; of which $153,950,000, to remain available until expended, shall be for specialty crop pests; of which $9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $58,962,000, to remain available until expended, shall be for tree and wood pests; of which $3,568,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $1,000,000, to remain available until expended, shall be for wildlife services methods development; of which $1,500,000, to remain available until expended, shall be for the wildlife services damage management program for aviation safety; and of which $5,000,000, to remain available until expended, shall be for the screwworm program: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,176,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $82,211,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,101,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $38,248,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $770,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,006,503,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $848,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,181,781,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,759,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,975,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $475,000,000 shall be for direct loans; operating loans, $2,519,982,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans, and $1,019,982,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, $22,800,000; operating loans, $83,525,000, of which $26,100,000 shall be for unsubsidized guaranteed loans, and $57,425,000 shall be for direct loans; and Indian highly fractionated land loans, $193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $297,237,000, of which $289,728,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $74,900,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $848,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $828,159,000, to remain available until September 30, 2013: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $848,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $182,023,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $5,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $24,900,000,000 for loans to section 502 borrowers, of which $900,000,000 shall be for direct loans, and of which $24,000,000,000 shall be for unsubsidized guaranteed loans; $10,000,000 for section 504 housing repair loans; $64,478,000 for section 515 rental housing; $130,000,000 for section 538 guaranteed multifamily housing loans; $10,000,000 for credit sales of single family housing acquired property; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $42,570,000 shall be for direct loans; section 504 housing repair loans, $1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, $22,000,000: Provided, That hereafter, the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: Provided further, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97, Public Law 110–5, and Public Law 111–80 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $16,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $430,800,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount not less than $2,000,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $2,000,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: Provided further, That any unexpended balances remaining at the end of such 1-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multifamily housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $13,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $30,000,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self- Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $34,271,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $1,300,000,000.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $26,274,000, to remain available until expended: Provided, That $4,242,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That $5,938,000 of the

amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That $3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $79,665,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $475,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $20,661,000. For the cost of direct loans, $7,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,000,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes and of which $2,000,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,684,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $155,000,000 shall not be obligated and $155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $27,915,000, of which $2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $2,938,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,005,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $4,500,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $509,295,000, to remain available until expended, of which not to exceed $422,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $844,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $67,200,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: Provided further, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,750,000 shall be made available for a grant to a qualified non-profit multistate regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and

merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $424,286,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000: Provided, That up to $2,000,000,000 may be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of guaranteed loans, including the cost of modifying lo ans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $36,382,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $282,686,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $28,570,000, to remain available until expended: Provided, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That $3,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $8,000,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That the total amount available, $1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, ''except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21''.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,582,497,000, to remain available through September 30, 2013: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), of the amounts made available under this heading, not less than $60,000,000 shall be used for breast-feeding peer counselors and other related activities: Provided further, That funds made available for the purposes specified in section 17(h)(10)(B) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $80,402,722,000, of which $3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, $1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $242,336,000, to remain available through September 30, 2013: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2011 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $140,130,000: Provided, That $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $176,347,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,666,000, shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses'': Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,562,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $188,000,000, to remain available until expended:

Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,465,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,129,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $336,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,859,402,000: Provided, That of the amount provided under this heading, $702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; $57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $21,768,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,706,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; $477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; $12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; $14,700,000 shall be derived from food reinspection fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; and $71,066,000 shall be derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2012 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $944,979,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $978,205,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $52,947,000 shall be available for the Office of Generic Drugs; (3) $328,886,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $356,659,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,039,000 shall be for the National Center for Toxicological Research; (7) $454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $133,879,000 shall be for Rent and Related activities, of which $43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $209,392,000 shall be for payments to the General Services Administration for rent; and (10) $226,247,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds be may transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that discloses, with respect to all drugs, devices, and biological products approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act during calendar year 2011, including such drugs, devices, and biological products so approved, cleared, or licensed using funds made available under this Act: (1) the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to such Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) until the date that the drugs were approved under such section 505; (2) the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of such Act (21 U.S.C. 360(k)) or for premarket approval (including any supplements) under section 515 of such Act (21 U.S.C. 360e) were submitted to such Secretary until the date that the devices were cleared under such section 510(k) or approved under such section 515; and (3) the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to such Secretary under section 351 of the Public Health Service Act (42 U.S.C. 262) until the date that the biological products were licensed under such section 351.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,982,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives

and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 708. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 709. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 713. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 715. Funds provided by this Act may be used notwithstanding the requirements of 7 U.S.C. 1736f(e)(1).

SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery or that the closing or relocation would result in cost savings: Provided, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies in writing the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. Notwithstanding any other provision of law, school food authorities which received a grant for equipment assistance under the grant program carried out pursuant to the heading ''Food and Nutrition Service Child Nutrition Programs'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) shall be eligible to receive a grant under section 749 (j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

SEC. 721. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 722. There is hereby appropriated $600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 723. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives in writing from the Committee on Appropriations of both Houses of Congress confirmation of receipt of the notification required in this section.

SEC. 724. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

SEC. 725. The Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security of Act 1985 (16 U.S.C. 3838d–3838g) in excess of $809,000,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

(3) The Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa–8) in excess of $1,400,000,000: Provided, That up to $20,000,000 of the funds made available for the Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa(8)) may be transferred to a program as authorized by 16 U.S.C. 1301–1311 to enroll agricultural lands that experienced significant flooding, as determined by the Secretary, in calendar year 2011: Provided further, That no more than $10,000,000 may be used for agreements entered into with owners or operators in any one State;

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of $150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O–1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o–3838q) in excess of 140,907 acres in fiscal year 2012;

(6) The Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 185,800 acres in fiscal year 2012;

(7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1)) in excess of $50,000,000;

(8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb–5);

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of $75,000,000;

(10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of $34,000,000;

(11) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(12) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of $2,500,000 for the Natural Resources Conservation Service; and

(13) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246 in excess of $948,000,000, as follows: Child Nutrition Programs Entitlement Commodities—$465,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2012: Provided further, That $133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110–246: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: Provided further, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110–246, $150,000,000 are hereby rescinded.

SEC. 727. Hereafter, notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 728. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 729. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in the heading, by striking ''fiscal years 2008 through 2012'' and inserting ''certain fiscal years''; and

(2) in the text, by striking ''2012'' and inserting ''2014''.

(b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking ''2012'' and inserting ''2014''.

(c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended by striking ''2012'' and inserting ''2014''.

(d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2014''.

(e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2012,'' and inserting ''2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)),''; and

(2) in paragraph (4)(E), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2014''.

(f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking ''2012'' and inserting ''2014''.

SEC. 730. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 731. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 are hereby rescinded.

SEC. 732. There is hereby appropriated for the ''Emergency Conservation Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $78,000,000, to remain available until expended: Provided, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: Provided further, That there is hereby appropriated for the ''Emergency Forest Restoration Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $49,000,000, to remain available until expended: Provided further, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: Provided further, That there is hereby appropriated for the ''Emergency Watershed Protection Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $139,000,000, to remain available until expended: Provided further, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SEC. 733. (a) Notwithstanding any other provision of this Act—

(1) the amount provided under section 732 for the emergency conservation program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by $48,700,000; and

(2) the amount provided under section 732 for the emergency watershed protection program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is increased by $61,200,000.

(b) The additional amounts provided under subsection (a)—

(1) are designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D));

(2) are subject to the same terms and conditions as any other amounts provided under section 732 for the same purposes; and

(3) shall remain available until expended.

SEC. 734. Unobligated balances not to exceed $31,000,000 for the ''Emergency Watershed Protection Program'' provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters occurring in 2011, and shall

remain available until expended: Provided, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SEC. 735. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SEC. 736. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to a project funded under the community facilities programs authorized under such Act.

SEC. 737. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

SEC. 738. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a)) in excess of $1,000,000.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012''.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $245,250 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $441,104,000, to remain available until September 30, 2013, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That up to $2,500,000 from amounts provided herein may be available for necessary expenses of the Commercial Law Development Program, including those authorized under section 636(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)).

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $11,250 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $98,138,000, to remain available until expended, of which $31,279,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $220,000,000, to remain available until expended, of which $1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses.

For an additional amount for ''Economic Development Assistance Programs'' for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $135,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

For an additional amount for ''Economic Development Assistance Programs'' for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $365,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,166,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,732,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $95,119,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $253,336,000: Provided, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $690,000,000, to remain available until September 30, 2013: Provided, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the Office of the Inspector General for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $45,568,000, to remain available until September 30, 2013: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned

functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are hereafter available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $2,706,313,000 to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2012, should the total amount of offsetting fee collections and the surcharge provided herein be less than $2,706,313,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of $2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That from amounts provided herein, not to exceed $750 shall be made available in fiscal year 2012 for official reception and representation expenses: Provided further, That in fiscal year 2012 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for PTO's specific use shall be recognized as an imputed cost on PTO's financial statements, where applicable: Provided further, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2012: Provided further, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: Provided further, That there shall be a surcharge of 15 percent, as provided for by section 11(i) of the Leahy-Smith America Invents Act: Provided further, That hereafter the Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under 35 U.S.C. 41(h)(1), so long as the fees of the prioritized examination program are set to recover the estimated cost of the program: Provided further, That the receipts collected as a result of these surcharges shall be available within the amounts provided herein to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services, $120,000,000 to remain available until expended: Provided, That of the amounts appropriated herein, $120,000,000 shall be for the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,134,327,000, to remain available until September 30, 2013, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2014: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $109,098,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That of the $3,250,425,000 provided for in direct obligations under this heading $3,134,327,000 is appropriated from the general fund, and $109,098,000 is provided by transfer and $7,000,000 is derived from recoveries of prior year obligations: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $41,105,000: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $219,291,000: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), $1,833,594,000, to remain available until September 30, 2014, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the $1,841,594,000 provided for in direct obligations under this heading, $1,833,594,000 is appropriated from the general fund and $8,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY FUND

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2013: Provided, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations, for restoration of populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: Provided, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $56,726,000.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended), $26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently cancelled, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the ''Fisheries Enforcement Asset Forfeiture Fund'', which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the ''Sanctuaries Enforcement Asset Forfeiture Fund'', which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: Provided, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration is authorized to receive and expend funds made available by any Federal agency, State or subdivision thereof, public or private organization, or individual to carry out any statute administered by the National Oceanic and Atmospheric Administration: Provided, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 113. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (''Commission'') and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (b);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(d) Subsection (b) shall remain in effect until such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish

stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

SEC. 114. (a) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report of the findings of the research objectives described in subsection (b).

(b) RESEARCH AND SURVEILLANCE.—The National Aquatic Animal Health Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration the with the Government of Canada, and Federal, State, and tribal governments, including the Department of Fish and Wildlife of Washington and the Department of Fish and Game of Alaska, to assess—

(1) the prevalence of Infectious Salmon Anemia in both wild and aquaculture salmonid populations throughout Alaska, Washington, Oregon, California, and Idaho;

(2) genetic susceptibility by population and species;

(3) susceptibility of populations to Infectious Salmon Anemia from geographic and oceanographic factors;

(4) potential transmission pathways between infectious Canadian sockeye and uninfected salmonid populations in United States waters;

(5) management strategies to rapidly respond to potential Infectious Salmon Anemia outbreaks in both wild and aquaculture populations, including securing the water supplies at conservation hatcheries to protect hatchery fish from exposure to the Infectious Salmon Anemia virus present in incoming surface water;

(6) potential economic impacts of Infectious Salmon Anemia;

(7) any role foreign salmon farms may have in spreading Infectious Salmon Anemia to wild populations;

(8) the identity of any potential Federal, State, tribal, and international research partners;

(9) available baseline data, including baseline data available from a collaborating entity; and

(10) other Infectious Salmon Anemia research priorities, as determined by the Task Force.

This title may be cited as the ''Department of Commerce Appropriations Act, 2012''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $115,886,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That $18,903,000 is for Department Leadership; $8,311,000 is for Intergovernmental Relations/External Affairs; $12,925,000 is for Executive Support/Professional Responsibility; and $75,747,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, $20,000,000: Provided, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $47,000,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nationwide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $87,000,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $294,082,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,563,453,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,199,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,577,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $846,099,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $7,500 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program $3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $159,587,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,891,532,000: Provided, That of the total amount appropriated, not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended: Provided further, That of the amount provided under this heading, not less than $43,184,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $234,115,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $234,115,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,071,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended: Provided, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: Provided further, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,227,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,111,041,000; of which not to exceed $10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to Southwest border enforcement until September 30, 2012; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $20,250,000, of which $8,250,000 shall be available for detention upgrades at Federal courthouses located in the Southwest border region, to remain available until expended; of which not less than $9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $86,007,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $516,962,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $7,785,000,000, of which not to exceed $150,000,000 shall remain available until expended: Provided, That not to exceed $153,750 shall be available for official reception and representation expenses.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally owned buildings; and preliminary planning and design of projects; $75,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,900,084,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $75,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; $10,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,090,292,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed $20,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: Provided further, That, beginning in fiscal year 2012 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication

of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,589,781,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $4,500 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2013: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $90,000,000, to remain available until expended, of which not less than $66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $417,663,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) $194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, $10,000,000 shall be available for programs relating to children exposed to violence;

(2) $25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) $45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $5,000,000 is for a homicide initiative;

(6) $25,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $4,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) $5,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which $1,000,000 is to be used for a family court initiative;

(14) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) $1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, $20,580,000.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act)''; the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law

109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); and other programs; $121,000,000, to remain available until expended, of which—

(1) $45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) $40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: Provided, That of the amounts provided under this heading, $5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) $1,000,000 is for an evaluation clearinghouse program; and

(4) $35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); and other programs; $1,063,498,000, to remain available until expended as follows—

(1) $395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which $3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $4,000,000 is for a State and local assistance help desk and diagnostic center program, $5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and $3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): Provided, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) $273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) $10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164: Provided, That no less than $4,690,000 shall be for victim services grants for foreign national victims of trafficking;

(6) $35,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) $9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(8) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) $4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405;

(10) $10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110–403;

(11) $5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(12) $23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322);

(13) $10,000,000 for an initiative relating to children exposed to violence;

(14) $20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) $24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) $1,000,000 for the National Sex Offender Public Web site;

(17) $10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) $10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(19) $8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) $15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) $131,000,000 for DNA-related and forensic programs and activities, of which—

(A) $123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than $85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than $11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than $11,000,000 is to be used to audit and report on the extent of the backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108–405;

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108–405.

(22) $2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) $1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) $3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); and other juvenile justice programs, $251,000,000, to remain available until expended as follows—

(1) $45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) $55,000,000 for youth mentoring grants;

(3) $33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $15,000,000 shall be for the Tribal Youth Program;

(B) $8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) $10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) $8,000,000 for community-based violence prevention initiatives; and

(7) $60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, $118,572,000.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $231,500,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) $1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) $10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) $20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) $200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That notwithstanding 42 U.S.C. 3796dd–3(c), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated, $28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: Provided further, That within the amounts appropriated, $10,000,000 is for community policing development activities.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, $24,500,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for ''Research Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, $1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading ''State and Local Law Enforcement Assistance''; or

(B) under the headings ''Research, Evaluation and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing ''appropriated'' with ''used from appropriations'', and by inserting ''(2),'' before ''(3)''.

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor or control such firearms at all times.

EVALUATION OF GULF COAST CLAIMS FACILITY

SEC. 219. The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

This title may be cited as the ''Department of Justice Appropriations Act, 2012''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,100,000,000, to remain available until September 30, 2013, of which up to $10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of reestablishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: Provided, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed $8,000,000,000: Provided further, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $501,000,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $637,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,775,000,000, to remain available until September 30, 2013: Provided, That not less than $1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than $1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, $500,000,000 shall be for commercial spaceflight activities, and $275,000,000 shall be for exploration research and development: Provided further, That $192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: Provided further, That funds made available under this heading within this Act may be transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: Provided further, That funds so transferred shall be subject to the 5 percent but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,285,000,000, to remain available until September 30, 2013: Provided, That of the amounts provided under this heading, not more than $650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than $2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than $168,000,000 shall be for the 21st Century Launch Complex, and not more than $662,600,000 shall be for Space and Flight Support: Provided further, That funds made available under this heading for 21st Century Launch Complex may be transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities only at NASA-owned facilities: Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $138,400,000, to remain available until September 30, 2013.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,043,073,000: Provided, That not less than $39,100,000 shall be available for independent verification and validation activities: Provided further, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $422,000,000, to remain available until September

30, 2017: Provided, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: Provided further, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed $3,960,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,300,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

''(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.''.

Section 20145(b)(1) of title 51 is amended by inserting ''(A)'' before ''A person'' and adding at the end thereof the following new subparagraph (B) as follows:

''(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.''.

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,443,000,000, to remain available until September 30, 2013, of which not to exceed $550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than $146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: Provided further, That up to $100,000,000 of funds made available under this heading within this Act may be transferred to ''Major Research Equipment and Facilities Construction'': Provided further, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $117,055,000, to remain available until expended: Provided, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $829,000,000, to remain available until September 30, 2013: Provided, That not less than $54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $290,400,000: Provided, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,440,000: Provided, That not to exceed $2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2012''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,193,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: Provided further, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: Provided further, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: Provided further, That of the amounts made available in this paragraph, $800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, $329,837,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $1,875 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is

authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, $29,400,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $1,875 for official reception and representation expenses, $80,062,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $396,106,000, of which $370,506,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''.'' the following: ''that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,025,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $46,775,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,019,000, of which $500,000 shall remain available until September 30, 2013: Provided, That not to exceed $1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, $1,700,000 shall be available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2012, from the following account in the specified amount:

(1) ''National Telecommunications and Information Administration, Information Infrastructure Grants'', $2,000,000; and

(2) ''National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund'', $350,000.

(b) Of the amounts made available under section 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309 note), $4,300,000 in unobligated balances are hereby rescinded.

(c) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $40,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $620,000,000; and an additional $25,000,000 shall be permanently rescinded;

(3) ''United States Marshals Service, Salaries and Expenses'', $7,200,000;

(4) ''Drug Enforcement Administration, Salaries and Expenses'', $30,000,000;

(5) ''Federal Prison System, Buildings and Facilities'', $35,000,000;

(6) ''Office of Justice Programs'', $42,600,000;

(7) ''Community Oriented Policing Services'', $10,200,000; and

(8) ''Office on Violence Against Women'', $5,000,000.

(d) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(e) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 533. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

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

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 539. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

SEC. 540. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 30 days of enactment of this Act.

SEC. 541. The amount appropriated or otherwise made available by title IV under the heading ''COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT'' is hereby reduced by $1,700,000.

SEC. 542. The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

SEC. 543. (a) The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE'' in title IV of this division is amended by striking ''$46,775,000'' and inserting ''$51,251,000''.

(b) Of the unobligated balance of amounts made available to the Department of Justice for a fiscal year before fiscal year 2012 for the ''Legal Activities, Assets Forfeiture Fund'' account, there are permanently rescinded $8,000,000, in addition to the amount rescinded pursuant to section 529(c)(2).

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012''.

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,202,000, of which not to exceed $2,618,000 shall be available for the immediate Office of the Secretary; not to exceed $981,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,515,000 shall be available for the Office of the General Counsel; not to exceed $11,004,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,544,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,046,000 shall be available for the Office of Public Affairs; not to exceed $1,649,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,492,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,578,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,768,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $550,000,000, to remain available through September 30, 2013: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $4,990,000, to remain available through September 30, 2013.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,648,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,596,000 shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $351,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,068,000, to remain available until September 30, 2013: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $143,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: Provided further, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided further, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

(RESCISSION)

SEC. 104. Of the amounts made available by section 185 of Public Law 109–115, all unobligated balances as of the date of enactment of this Act are hereby rescinded.

SEC. 105. Notwithstanding section 3324 of title 31, United States Code, in addition to authority

provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 106. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the minutes of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,635,710,000, of which $5,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,560,815,000 shall be available for air traffic organization activities; not to exceed $1,253,381,000 shall be available for aviation safety activities; not to exceed $15,005,000 shall be available for commercial space transportation activities; not to exceed $112,459,000 shall be available for financial services activities; not to exceed $98,858,000 shall be available for human resources program activities; not to exceed $337,944,000 shall be available for region and center operations and regional coordination activities; not to exceed $207,065,000 shall be available for staff offices; and not to exceed $50,183,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year, and a benchmark for assessing the amount of time aviation inspectors spend directly observing industry field operations: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,630,731,000, of which $474,000,000 shall remain available until September 30, 2012, and of which $2,156,731,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $157,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,691,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $101,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $29,250,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or

to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at 20 percent.''.

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. (a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, may be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, are hereby ratified and approved, if otherwise in accord with the provisions of the Airport and Airway Extension Act of 2011, part IV (Public Law 112–27).

(c) TRUST FUND CODE.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(d)(1)) is amended by inserting ''or the Department of Transportation Appropriations Act, 2012'' before the semicolon at the end of subparagraph (A).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $415,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: Provided, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2012: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

LIQUIDATION OF CONTRACT AUTHORIZATION

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $1,900,000,000, to remain available until expended, for expenses resulting from a major disaster designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): Provided, That notwithstanding section 125(d)(1) of title 23, United States Code, for an event resulting from a disaster eligible under section 125 of title 23, United States Code, in a State occurring in fiscal years 2011 or 2012, the Secretary of Transportation may obligate under the Emergency Relief Program more than $100,000,000 for eligible expenses: Provided further, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: Provided further, That notwithstanding sections 120(a) and 120(b) of title 23, United States Code, the Federal share for permanent repairs resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012 may be up to 100 percent at the Secretary's discretion if the eligible expenses incurred by a State due to such a disaster exceeds twice the State's annual apportionment under the Federal-aid Highway program for the year in which the disaster occurred: Provided further, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESCISSION

Of unobligated balances of funds made available for obligation from the general fund of the Treasury for programs administered by the Federal Highway Administration in Public Laws 91–605, 93–87, 93–643, 94–280, 96–131, 97–424, 98–8, 98–473, 99–190, 100–17, 100–202, 100–457, 101–164, 101–516, 102–143, 102–240, 103–122, 103–331, 106–346, 107–87, 108–7 and 108–199, excluding any unobligated balance of funds provided for the Appalachian Development Highway System, $73,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the

aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Of the funds made available in fiscal year 2012 for the Surface Transportation Research, Development, and Deployment Program, the Secretary of Transportation shall transfer $5,000,000 to the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code: Provided, That an equivalent amount of fiscal year 2012 obligation limitation associated with the funds to be transferred shall also be transferred.

SEC. 125. Section 127(a)(11) of title 23, United States Code, is amended to read as follows:

''(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

''(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.''.

SEC. 126. Section 112 of the Surface and Air Transportation Programs Extension Act of 2011 is amended by striking ''$196,427,625'' and inserting ''an amount equal to one-half the sum authorized for such purpose for fiscal year 2011 by section 412(a)(2) of the Surface Transportation Extension Act of 2010''.

SEC. 127. Any road, highway, or bridge that is in operation for less than 30 years or under construction, damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief

and Emergency Assistance Act (42 U.S.C. 5121), may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency and shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $250,023,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $250,023,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012, and September 30, 2012, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for ''Motor Carrier Safety Grants''; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: Provided further, That of the funds made available for the motor carrier safety assistance program, $32,000,000 shall be available for audits of new entrant motor carriers: Provided further, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, $1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109–59 that did not meet award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.

SEC. 132. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $140,146,000, of which $20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $109,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $109,500,000 for programs authorized under 23 U.S.C. 403 and chapter 303 of title 49, United States Code: Provided further, That within the $109,500,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $48,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $10,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: Provided further, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59: Provided further, That of the amounts made available under this heading for ''Safety Belt Performance Grants'', $25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS), and $5,000,000 shall be available for the development of the Driver Alcohol Detection System for Safety (DADSS), and $8,500,000 shall be available for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $176,596,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $30,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $544,000,000, to remain available until expended: Provided, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $936,778,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-fourth of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $100,000,000, to remain available until expended: Provided, That the Administrator of the Federal Railroad Administration may retain up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: Provided further, That funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a State rail plan consistent with chapter 227 of title 49, United States Code: Provided further, That funds made available for planning activities under the previous proviso may be used to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer

of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $98,713,000: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $40,000,000, to remain available until expended: Provided, That $9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,100,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $6,500,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $25,400,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,955,000,000, to remain available until expended, of which $38,000,000 shall be available to carry out section 5309(e) of such title: Provided, That not less than $510,000,000 shall be available for preliminary engineering, final design, and construction of projects expected to receive a Full Funding Grant Agreements during calendar year 2012: Provided further, That the funds awarded for preliminary engineering and final design under such a grant shall be made available to cover those costs immediately upon grant award: Provided further, That of the funds appropriated under this heading in Public Law 111–8, $27,000,000 are hereby rescinded.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $25,000,000, to remain available through September 30, 2014: Provided, That priority shall be given to projects that use innovative and potentially replicable approaches to reducing energy consumption or greenhouse gas emissions.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: Provided, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 165. (a) Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Hereafter, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 168. Hereafter, for purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169. Hereafter, all bus new fixed guideway capital projects recommended in the President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): Provided, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $34,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law, $154,886,000, of which $11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime Academies, and of which $22,485,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate

Committees on Appropriations: Provided further, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111–207, $1,000,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $10,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, $4,000,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration: Provided, That of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, $35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $22,158,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $39,020,000, of which $1,716,000 shall remain available until September 30, 2014: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $118,364,000, of which $21,510,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; of which $93,854,000 shall be derived from the Pipeline Safety Fund, of which $54,265,000 shall remain available until September 30, 2014; of which $3,000,000, to remain available until expended, shall be derived from the Pipeline Safety Design Review Fund, as established by this Act.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: Provided further, That unobligated balances of funds provided under this paragraph not needed for fiscal year 2012 from the sum made available herein shall remain available until expended to invest in the data management and information technology modernization efforts, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

SEC. 180. Section 60117(n) of title 49, United States Code, is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title.

''(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

''(3) DEPOSIT AND USE.—The Secretary shall deposit funds paid under this subsection into the Pipeline Safety Design Review Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations acts.''.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $15,981,000, of which $9,007,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $82,409,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,310,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than $28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 190. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 191. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 192. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 193. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration

from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 194. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings ''National Infrastructure Investments'' and ''Assistance to Small Shipyards'' in this Act: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 195. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 196. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 197. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 198. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

This title may be cited as the Department of Transportation Appropriations Act, 2012.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $549,499,000, of which not to exceed $4,610,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed $741,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,984,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,380,000 shall be available for the Office of the General Counsel; not to exceed $2,695,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,988,000 shall be available for the Office of Public Affairs; not to exceed $546,000 shall be available to the Office of the Chief Operating Officer, not to exceed $256,744,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $10,476,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed $47,543,000 shall be available for the Office of Field Policy and Management; not to exceed $14,654,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,708,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed $5,605,000 shall be available for the Office of Strategic Planning and Management; not to exceed $7,415,000 shall be available for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed $42,635,000 shall be available for the Office of the Chief Information Officer: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $201,233,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, $101,076,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $392,796,000, of which $8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $23,016,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $74,766,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $7,502,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing through the voluntary conversion of properties with assistance under section 9 of the U.S. Housing Act of 1937, (hereinafter, ''the Act''), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided under the headings ''Public Housing Capital Fund'' and ''Public Housing Operating Fund'' to the headings ''Tenant-Based Rental Assistance'' or ''Project-Based Rental Assistance'': Provided, That project applications may be received under this demonstration until September 30, 2015: Provided further, That any increase in cost for ''Tenant-Based Rental Assistance'' or ''Project-Based Rental Assistance'' associated with such conversion shall be equal to amounts transferred from ''Public Housing Capital Fund'' and ''Public Housing Operating Fund'': Provided further, That not more than 60,000 units shall be converted under the authority provided under this heading: Provided further, That tenants of such converted properties shall, at a minimum, maintain the same rights under such conversion as those provided under section 9 of the Act: Provided further, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: Provided further, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: Provided further, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: Provided further, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: Provided further, That the Secretary may waive or specify alternative requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of ''Public Housing Capital Fund'', ''Public Housing Operating Fund'', and ''Project-Based Rental Assistance'', under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any

such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: Provided further, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: Provided further, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: Provided further, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall require ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary: Provided further, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: Provided further, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: Provided further, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,872,357,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2011), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That of the amounts made available under this heading are provided as follows:

(1) Not less than $17,143,905,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109–148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be reissued when families leave the program: Provided further, That of the amounts made available under this paragraph, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative'';

(2) $75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, $10,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) $1,400,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,350,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $113,452,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated

by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $5,000,000 for payments to public housing authorities to be competitively awarded in order to demonstrate the effectiveness of leveraging mainstream resources to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Secretary in conjunction with the Department of Health and Human Services and the Department of Education: Provided, That funds provided under this paragraph shall be awarded to public housing authorities that (1) partner with eligible State and local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services, as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youth Program: Provided further, That the funds may also be available to public housing authorities that partner with eligible State Medicaid agencies and State behavioral health entities, as designated by the Secretary of the Department of Health and Human Services, to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services; and

(8) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, $200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: Provided, That if insufficient funds exist under these headings, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: Provided further, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $1,875,000,000, to remain available until September 30, 2015: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: Provided further, That of the total amount provided under this heading $50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading, up to $5,000,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $3,961,850,000, of which $20,000,000 shall be available until September 30, 2013: Provided, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: Provided further, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: Provided further, That no public housing agency shall be left with less than $100,000 in operating reserves: Provided further, That the Secretary shall not offset excess reserves by more than $750,000,000: Provided further, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: Provided further, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: Provided further, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: Provided further, That of the amount provided under this heading up to $20,000,000 may be set aside to provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: Provided further, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $120,000,000, to remain available until September 30, 2014: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than $80,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than $5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $650,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian

housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $428,000,000: Provided further, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, $386,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $330,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,001,027,000, to remain available until September 30, 2013, unless otherwise specified: Provided, That of the total amount provided, $2,851,027,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amounts made available under this heading, $90,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That $63,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than $15,750,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That $27,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals.

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER FUNDING

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, $400,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: Provided further, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,960,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,000,000,000, to remain available until September 30, 2013: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: Provided further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: Provided further, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: Provided further, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: Provided further, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: Provided further, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it is has staff with demonstrated development experience: Provided further, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $57,000,000, to remain available until September 30, 2013: Provided, That of the total amount provided under this heading, $17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $35,000,000 shall be made

available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity-building activities: Provided further, That $5,000,000 shall be made available for capacity-building activities for a national organization with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $1,901,190,000, of which $1,896,190,000 shall remain available until September 30, 2014, and of which $5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: Provided, That not less than $286,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than $1,602,190,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $9,018,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $400,000,000 previously appropriated under this heading that will become available October 1, 2012), and $400,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed $289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided further, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $369,627,000 to remain available until September 30, 2015: Provided, That of the amount provided under this heading, up to $91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $20,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $150,000,000 to remain available until September 30, 2015: Provided, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: Provided further, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $60,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $231,600,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $9,000,000, to remain available until expended, of which $4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt

of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $5,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $206,586,000, to remain available until September 30, 2013, of which up to $70,652,000 may be transferred to and merged with the Working Capital Fund: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2012, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2013: Provided, That $20,000,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments will and do exceed $300,000,000,000, an additional $100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000): Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,825,000, to remain available until September 30, 2013: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $70,847,000, to remain available until September 30, 2013, of which $42,500,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $120,000,000, to remain available until September 30, 2013, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $192,475,000, to remain available until September 30, 2013: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended,

$124,750,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

Of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 0.5 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for: (1) research, evaluation, and program metrics; (2) program demonstrations; and (3) technical assistance and capacity building: ''Choice Neighborhoods Initiative'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''HOME Investment Partnerships Program'', ''Self-Help and Assisted Homeownership Opportunity Program'', ''Homeless Assistance Grants'', ''Housing for the Elderly'', ''Housing for Persons With Disabilities'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''Lead Hazard Reduction'', ''Rental Housing Assistance'', and ''Fair Housing Activities'': Provided, That of the amounts made available under this paragraph, not less than $45,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, and other technical assistance as determined by the Secretary: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations: Provided further, That with respect to amounts made available under this heading for research, evaluation, program metrics, and program demonstrations, notwithstanding section 204 of this title, the Secretary may make grants or enter into cooperative agreements that include a substantial match contribution.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855

of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2011, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8

or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of nonentitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2012 and subsequent years: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2012.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2012.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''Program Office Salaries and Expenses'' within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fund-raising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal years 2011 and 2012 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds made available for salaries and expenses under any account or any set-aside within any account under this title under the general heading ''Program Office Salaries and Expenses'', and under the account heading ''Administration, Operations and Management'', to any other such account or any other such set-aside within any such account: Provided, That no appropriation for salaries and expenses in any such account or set-aside shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to $10,000,000 may be transferred to and merged with amounts made available in the ''Working Capital Fund'' account under this title.

SEC. 233. Title II of division I of Public Law 108–447 and title III of Public Law 109–115 are each amended by striking the item related to ''Flexible Subsidy Fund''.

SEC. 234. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program up to three Public Housing Agencies that are High Performing Agencies under the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP). No PHA shall be granted this designation through this section that administers in excess of 20,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 235. Of the unobligated balances remaining from funds appropriated under the heading ''Tenant-Based Rental Assistance'' under the ''Full-Year Continuing Appropriations Act, 2011'', $750,000,000 are rescinded from the $4,000,000,000 which are available on October 1, 2011: Provided, That such amounts may be derived from reductions to public housing agencies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary: Provided further, That in making such adjustments, the Secretary shall preserve public housing authority reserves at no less than one month, to the extent practicable.

SEC. 236. The United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) in section 3(a)(1) by inserting before the period at the end of the second sentence the following: '', except in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family's income, the public housing agency or owner shall not be required to conduct a review of the family's income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years'';

(2) in section 3(b)(2) by inserting after the second sentence the following new sentence: ''The term 'extremely low-income families' means very low-income families whose incomes do not exceed the higher of (A) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved; or (B) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes, and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States.'';

(3) in paragraph (2) of section 3(b) by adding at the end the following new sentence: ''The Secretary shall periodically, but not less than annually, determine or establish area median incomes and income ceilings and limits in accordance with this paragraph'';

(4) in section 3(b)(5)(A)—

(A) in clause (i) by striking ''$400'' and inserting in lieu thereof ''$675''; and

(B) in clause (ii), in the matter preceding subclause (I), by striking ''3 percent'' and inserting in lieu thereof ''10 percent'';

(5) in paragraph (1) of section 8(c)—

(A) by inserting ''(A)'' after the paragraph designation;

(B) by striking the fourth, fifth, seventh, eighth, ninth, and tenth sentences; and

(C) by adding at the end the following:

''(B) Fair market rentals for an area shall be published not less than annually by the Secretary on the Department's Web site and in any other manner specified by the Secretary. The Secretary shall publish notice of the publication of such fair market rentals in the Federal Register, and such fair market rentals shall become effective no earlier than 30 days after the date of such publication. The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rental in a jurisdiction. The Secretary shall publish for comment in the Federal Register notices of proposed material changes in the methodology for estimating fair market rentals and notices specifying the final decisions regarding such proposed substantial methodological changes and responses to public comments.'';

(6) in subparagraph (B) of section 8(o)(1) by inserting before the period at the end the following: '', except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced. The Secretary shall allow public housing agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the Secretary'';

(7) in subparagraph (D) of section 8(o)(1) by inserting before the period at the end the following: ''except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent, where necessary, as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a disabled family or other family with a person with a disability. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding two sentences as a reasonable accommodation for a person with a disability, the Secretary may not establish additional requirements regarding the amount of adjusted income paid by such person for rent'';

(8) in section 16(a)(2)(A) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families'';

(9) in section 16(b)(1) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families''; and

(10) in section 16(c)(3) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families''.

SEC. 237. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking ''October 1, 2011'' each place it appears and inserting in lieu thereof ''October 1, 2015''.

HOUSING LOAN LIMIT EXTENSIONS

SEC. 238. (a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185, 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated $300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guarantee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph (C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(c) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,100,000.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,311,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $99,275,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $135,000,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC'') shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,640,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include:

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

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that:

(1) is provided assistance by the Department of Housing and Urban Development; and

(2) is or would be located on property of the Department of Veterans Affairs; or

(3) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 417. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 418. Concurrent with the issuance of any notice of funding availability or any other notice designed to solicit applications for a program through which grants or credit assistance are awarded through a competitive process, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information about such program, including, but not limited to, the goals of the program, the criteria that will be used in awarding grants or credit assistance, and the process by which applications will be selected for the award of a grant or credit assistance: Provided, That concurrent with the public announcement of grants or credit assistance to be awarded through such competitive program, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information on each applicant to be awarded a grant or credit assistance, including, but not limited to, the name and address of the applicant, the amount of the grant or credit assistance to be awarded, the amount of financing expected from other sources, and an explanation of how such award is consistent with program goals.

SEC. 419. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles, except for national security, law enforcement needs, public transit, safety, and research: Provided further, all agencies and departments funded by divisions A, B, and C of this Act shall send to Congress at the end of the Fiscal Year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during Fiscal Year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

SEC. 420. A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act: Provided further, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

This Act may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012''.

Amend the title so as to read: ''An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.''.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 921

Mr. DURBIN. I ask unanimous consent that a title amendment to H.R. 2112, the text of which is at the desk, be agreed to.

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

The amendment is as follows:

Amend the title to read:

''An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.''

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I had a conversation with the Republican leader. We have a very important briefing today at 3:30, and it will be in the classified area of the Visitor Center. We are going to have Secretary Burns, General Clapper will be there, the head of the Joint Chiefs of Staff, Secretary Panetta will be there to talk about a number of countries around the world on which we need to focus our attention. I hope we have very good attendance at this meeting. It will be very important that we have Senators listen to what these gentlemen have to say, so I ask unanimous consent that we be in recess today from 3:30 until 4:30.

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

Mr. REID. Mr. President, the experiment we have just completed on these appropriations bills has worked out extremely well. One reason it has worked out as well as it has is because of Senator KOHL. Senator KOHL has been in the Senate more than two decades, and those of us who have watched him know he doesn't spend a lot of time talking, but he spends a lot of time getting things done, and this legislation was an example of how good he is. Also, Senator BLUNT—this is a new experience for him, but he had been in the House for many years and was part of their leadership and actually hit the ground running and has been a great partner in helping us move this legislation forward. So I congratulate both these fine Senators.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, upon passage of this bill, I want to take a moment to thank my ranking member, Senator BLUNT, for his guidance and support throughout this process. He and his staff, Stacy McBride and Mary Koskinen, were extraordinarily helpful to me and my staff as we put this bill together. I also thank my staff—Galen Fountain, Jessica Frederick, Dianne Nellor, Bob Ross, and Chad Metzler—for their excellent work.

This is an austere bill. As I have stated before, almost every category of funding is lower than last year and much lower than the year before. We have had good debate on the floor about various provisions in the bill, and we have taken many votes. The process has been open and transparent. We have followed the regular order, and this bill was considered on the Senate floor. We can now conference this bill with the House and hopefully send it to the President shortly after that.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Missouri.

PASSAGE OF H.R. 2112

Mr. BLUNT. Mr. President, I wish to take a moment to thank Senator KOHL. The comments the majority leader made about him were certainly proven right in all of our relationships. I thank him for his guidance and encouragement throughout this process. We have had open communication and worked together to address the amendments brought forward by our colleagues. While we didn't agree on every single thing in the bill, we certainly agreed to be agreeable about that and see if we couldn't produce a work product people have a right to expect of the Senate. So the passage of these three bills is significant.

I certainly wish to thank Senator KOHL's staff—Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross—for their contributions, and I thank my staff: Stacy McBride, Mary Koskinen, Brian Diffel, Zach Kinne, and Christina Weger.

Because this has been a process that has involved two other subcommittees, I wish to express my thanks to my colleagues for their hard work and cooperation on the other parts of this bill: Senators MIKULSKI and HUTCHISON and their staffs on the Commerce, Justice, Science Subcommittee and Senators MURRAY and COLLINS and their staffs on the Subcommittee on Transportation, Housing and Urban Development.

The floor staff has worked hard over the course of the last several days. Often, that work goes unnoticed. But managing this bill has not been easy. It was a little different from many of the appropriations bills that have been brought to the Senate floor, and certainly the floor staff has been of tremendous help to me and to the committee staff.

This has been a long process. A dozen amendments that affect the agriculture division of this bill have been accepted over the course of the debate. I am glad we have had an open debate and hope we can swiftly move to conference with the House and send this work product on to the President so that we can get these appropriations processes started as close to the regular time as we possibly can, based on the moment in which we find ourselves, and look forward to working with the Appropriations Committee as we bring other bills to the floor.

Again, I close my remarks on this bill by expressing my personal appreciation to Senator KOHL and his willingness to work with a new Member of the Senate in putting this product together and bringing this bill to the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, and I also compliment both Senators who just spoke, Senator KOHL and Senator BLUNT, for their excellent work.

Like everybody here, I have followed these votes and the negotiations and did vote, and I am encouraged by the progress made on the Transportation-HUD appropriations bill which the Senate has now approved. It funds our Nation's ongoing transportation investments. It also includes crucial emergency disaster funding for Vermont and the other States struggling to recover from Hurricane/Tropical Storm Irene and other natural disasters.

This bill is part of the response needed from Congress by thousands of Vermonters and millions of other Americans. It is vital not only for the economy of Vermont and other States whose roads and bridges were decimated by the storm, but for the Nation's economy. I commend the chair, Senator MURRAY, and the ranking member, Senator COLLINS, for their hard work and dedication toward ensuring appropriate funding for disaster relief, particularly in Irene's aftermath.

I have said many times on the Senate floor that Hurricane Irene was devastating to our small State of Vermont. I was born in Vermont, as were my parents, and I have never seen destruction of this magnitude. The only thing that even compares are stories of floods in Vermont that my grandparents used to tell me about when they were younger.

The flash floods caused by the storm destroyed homes and farms, businesses, bridges, and roads. Roads and structures that have stood for over a century were wiped out in a matter of minutes. I helicoptered over Vermont with Governor Shumlin and General Dubie, the head of our Vermont National Guard, the day after our storm, and none of us could believe the things we were seeing. With the repair costs estimated to be over $100 million, our little State has been stretched to the limit.

As the rain stopped, Vermont moved immediately and we had crews working to repair the damage. We didn't wait for anybody else; we just started moving—neighbors helping neighbors, our State and local governments, our National Guard, Red Cross, working together. However, we do need the traditional helping hand of Federal disaster recovery loans and grants to help those whose lives were upturned by Irene. Federal disaster recovery aid has always been available to other States after disasters such as this. We need it now in Vermont. This bill is an essential part of the work that Congress should be doing in response to major events such as Irene, pulling together as a Nation to heal these wounds.

The Senate, as the Presiding Officer will recall, reconvened after Labor Day. Those of us on the Appropriations Committee worked on this bill and other disaster relief legislation, which have been top priorities for Vermont and for many other States. Many other committees were involved in this important work. The Vermont delegation worked together on this bill and other Senators came together to help make

progress week by week. One by one, we have overcome a series of legislative obstacles and have been able to turn the lights from red to green.

Our legislative process this year has been unduly cumbersome and unresponsive; different than I have ever seen in the years I have spent here in the Senate. However, the progress we have achieved here in the Senate is a testament to the determination of many in this body who have been willing to set aside ideological imperatives and partisan differences to work together as Republicans and Democrats to accomplish the work that the American people and our constituents expect from their government.

Now, in Vermont and the other New England States, winter is not just on the horizon, it is on our doorstep. In our State last weekend, we had more than 1 foot of snow in some parts. I mention this because if you are going to repair roads and bridges, time is a significant factor, and time is slipping away.

We all know that roads and bridges are the circulatory system for commerce in the daily lives of living, breathing communities and their citizens—where people have to go to work, school or be together with their families. With many of the Federal aid disaster programs underfunded, I am especially pleased that this bill contains the $1.9 billion that I and others worked to include to replenish the Federal Highway Disaster Relief Fund. This fund will help rebuild Vermont's vital roadways. These roadways are critical to rebuild our economy, distribute aid, and bring people to hospitals and to schools. It is of the utmost importance that this Federal aid reaches Vermont sooner rather than later, as our winters can be extremely harsh. I look at Washington, DC, which will close down with 3 inches of snow. We call that a dusting in our State. Many times we have a foot of snow overnight. Schools will still be open, commerce still goes on, but we can't rebuild roads with a foot of snow on them. We have to be working to rebuild now and we have to be prepared to work immediately when the snow stops.

I have talked with Senator SANDERS, Congressman WELCH, and Governor Shumlin, who has spent every single day working on this. My wife Marcelle and I have driven around the State. We have talked to community leaders, to those who have worked on disaster relief, and others. It is very clear, given the mammoth, unprecedented destruction of this storm, certain waivers are needed to allow States to access funds for repair work they need without going through all kinds of burdens for repairs.

I mention these waivers because if we are going to ensure that Vermont and other States can promptly design and begin emergency and permanent repairs, we have to do it now. We put the waivers into this bill, and I hope the other body will understand we need them preserved. This bill, an investment in America's crumbling and damaged roads and bridges, is a crucial step. It will help restore the economic vitality of our country.

I am also pleased the legislation includes emergency community development block grant funding. Right now, HUD has no funding available. They cannot address the housing needs of Vermonters affected both by Hurricane Irene and the flooding of this past spring. These disaster recovery programs are woefully underfunded.

I cannot think of the number of hours that I and other members of the Appropriations Committee have worked on this, the evenings, the phone calls, the weekends, touching base, but it is all worth it. If this bill will now be accepted by the other body, we can go forward and we can start doing the rebuilding we need.

Vermont is a very special place, not just because it is my home but because of the spirit of its people. This is a State that has always supported help for other States and Americans all over the country facing similar disasters. We need that help now, and this bill is a major step forward for that help. I thank everybody involved with it. Now all we have to do is get it through the other body, get it on the President's desk, and continue the recovery work we are doing both in Vermont and other States damaged by Irene.

As we talk about the money, I will not resist the temptation to repeat what a Vermonter told me. I have said it before on the Senate floor. We spend unlimited sums to rebuild buildings and roads and bridges in Iraq and Afghanistan and somebody else comes along and blows them up. We build them in America for Americans by Americans and we Americans will keep them safe.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is in a period of morning business.

The Senator from Florida.

ELECTION LAW

Mr. NELSON of Florida. Mr. President, I wish to inform the Senate of something that has just happened to a civics teacher in my State of Florida who tried to help her students register to vote. It was nothing new for this teacher, Jill Cicciarelli, to be prepping 17-year-old students for the privilege and responsibility of voting in a democracy. She has been doing this for a number of years. But it turned out that when Jill organized a drive at the start of the school year to get students preregistered to vote, she ran afoul of Florida's new election law.

How could that be? But, sure enough, the law, which is basically an attempt at voter suppression, causes her to face hefty fines. For what? For helping students to register to vote. As ridiculous as that sounds, that is what the law says.

But there is more, unfortunately. There is a lot more. I met with Jill Cicciarelli and her students last week. They are extremely concerned, and they are extremely surprised that a good government attempt to register students so they will be ready to vote in the next election has run afoul of the law. They were not happy; but, interestingly, neither was their elected Supervisor of Elections in Volusia County who, under the law, was required to report the teacher and the students to the State authorities.

The Supervisor of Elections, Ann McFall, has now publicly, openly criticized the parts of the law as being egregious and unenforceable. She has done that speaking out, she has done it in an op-ed and in the local newspaper. She has been unambiguous in her criticism that not only is it egregious in the substance of the law, but that the burdens they place on the Supervisors of Elections are unenforceable.

I have written to Governor Scott. I have talked to him personally, asking him to support the revamping or the repeal of this law. I have also just asked the Senate Judiciary Committee to conduct a congressional investigation to see if Florida's law was part of an orchestrated effort that resulted in voting law changes in 14 States thus far this year. These new voting laws could make it significantly harder for more than 5 million eligible voters in many States to cast their ballots in next year's election in 2012, and that is according to the Brennan Center for Justice at New York University School of Law.

Last month they completed the first comprehensive study of the impact of those State laws. The Florida law is probably the strongest of all the 14 States. It requires third parties who sign up new voters to register with the State first and then to submit applications from the new voters for registration within 48 hours. For almost four decades, the Florida law has been that they had 10 days in which to submit the names—for four decades. Now it is within 48 hours.

Can anybody say with a straight face that Florida isn't taking a step backwards in making it harder to vote and harder to register to vote and harder to have a person's vote count as they intended, especially a step backwards when it involves protecting one of our most fundamental rights, the right to vote?

I hope people are going to start to realize that this is not just happening in Florida, but that a number of States have passed laws that are going to make it harder to vote and harder for people to cast their ballots. We simply should not sit back and watch as a handful of lawmakers and Governors approving this legislation in those States continue to block the path of voters to the polls.

When we think back in history, when Lyndon Johnson was President there were poll taxes and literacy tests aimed at blocking African Americans from voting. President Johnson went on TV and spoke to the Nation about passing civil rights laws for African Americans, including the right to vote. He told us: ''We are going to give them that right.'' If he were alive today, I wonder what he would think as he watched these legislatures across the country—in what the Miami Herald recently called a disturbing trend—pass laws that place unnecessary hurdles between the voting booth and minorities, young voters and seniors.

In Florida, the so-called election reform law rapidly made its way as a legislative bill into law this past spring despite public outcry as the legislature was considering it. Here is what the law does: It reduces the number of early voting days from 14 to 8. Of course, it was explained in the guides that the Supervisors of Elections can increase the voting hours on those days. But when they do that, they have to pay overtime, time and a half. Look at the budgets of all the States and the counties. They are in distress. So they are not going to have the money to do it. So, in effect, it is reduced from 14 days for early voting to 8 days.

Why was early voting ever instituted in the first place? Remember the debacle we had in the Presidential election in Florida in the year 2000? As a result, there was an effort to increase the number of days so it would make it a convenience and make it easier to vote—14 days constricted to 8.

Oh, by the way, the 14 days goes all the way up through the Sunday before the Tuesday election. The new election law in Florida stops it on the Saturday before the Tuesday election. Well, guess who that is going to hurt? What group do we think goes in record numbers to vote after church on Sunday, the day before the Tuesday election?

The election laws were set up to make it easier to vote for seniors and for many others, so much so that it was such a tremendous success in the last several elections that 40 percent of all the people voted before Election Day. One can imagine the administrative help it was, that only 60 percent of the people voted on Election Day. But that is constricted under the theory that it was going to stop election fraud.

By the way, there has been very little election law fraud reported in Florida and in other States.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. NELSON of Florida. I ask unanimous consent for an additional 5 minutes.

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

Mr. NELSON of Florida. So that is a false argument, that it is going to cause any improvement on voter fraud. There is hardly any voter fraud.

That is one thing the new election law does. What is another thing? It makes it harder if a person moves their residence to another county in Florida. As a matter of fact, if a person moves to another county and they do not register to vote in that county, but they have a voter identification card that shows an address in another county in Florida where the person came from, that person will not get a regular ballot. That person will get a provisional ballot. Sadly, what we know from the experience of provisional ballots in Florida in the 2008 Presidential election is that half of the provisional ballots were not counted.

Well, what group is that going to affect? Did my colleagues hear about how young people and college students got so interested in government and politics that they went to the polls in record numbers? Where did they vote? A lot of them got interested while they were away at their colleges and universities and they registered to vote and they voted in record numbers. Don't we want to encourage that? No. Not this election law. This election law says when that college student shows up because they have suddenly gotten energized, and they have not registered to vote in that county where they go to school, when they pull out their voter registration card that has their parents' address back home in another county, they are not going to get a regular ballot. They are going to get a provisional ballot.

Is this the kind of nonsense we want going on? It is happening in front of our eyes, and it is happening in the State of Florida.

Let me tell my colleagues what else it does. It subjects voter registration drives to redtape and even fines up to $1,000 per person, so much so that the League of Women Voters was forced to abandon its registration drives after doing it in our State for 72 years. What does the law do? It says: If you are going to register somebody to vote, you first have to register with the State of Florida that you are going to be a third party registrar, and when you register those names you have to turn them in to the supervisor's office within 48 hours.

Why, for four decades has the law been that you had 10 days to turn them in? If you don't get it in by the 48th hour and 1 minute, you are now subject to fines of $50 per registration, up to $1,000 that you could be fined, thus the case of the teacher at New Smyrna Beach High School, Jill Cicciarelli, who had preregistered her students and had held the registrations for more than 48 hours. Of course, Jill did not even know about the law.

Listen to what the Orlando Sentinel said about it. This is about the new election law:

> It amounts to . . . ripping apart election laws and weakening democracy.

Listen to what the Tampa Tribune said:

> This bill isn't fooling anybody. It's not about clean elections.

Listen to what Florida Today, a Gannett newspaper, said. It called the law an ''assault on the most cherished of American rights.''

I see you are calling my time. I ask unanimous consent for an additional 2 minutes.

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

Mr. NELSON of Florida. Mr. President, no State should have the right to make a law if it abridges people's basic rights. I have requested the Department of Justice to look into that. I requested this several months ago. At this moment, I cannot tell you to what degree the Department of Justice is questioning this. They have been engaged in a lawsuit, because the State of Florida has sued them. The State of Florida is suing them to invalidate the entire Voting Rights Act of 1964, if you can believe that.

Look back in history. After being arrested for casting an illegal vote in the Presidential election in 1872, Susan B. Anthony, a schoolteacher, called it a downright mockery to talk to women of their enjoyment of the blessings of liberty while they were being denied the use of the only means of securing that, and that is the ballot. That is what Florida's new election law and others like it around the Nation are, a downright mockery. Dr. King warned Americans that all types of conniving methods can be used to keep people from being registered voters. That is what these new so-called election reform laws amount to, democracy turned upside down. I hope the Senate will look at this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

SPECIAL JOINT COMMITTEE

Mr. CARDIN. Mr. President, later this month, the special joint committee will be issuing its recommendations. The special joint committee was set up for us to get recommendations on dealing with our economic problems and our budget deficit. I wanted to share with my colleagues two points I think are critically important that I hope will come out of this special joint committee.

First, I hope this joint committee will provide a way that we can advance an agenda that will create jobs in our communities. Secondly, I hope this special joint committee will come forward with a comprehensive and balanced approach for us to deal with our current unsustainable budget deficits.

Let me talk about the first issue, creating jobs. President Obama came forward with a job initiative that I do believe is entitled to debate on the floor of this body and, I would hope, passage. President Obama brought forward a bill that deals with rebuilding America so we can have the types of roads and bridges and water infrastructure and energy infrastructure that allow America to compete, at the same time creating jobs.

He has offered proposals that would help small businesses, because we know the small businesses represent the economic engine of America. Where more jobs will be created, more innovation occurs. He understands that and is encouraging us to do more to help small businesses.

The President's proposal deals with our men and women in the military service who are coming back from Iraq, coming back from Afghanistan, to have jobs available. Yesterday I was at BWI Airport as our soldiers came back from Iraq and Afghanistan. They want jobs. The President's initiative says, look, let's make sure we have jobs for our returning soldiers. All that means is we are going to create more jobs.

The joint committee needs to make sure that in its recommendations we have the wherewithal to move this Nation forward by creating jobs. The President's proposal has been evaluated by independent economists. Mark Zandi, who was Senator MCCAIN's economic adviser in his Presidential campaign, points out the President's proposal would increase our gross domestic product by 2 percent and create 1.9 million additional jobs.

The President's proposal is completely paid for. It adds nothing to the deficit. I must tell you, if we are going to be able to balance our budget, if we are going to be able to get our budget in better shape, we have to have more jobs, less people using governmental services, more people paying revenues or taxes into our system. The more people who are working, the better our budgets will come into balance.

I know some here are saying there is a better way of doing it. Well, come forward with a better way of doing it. I would challenge particularly my Republican colleagues, if you have a better way, come forward with a proposal that includes at least 1.9 million jobs and does it without adding to the budget deficit. That is the proposal we have before us.

I am asking the joint committee to make sure they provide in their recommendations a way that we can create jobs so we can deal with our budget deficit.

The second point I want to make is I would hope that the joint committee's recommendations would be comprehensive and balanced. Some call that the shared sacrifice.

I know these numbers can sort of be used any way you want, but the groups that have looked at this, the Simpson-Bowles group and others, say, we need to reduce the deficit over the next 10 years by about $4 trillion. I think that is a number we should meet. I hope the joint committee can come in with $4 trillion of deficit reduction over the next 10 years. We have already done the first trillion. We did that when we raised the debt limit in August. Now we need to look at another $3 trillion. I would hope they would do it.

It starts with a realistic baseline. What does that mean? It means what numbers are we using in order to determine whether we actually get to that $4 trillion of deficit reduction? What baseline do we use in order to determine the revenue base from which we start these discussions?

I would suggest we make a realistic baseline. I was impressed with the work of the Simpson-Bowles commission. I was impressed by the work of our colleagues in the Senate, the so-called Gang of Six, and I must tell you the overwhelming majority of my colleagues in the Senate have at least agreed to the basis of what the Gang of Six was working with, what they were trying to do. It uses a realistic baseline. It assumes that some of the tax provisions will be extended, but not all.

It also assumes we have to bring in additional revenues beyond that. Quite frankly, the number we have been talking about is that we need about $1.2 trillion outside of this $4 trillion package in realistic revenues using a realistic baseline. And that can be gotten. That is not so difficult to get when you realize that all of the tax deductions, exemptions, and credits equal as much revenue as we bring in in our Tax Code.

Another way to say that is, if we eliminate all of the exemptions, deductions, and credits, we get tax rates one-half of what our current tax rates are. What we are suggesting is that there are certain loopholes in the Tax Code that benefit special interest corporations. They need to be eliminated. They need to be eliminated. Everyone has to pay their fair share. We cannot just attack the middle-class families.

There was an article in the Baltimore Sun this past week which showed that during this recession the number of people earning more than $1 million has grown dramatically. There have been economic studies done showing that the wealthiest in America during these economic times have done very well. Their incomes have grown at a faster rate than other Americans, the middle-class families. The middle-class families are falling behind.

All we are suggesting is that when we look at how we get the revenue, let's make sure it is fair and we do not again penalize the middle-class families. Let's make sure those who earn over $1 million pay their fair share toward this comprehensive and balanced approach.

That is what we are asking the joint committee to come in with, come in with proposals that are fair, are balanced, make sure everybody pays their fair share, including those who have done extremely well during this economic recession, those who have made over $1 million of income.

I must tell you, everyone needs to be part of the equation. We understand that. We have to have the so-called shared sacrifice. I have taken the floor before to talk about our Federal employees. Everybody says, well, you know, the Federal employees have to help contribute to this deficit also. Our Federal employees understand that. They already have contributed. They were the first to do that with 2 years of pay freezes. We are asking them to do more with less people. We have cut their budgets and we have given them more work. And we have told them, 2 years with a pay freeze. So our Federal employees have already contributed to these deficit reduction numbers. They should not be picked on again. I believe we can come together. We need to have a comprehensive and balanced approach that allows America to create more jobs. That is what we need to do as a nation. If we come together, I am convinced it will instill confidence among the American consumers, among American investors, and our economy will take off. It is going to be good for everyone in this Nation. I hope this month we will see the joint committee come in with such recommendations that will be balanced, will be fair, and will allow us to create more jobs for Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

CRIMINAL JUSTICE REFORM

Mr. WEBB. Mr. President, 11 days ago, all but four of the Republicans in this body filibustered a commonsense piece of legislation that would have created a national commission designed to bring together some of the best minds in America to examine our broken and frequently dysfunctional criminal justice system and to make recommendations as to how we can make it more effective, more fair, and more cost-efficient.

This legislation was the product of more than 4 years of effort. It was paid for. It would have gone out of business after 18 months. It was balanced philosophically. It guaranteed equal representation among Democrats and Republicans in its membership. It was endorsed by 70 organizations from across the country and from across the philosophical spectrum—from the National Sheriffs' Association, the Fraternal Order of Police, the International Association of Chiefs of Police, to the ACLU, the U.S. Conference of Mayors, and the Sentencing Project.

I must say that at first I was stunned by this filibuster at the hands of 43 Republicans. But on the other hand, it is impossible not to notice over the past 2 years the lamentable decline in bipartisan behavior in this body, even in addressing serious issues of actual governance. I say this with a great deal of regret, both personally and politically.

I think I can fairly say there is no one in this Chamber who has tried harder to work across party lines. In fact, one of my Republican friends joked not long ago that I was the only ''nonpolitical'' Member of the Senate. I spent 4 years in the Reagan administration as an Assistant Secretary of Defense and Secretary of the Navy. I am proud of that. I consciously sought out Senators John Warner and Chuck Hagel as two of my three principal cosponsors when I introduced the post-9/11 GI bill.

I voted with the Republicans 17 times during the health care debate. I was the only Member of Congress in either party or in either House to send a letter to President Obama, when he claimed he would come back from the climate change summit in Copenhagen with a politically binding agreement, stating my belief the President did not have the constitutional authority to bind the American people to an international agreement without the approval of the Congress. I have taken issue with this administration with respect to closing down our facilities at Guantanamo. I have consistently opposed any tax increases on ordinary earned income.

I took that same bipartisan approach when I introduced the criminal justice commission bill in 2009, obtaining the cosponsorship of a number of Republicans, including Senators LINDSEY GRAHAM and ORRIN HATCH, both of whom serve on the Judiciary Committee. The filibuster of a commonsense measure that might assist this Nation in resolving the national disgrace that now comprises our criminal justice system is a sad metaphor for the obstructionism that is too frequently replacing commonsense leadership in our national debate.

We spent more than 4 years reaching out to all sides of the philosophical spectrum. We worked with liberals, we worked with conservatives, we worked with law enforcement, we sought the views of many Republicans, and we also worked in close coordination with the other body. Toward that end, it is interesting to note that in the last Congress, the House of Representatives approved the same legislation by a voice vote. It was not even considered controversial. In fact, Congressman LAMAR SMITH, a Republican, now the chairman of the House Judiciary Committee, was a cosponsor of the legislation.

But let us speak frankly. In the aftermath of the 2010 elections and in anticipation of the 2012 Presidential election, the mood in this historic body has frequently become nothing short of toxic. In that environment, even this carefully developed and much needed legislation is suddenly considered controversial and not only controversial, it was also alleged to be unconstitutional.

Just before the vote, Senator COBURN of Oklahoma said: ''We're absolutely ignoring the U.S. Constitution if you do this.''

Senator HUTCHISON from Texas said: ''This is the most massive encroachment on States rights I have seen in this body.''

With all due respect, I am pretty comfortable with the legal education I received at Georgetown University Law Center. I care about the Constitution. I keep a copy of the Constitution on my desk, and I refer to it frequently. I think I have a pretty good idea of what is in it and what is not and there is nothing in the Constitution that precludes the Congress from asking some of the best minds in America to come together and to give us advice and recommendations on the entire gamut of challenges that face our criminal justice system. Certain Senators may not like that idea. That is their prerogative. They may not even want to hear the advice. They may not even want to believe there is a problem in our criminal justice system. But to claim the Constitution precludes this process is nothing short of absurd.

In fact, our national leadership has received such advice before, most notably in 1965, during the Johnson administration, which is the last time we have had a comprehensive examination of our criminal justice system.

I am not alone in this judgment. Over the past 11 days, there have been a number of editorials and articles pointing out the unfortunate nature of this filibuster: Sunday, masthead editorial, New York Times; Sunday, masthead editorial, Washington Post; a very observant article in the Politico the day of the vote; editorial, Newsday. The lead editorial in the Virginian-Pilot in my home State reads: ''Senate Negligence on Crime Reform.'' Very interestingly, an article in the National Review—one of the most conservative magazines in the United States—is titled: ''An Absolute Scandal.'' The first sentence of that article reads: ''The insane refusal of 43 Senate Republicans to back the National Criminal Justice Act.''

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks all these articles I have referred to.

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

(See exhibit 1.)

Mr. WEBB. Mr. President, for nearly 2 years, our legislative process has too often become sidetracked by what can only be termed an ''indiscriminate obstructionism.'' A lot of good ideas have fallen by the wayside, having become hostages in the larger debate about who should comprise our national leadership and how we should solve long-term problems, such as our fiscal crisis. This larger debate has affected the willingness of many in the other party to come together and address a number of serious issues of governance that should be resolved no matter who is President and no matter how we end up addressing the economy. I would ask my friends on the other side of the aisle to think hard about the overwhelming frustration across our country with the persistent failure of the Congress to address these kinds of issues.

Nowhere is the need to think creatively for the good of the country more clear than where it affects our dysfunctional criminal justice system, the challenges of which threaten the safety and the well-being of every single community and every single American. This system will not be fixed by sticking our heads in the sand and pretending not to see its failings. It will only be fixed by bringing together the good minds of those who have dedicated years of thought and action to finding answers. That is what we have been trying to do. Unfortunately, that is what we were stopped from doing by this filibuster.

People in this country are looking for leadership, and obstructionism is not leadership. We will continue to pursue this effort, and I would ask my Republican colleagues to join the unanimous position of the Democratic Party as we do.

EXHIBIT 1

[From The New York Times, Oct. 30, 2011]

EDITORIAL: FALLING CRIME, TEEMING PRISONS

Senator Jim Webb, Democrat of Virginia, has a smart proposal to create a bipartisan commission to review the nation's troubled criminal justice system and offer recommendations for reform. The National Criminal Justice Commission Act would be a valuable first step toward reducing crime as well as punishment. Unfortunately, Senate Republicans derailed the bill recently, with some falsely claiming that it would encroach on state's rights.

As a means of controlling crime, America's prisons are notoriously inefficient and only minimally effective, often creating hardened criminals out of first-time offenders. The United States has 5 percent of the world's population, yet 25 percent of the world's prisoners. In the past generation, the imprisonment rate per capita in this country has multiplied by five. There are 2.3 million Americans in prisons and jails. Spending on prisons has reached $77 billion a year.

While crime has gone down notably, just 10 to 25 percent of the decline can be credited to the increase in imprisonment. The rest is from the waning of the crack epidemic, the aging of the baby boomers and other factors.

Even as the prison population has grown, less than half of the inmates are serving time for violent crimes. Far too often, prison has become a warehouse for people with drug or alcohol addiction. More than half of the population has some form of mental illness. Without proper addiction and psychiatric treatment, many end up back in prison soon after their release.

The incarceration rate has had a devastating effect on minority communities. African-Americans, who make up one-eighth of the population, now make up about 40 percent of those in prison. African-American

men have a one-in-three chance of spending a year or more in prison. The trend affects whole communities, depressing earnings and increasing recidivism.

There are, however, ways to end this cycle of incarceration. This could be done by reducing sentences for nonviolent offenses, ending mandatory minimum sentences and cleaning up drug markets nationally. Reasonable senators should support the bipartisan commission that Senator Webb is calling for, which would cost only $5 million and could help bring about compelling reforms.

[From The Washington Post, Oct. 30, 2011]

EDITORIAL: SHAKY ARGUMENTS BLOCK FEDERAL COMMISSION ON CRIME

The United States remains the world's leading jailer, with more than 2 million individuals locked up. The annual price tag is $50 billion.

Who are the individuals behind bars? What crimes were they convicted of and what penalties did they receive? What relationship is there between the rate of incarceration and the drop in violent crime? Are there more effective and inexpensive ways to deal with lawbreakers?

These and other questions would be tackled by a bipartisan commission proposed by Sen. James Webb (D-Va.). Republican and Democratic leaders would pick the 14 members of the National Criminal Justice Commission, including experts on law enforcement, prison administration, mental health and drug abuse. The commission, supported by the Fraternal Order of Police and the International Association of Police Chiefs, would have a budget of $5 million and would issue a report after 18 months,,This approach is long overdue: The last comprehensive review of criminal justice was conducted roughly 45 years ago during the Johnson administration.

Yet Mr. Webb's efforts were dealt a blow last week when Republicans in the Senate blocked consideration of the measure.

Sen. Kay Bailey Hutchison (R-Tex.) criticized the proposal for stomping on states' rights. Sen. Tom Coburn (R-Okla.) deemed it unconstitutional. The National District Attorneys Association, which opposes the measure, wrote that the ''federal government should never be in the business of auditing state and local criminal justice systems.''

These criticisms fall flat. The panel would only study the policies of local, state and national law enforcement entities and make recommendations about best practices. It would have no power to issue mandates. The federal government, which distributes federal dollars as incentives for states and localities to adopt best practices, has a legitimate need to know which policies work.

Some critics question whether a commission appointed by politicians will issue fair recommendations; a nonpartisan academic group may be better-suited for the task. Critics also worry that 18 months—the length of time the Johnson commission was up and running—is not enough time. These are points that should be addressed, but they are not valid arguments against conducting a review.

[From Politico, Oct. 20, 2011]

REPUBLICANS BLOCK JUSTICE REVIEW PROPOSAL IN SENATE

(By David Rogers)

Invoking ''states rights'' and the Constitution, Senate Republicans Thursday torpedoed an ambitious plan to create a national blue ribbon bipartisan commission to do a top-to-bottom review of the U.S. criminal justice system and report back potential reforms in 18 months.

The 57–43 roll call—three short of the 60 supermajority needed—dramatized again how politically divided the chamber has become.

Almost identical legislation cleared the House in the last Congress on a simple voice vote with Republican backing and had been approved with bipartisan support in the Senate Judiciary Committee last year as well.

Given endorsements from the American Bar Association and many police and sheriffs organizations, proponents had hoped to clear the 60 vote supermajority required in the Senate. But under a barrage of last-minute attacks, Republican support wilted. And the chief sponsor, Sen. Jim Webb (D-Va.), found himself deserted by even his long time associate and fellow Vietnam veteran, Sen. John McCain (R-Ariz.).

''We're not done,'' Webb told Politico. ''There were very specific answers to everything that was raised there. There is no states rights issue in convening the best minds in America to give you advice and observations about the overall criminal justice system.''

''I thought he was voting with us,'' Webb said of McCain. The Arizona Republican argued in a separate hallway interview that the state-rights complaint was valid and also took issue with how the 14-member commission, seven Republicans and seven Democrats, would be chosen.

Indeed, Republicans argued that the White House would have too much influence, effectively creating a 9–7 majority for the administration. But Webb said the specific language that one set of commission seats be chosen ''in agreement'' with the White House had been the exact phrasing chosen by the GOP. And Republicans are specifically promised control over one of the two co-chairs.

Sen. Kay Bailey Hutchison (R-Texas) took the lead in the GOP's attacks, describing the commission as ''an overreach of gigantic proportions'' and ''not a priority in these tight budget times.''

''We're absolutely ignoring the U.S. Constitution if you do this,'' said Sen. Tom Coburn (R-Okla.) in closing. ''We have no role unless we're violating human rights or the U.S. Constitution to involve ourselves in the criminal court system or penal system in my state or any other state . . . I would urge a no vote against this and honor our Constitution.''

The scene was in sharp contrast with events before the 2010 mid-term elections.

In July that same year, nearly identical legislation sailed through the House with the backing of Hutchison's fellow Texan, Rep. Lamar Smith—now chairman of the House Judiciary Committee. Support was so strong that the bill was called up under expedited proceedings and passed without any member even demanding a recorded vote.

By contrast, just four Senate Republicans backed Webb Thursday: Sens. Lindsey Graham of South Carolina, Orrin Hatch of Utah, Olympia Snowe of Maine and Scott Brown of Massachusetts.

Hatch is a former Senate Judiciary Committee chairman. And Graham, a close friend of McCain, is prominent as well on the committee which reported a similar version of the bill in January last year—also before the 2010 elections.

Individual Republican senators said they had come under pressure from local district attorneys and judges in drug courts to oppose Webb. But the Democrat countered that he had strong support from the drug court judiciary and the model for his proposal was the influential presidential commission on crime and the judicial system in the mid 1960's led by then-Attorney General Nicholas Katzenbach.

Webb said that 40 years later it is reasonable to have a second review, especially given the high incarceration rate in the U.S. at a time of relatively low crime rates.

''Our criminal justice system is broken in many areas,'' he told the Senate in his own floor comments. ''We need a national commission to look at the criminal justice system from point of apprehension through reentry into society of people who have been incarcerated.''

[From Newsday, Oct. 24, 2011]

KEELER: JUSTICE SYSTEM NEEDS TO BE STUDIED

(By Bob Keeler)

If we're ever going to get a handle on why we lock up so many Americans and find out if we're paying too much for too little benefit, this is the time. The cut-the-deficit chorus in Washington seems to have made even the law-and-order hawks have second thoughts about prison costs.

But last week, a perfectly sensible proposal for a broad examination of the nation's criminal justice system died in the Senate. Sponsored by Sen. Jim Webb (D–Va.), it would have done nothing more radical than create a blue-ribbon commission to spend 18 months looking into the system, then recommend reforms. The United States has a far higher per capita rate of prisoners than the world average. If we're locking up people for too long, or for the wrong reasons, and if we can save billions of dollars without increasing crime, it's an idea whose time has come.

In fact, Webb's bill enjoys broad support among law enforcement groups, such as the International Association of Chiefs of Police and the National Sheriffs' Association. In 2010, the House of Representatives passed it. And last week, Webb tried to get it adopted in the Senate as an amendment to an appropriations measure.

It got 57 votes, including four Republicans—not enough to get past the 60-vote filibuster barrier. The 43 nay votes all came from Republicans. And Webb was mightily miffed.

''Their inflammatory arguments defy reasonable explanation and were contradicted by the plain language of our legislation,'' Webb said in a statement after the vote. ''To suggest, for example, that the nonbinding recommendations of a bipartisan commission threaten the Constitution is absurd.''

Webb's strong words should come as no surprise. He's a fighter, like the Scots-Irish forebears he celebrated in a book called ''Born Fighting: How the Scots-Irish Shaped America.''

He's a graduate of the U.S. Naval Academy and a Marine Corps veteran of Vietnam, where he earned the Navy Cross, the Silver Star, two Bronze Stars and two Purple Hearts. Later, he served as Navy secretary under President Ronald Reagan. He's a prolific author, including a novel of Vietnam,''Fields of Fire.''

So Webb is tough—not the soft liberal often associated with prison reform. His passion for it goes back decades. In the military, he served on courts-martial. Later, as an attorney, he defended pro bono a young ex-Marine convicted of murder in Vietnam. In 1984, for Parade Magazine, he went to Japan to write about its justice system. ''Since then,'' he wrote in 2009 in Parade, ''Japan's prison population has not quite doubled to 71,000, while ours has quadrupled to 2.3 million. The UnitedStates has by far the world's highest incarceration rate. With 5% of the world's population, our country now houses nearly 25% of the world's reported prisoners.''

He argues that we're locking up people who don't have to be in prison—like nonviolent drug offenders—but not doing enough to protect the public from violent gangs and drug cartels.

Over the years, I've spent a lot of time in prison, as a reporter—starting with the Attica uprising in 1971 and including a prison guard strike in 1979—and as a visitor. I've interviewed inmates who make me glad there are stout bars and high walls between them and society. And I've known sad-sacks, whose incarceration protects no one and helps no one.

Crime is a long-term problem, but short-term legislators try to solve it with fixes that don't work, but do add unnecessarily to the prison population. Now it's time to undo some of the damage they've done.

Webb isn't running for re-election in 2012. That gives him 14-plus months to get this bill through the Senate. I'm betting he keeps fighting, as he should.

[From The Virginia-Pilot, Oct. 22, 2011]

EDITORIAL: SENATE NEGLIGENCE ON CRIME REFORM

To get an idea of how disconnected from reality, and how utterly dysfunctional, Congress has become, look no further than the fate this week of Sen. Jim Webb's proposal for a blue-ribbon commission to examine the nation's criminal justice system.

The proposal had bipartisan support among legislators and special-interest groups ranging from the American Civil Liberties Union to the Fraternal Order of Police.

It promised to have two co-chairs—one Republican, one Democrat—and a 14-member panel evenly represented by both parties.

It restricted itself to completing its task—a top-to-bottom review of strengths and weaknesses in the federal, state and local criminal justice systems, with an aim to identify ways to become fairer, more efficient and more cost-effective—within just 18 months.

And it was designed to carry out all of its work—convening hearings, calling experts, analyzing data, issuing reports—on a budget of $5 million.

Last year, the legislation rolled through the House with virtually no opposition. But this week, Webb's proposal was shelved after a few Republicans dropped their support.

Excuses varied, but Texas Sen. Kay Bailey Hutchison managed to articulate her opposition in a way that underscored the kind of myopia that has rendered Congress, and particularly the Senate, a counterproductive force in American government.

She described the legislation, according to Politico, as ''not a priority in these tight budget times,'' a tenuous claim if there ever were one. Even in tough times, spending what amounts to less than a drop in the bucket (the Department of Justice alone spends more than $28 billion) as a means to save far more should be viewed as a financially and morally prudent move.

Oklahoma Sen. Tom Coburn offered his own reason: Such a commission would violate states' rights and the Constitution. The claim is nonsense, given that the commission's intent is to offer recommendations, not binding directives.

But those spurious arguments were sufficient to sway enough Republican senators to disown the notion of improving a system that, as Webb has repeatedly noted, puts four times as many mentally ill Americans into prisons as into mental health institutions.

The system accounts for 25 percent of the world's prison population, even though the United States is home to just 5 percent of the people. It has funneled more than $1 trillion into a war on drugs that has ruined countless lives, resulted in thousands of deaths and sent inmate populations soaring.

Perhaps the most revealing commentary on Webb's proposal—and on the nation's criminal justice system and America's readiness to change it—was delivered this week.

It originated far from the halls of Congress. It came in the form of a poll, conducted by Gallup, that showed that for the first time in modern U.S. history, half of Americans favored the legalization of marijuana, a drug that has created millions of criminals in America and cost untold billions of dollars.

[From National Review Online, Oct. 21, 2011]

AN ABSOLUTE SCANDAL

(By Reihan Salam)

The insane refusal of 43 Senate Republicans to back the National Criminal justice Commission Act. Even Sen. Tom Coburn of Oklahoma, easily one of my favorite legislators, covered himself in non-glory on this one by suggesting that the commission might be unconstitutional, despite the fact that all it established was a bipartisan panel empowered to make nonbinding recommendations.

There were, however, four Senate Republicans who backed the proposal: Sens. Lindsey Graham of South Carolina, Orrin G. Hatch of Utah, Olympia Snowe of Maine and Scott Brown of Massachusetts.

Why do we need a commission? Senator Webb, the sponsor of the proposal, offered a fact sheet recounting the scale of the problem:

The United States has by far the world's highest incarceration rate. With five per cent of the world's population, our country now houses twenty-five percent of the world's reported prisoners. More than 2.3 million Americans are now in prison, and another 5million remain on probation or parole.

Our prison population has skyrocketed over the past two decades as we have incarcerated more people for non-violent crimes and acts driven by mental illness or drug dependence.

The costs to our federal, state, and local governments of keeping repeat offenders in the criminal justice system continue to grow during a time of increasingly tight budgets.

Existing practices too often incarcerate people who do not belong in prison, taking resources away from locking up high-risk, violent offenders who are a threat to our communities.

2.3 million + 5 million = 7.3 million. Roughly 24 percent of the 310 million U.S. residents are under the age of 18, leaving us with roughly 235.6 million adults. So that means that 3.1 percent of adults are behind bars, on probation, or on parole right now. There are, of course, millions of ex-offenders.

This population is disproportionately male and disproportionately black, which means that the impact of mass incarceration is particularly significant for African American children. Basically, doing a bid limits your ability to acquire the kind of skills you need to climb the jobs ladder, in part because employers are (understandably) reluctant to hire ex-offenders.

If we're even incarcerating five percent of these individuals needlessly, we're causing a massive amount of damage. Why? Apart from the collateral damage on families and children, we might actually make the crime problem worse. The more we incarcerate people, the less severe the stigma associated with being incarcerated. And reducing the stigma actually reduces the effectiveness of incarceration as a deterrent.

Having grown up in central Brooklyn during the crack epidemic, I have some familiarity with fear of crime. Reducing crime should be an urgent priority, in my view. Even the so-called ''great American crime decline'' has left us with rates of violent crime radically higher than what we saw in the early 20th century, as William Stuntz observed in his last book:

New York is America's safest large city, the city that saw crime fall the most and the fastest during the 1990s and the early part of this decade. Yet New York's murder rate is 80 percent higher now than it was at the beginning of the twentieth century—notwithstanding an imprisonment rate four times higher now than then. That crime gap is misleadingly small; thanks to advances in emergency medicine, a large fraction of those early twentieth-century homicide victims would survive their wounds today. Taking account of medical advances, New York is probably not twice as violent as a century ago, but several times more violent At best, the crime drop must be counted a pyrrhic victory.

If locking people up in increasingly large numbers were really the most cost-effective way to keep our cities safe, I'd be all for it. Overwhelming evidence suggests that this is not in fact the case. The people who profit most from today's approach to mass incarceration are not potential crime victims. Rather, they are the workers—most of them unionized public sector workers—who staff our prisons.

So yes: why would we want to study more cost-effective alternatives to reducing crime when we can pour billions of dollars in taxpayer money into the hands of an industry that channels that money back into lobbying and political advertising on behalf of longer prison sentences, all to keep the gravy train going?

Mr. WEBB. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

Mr. SANDERS. Mr. President, I want to congratulate the members of the Senate who, by a very large vote today, passed the minibus legislation which, among many other important things, will provide $1.9 billion for the Department of Transportation's emergency relief fund. What that will do is help the Department deal with the backlog of disaster situations around the country that they previously were not able to deal with; and, from the perspective of the State of Vermont, it will help us deal with the devastation we experienced in terms of our roads and our bridges and our infrastructure as a result of Hurricane Irene.

In many communities around the State, we saw washouts, we saw bridges destroyed or damaged, and roads disappear. While Vermont is certainly prepared to do everything it can to come up with funds to help, there is no question but that the Federal Government needs to be there, as it has always been in the past when disaster strikes a community in America.

The name of our country is the United—U-N-I-T-E-D—States of America. What that means is if a disaster

hits Minnesota or California, the people of Vermont are there to help. That is what we do as a nation. And when disaster hits Vermont or New Jersey, people in other parts of the country are there.

We made good progress today. I want to congratulate Senator LEAHY and the other members of the Appropriations Committee for coming up with this funding. Now the ball goes to our colleagues in the House, and now is the time for the House to stand tall, to support what we have done here in the Senate, and make sure that communities all over this country get the emergency funding they need in transportation in order to rebuild their communities.

BANK OF AMERICA

Mr. SANDERS. I want to say a word on another interesting issue which took place today. You may have noticed that Bank of America has decided to withdraw its $5 fee for debit transfers. Let me tell you, the Bank of America, like the other banks that were going to go forward in imposing these fees, did not withdraw them because they were nice guys. They withdrew them because the American people said ''enough is enough'' in terms of the greed of Wall Street.

Let us never forget that it was the Bank of America and the other huge financial institutions on Wall Street that caused the recession we are in, resulting in millions of people losing their jobs, their homes, their life savings. Let us never forget that when Wall Street was on the verge of collapse, it was the American people and the Fed who bailed them out. And now that Wall Street and the large banks are making very handsome profits, paying their CEOs some of the largest compensation packages they have ever received, their thank you to the American people was to charge them a $5 a month debit fee.

But do you know what happened? The American people said thanks but no thanks. It wasn't the Senate that turned this around. It wasn't the House that turned this around. It was the American people. I applaud the people on the Occupying Wall Street campaign who focused attention on the greed of Wall Street, and the millions of other Americans who have said enough is enough.

The point here, which is a very profound point—which is ultimately what politics is all about—is that if the American people at the grassroots level begin to stand up and fight back, profound and positive changes can take place in this country. If the American people stand up and say: No, we are not going to cut Social Security, we are not going to cut Medicare, we are not going to cut Medicaid, or education, but we are going to move toward a balanced budget by asking the wealthiest people in this country, whose effective tax rate is the lowest in decades, to start paying their fair share of taxes, we can do that. We don't have to cut Social Security and Medicare and Medicaid.

If the American people say maybe we have got to end these outrageous tax loopholes that allow oil companies—which are making huge profits right now—in some years to pay nothing in Federal income taxes, we can end those loopholes as well.

If the American people say, well, maybe before we cut programs for the elderly, the sick, the children, and the poor, maybe we want to make sure those companies and individuals who stash their money in tax havens such as the Cayman Islands, where we lose $100 billion a year because of the tax havens—when we rally the American people and they stand up and say enough is enough, we can change that too.

So today I congratulate the American people. You did it. You took on the largest financial institution in the United States of America and you beat it. And that should be step one. We should go on from there. The American grassroots has to continue to speak out in the fight for social justice in this country.

I yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as Senator from Minnesota, I ask that the quorum call be vitiated.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30.

Thereupon, the Senate, at 3:35 p.m., recessed until 4:30 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask that morning business be extended for the next hour.

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

Mr. DURBIN. I ask consent to speak in morning business.

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

DEBIT AND CREDIT CARD FEES

Mr. DURBIN. Madam President, Bank of America made an announcement. They announced they were eliminating their proposed $5 monthly fee for the use of a debit card. We have kept track and I believe every bank across America has said we are abandoning this approach, and it is a good thing. It is an indication to me that consumers across America have a much larger voice in this process today than they did even a few weeks ago.

Consumers and customers of major banks paid close attention when many of these banks, such as Bank of America, said they were going to charge these customers $5 a month to have access to their own money in their checking account. I was asked at the time: What should we do? I said: Customers of these banks should vote with their feet. Start looking for another bank. Find a bank or a credit union that treats them in the manner they want to be treated—fairly and respectfully.

The message got out, and that message ended up creating a substantial move of customers from some banking institutions to others. Some reports suggest the activity on credit union Web sites is now up 800 percent. The people at community banks all across America have signs in front of their banks saying, for instance, the one in Georgia: We agree debit cards should be free.

What we have at work is two very fundamental principles of our economy, the free market economy—transparency so people know what they are being charged, and competition so they have a choice. I think those are the two pillars of a successful free market economy. Now the banking industry, in many respects, is being introduced to it. I think this is a healthy thing.

Prior to October 28, several large banks had announced they would begin charging monthly debit fees on many of their customers' accounts, Bank of America, $5; Wells Fargo, $3; Chase, $4; SunTrust of Atlanta, $5; Regions Financial of Birmingham, AL, $4. Numerous other large banks had made it clear they would not charge the monthly fees, including: U.S. Bancorp, Citigroup, PNC, KeyCorp, USAA, and more.

In response to consumer reaction to their fee announcements, on Friday October 28 Wells Fargo and Chase announced they were abandoning their plans to charge these fees.

On Monday, October 31, SunTrust and Regions Financial announced they would also abandon their fee plans.

Today, Bank of America announced it too would abandon its monthly fee plans.

Warren Buffett—a man I have come to know and respect—is an investor in some of these large banks, and he was asked over lunch recently to react to the Bank of America $5 monthly fee. He lifted his glass of Coca-Cola and said it was like New Coke. It told the story that sometimes large companies lose touch with their consumers and their customers and make bad decisions.

The question is, What will come of this next? I think we ought to ask ourselves: What have we learned from this experience over the last several weeks

and what do we hope it leads to? Certainly, we want more transparency, competition, and choice, but in order for that to happen, we need more disclosures so the average customer of a bank knows what they are getting into.

Have any of us taken the time to read the back of that monthly credit card statement? As a lawyer, I can tell you that if you asked for the entire statement concerning fees at banks, it is over 100 pages. It is almost impossible to decipher. We have to get down to the basics, where we understand our relationship with these financial institutions so we can choose those that serve our needs or the needs of our businesses. That is why the Pew Charitable Trusts came up with a valuable suggestion. They have a one-page disclosure form that lists the basic fees banks charge. What they are suggesting is every bank should adopt this just as we have a basic box on the back of food products with ingredients we can turn to. It shows how many calories, how much sodium, how many carbohydrates. We could have a basic disclosure on every bank's Web site so America can go shopping. Competition, free market. I think that is a healthy thing.

The second thing we need to follow on is the discovery that there are such things as swipe fees. We suspected it, but we didn't know what was going on when we handed over a piece of plastic at a restaurant or grocery store to buy something. It turns out every time that is swiped, the retailer, the restaurant or the business, is charged. How much are they charged? A variety of different amounts. Frankly, that grocery store, that bookstore has no ability to negotiate that fee. It is a ''take it or leave it'' situation. You want plastic from Visa or MasterCard, then you go ahead and pay this fee or else. That has changed, and the world has changed with it.

When the Federal Reserve got the new authority October 1 to put in place a reasonable swipe fee for debit cards at about 21 cents a transaction, things started changing. There is a lot of money at stake. If we add up all the money collected at banks across America for swipe fees, for debit and credit cards, it is about $50 billion a year. It is a huge amount. We all pay it. We pay on the bottom line at the restaurant or grocery store or wherever we shopping if we use plastic.

Now there is a 21-cent ceiling established by the Federal Reserve on the debit card fees that Visa and MasterCard set on behalf of large banks, and that is what caused all the reaction by the banks, saying they were going to charge their customers even more because of it.

We need even more disclosure. For the largest banks in America, the top 1 percent of banks, if we go to an ATM machine today and put in our card, at some point they will usually notify us what the ATM fee is and we can accept it or not accept it. I think that same kind of disclosure should be made on swipe fees. On the monthly credit card statements across America, we should see in parentheses next to purchases how much was paid by that retailer to the credit card company and the card-issuing bank. I think it will be a surprise to many people as to how much they are paying every time they use plastic. I should say how much retailers are paying and then charging customers in higher prices because of swipe fees when they use plastic. That is more information. That is more transparency. That allows us to understand the relationship that, to this point, has been hidden in secret. I think that is an important thing.

I have also been talking to Senator REED of Rhode Island. He has some thoughts on interesting legislation he and I are working on concerning the actual cost of credit card fee transactions to the banks and to the credit card companies so we will have a better understanding in that category as well.

What we are saying is something significant has happened over the last several weeks. I hope it is the beginning of a trend. One way to make sure this trend continues to the benefit of consumers and families and small businesses all across America is to make sure Richard Cordray is appointed as the head of the Consumer Financial Protection Bureau. This, to me, is an agency which can continue this battle on behalf of consumers. It is literally the only consumer financial protection agency in the Federal Government.

Many on the other side of the aisle don't like it. They don't believe in strong government oversight of these financial institutions on Wall Street. I disagree. I think Americans deserve to be given the basic information about their financial transactions so, with that information, they can make their own decisions. I am not saying government should steer them one way or the other, but at least give us the basic information. Let me decide the best bank for my family. Let me decide the best credit card or debit card for my family or my business. That is all we can ask.

Finally, let me say this: This establishment of a debit card swipe fee limit is a breakthrough for many retailers. When I talk to retailers, large and small, some of them chain stores and others just local stores, they were getting killed with this fee. It turned out to be the second or third most expensive item every single month. After personnel, after rent, here came the swipe fees they had to pay to Visa, MasterCard, and the banks that issue their card.

Now these retailers feel like there has been a light that has been shined on this process and a limit that has been established when it comes to debit cards. Sadly, in some cases it has been abused. Redbox, which is a retailer of movies that most of us see—even in Springfield, IL—next to the drug store, where we put in $1 and take a movie home, has announced they had to raise the price of their movies from $1 to $1.20 because of this new law. We looked into it. Here is what happened. They used to be charged a lower swipe fee by the debit and credit card companies, but now these companies are trying to make up their money that their bank allies are losing from this ceiling and they are raising their lower swipe fee rates to unreasonably high levels and passing the higher charges along to merchants like Redbox. So some merchants need help.

The Federal Reserve has continuing jurisdiction and authority when it comes to that help. I hope they will take a look at some of the consequences to companies such as Redbox. I think what happened to them is unreasonable and unfair. I think the Federal Reserve has the authority to change it.

So we are at a tipping point. For years, the big banks had been rigging the rules with a lot of fees and charges we were not even aware of. The consumers of America have said enough. Through a combination of reasonable regulation and consumers voting with their feet, we are bringing transparency and competition back to the financial services industry. It is working and it is long overdue.

Consumers are now saying they will only do business with banks that care about serving them instead of squeezing them. It is a good thing.

We have to do more things. Let's confirm Richard Cordray and let's get it done soon so the Consumer Financial Protection Bureau can go to work to help us. Let's ensure that all bank fees are transparent, such as the model checking account fee disclosure I mentioned earlier from the Pew Charitable Trusts. And let's ensure that all swipe fees are transparent, because consumers ultimately pay those fees in higher prices.

By promoting transparency and competition, we're going to help restore the balance between Wall Street and Main Street.

Mr. DURBIN. 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.

Ms. LANDRIEU. 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.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Madam President, I rise today to speak about the significance of the month of November, which just began. About 10 years ago, Members of Congress decided to designate November as ''National Adoption Month.'' I think it was probably because November is sort of the beginning of the holiday season, with Thanksgiving and then Christmas to

follow in December. So it is a time when Americans from all parts of our country take stock, slow down, and think about how important family is. We saw that a little bit last night with Halloween and all the children and their parents trick-or-treating throughout our Nation. Then, as Thanksgiving approaches, it becomes even more significant as families from all different walks of life gather around tables.

Some tables are very plentiful and others are rather sparse based on the economic strength of the family. Nonetheless, many families gather for these holidays.

It reminds us that there are over 500,000 children in our country today who are without family. They have been separated from their families, sometimes for good cause, but it is all tragic. Children have to be separated from families that abuse or grossly neglect them, and they have to be placed temporarily until we, as government officials and nonprofit organizations, can do a better job of either strengthening and reuniting those children with their families and trying to heal the families or trying to promote another family for that child or that sibling group.

We do much in Congress both collectively as well as individually in our own way to try to bring attention to the fact that there are orphans in America. Of the 500,000 children in foster care, about 100,000 have had parental rights terminated because the State has decided that reunification is not possible because children would be harmed irreparably by going back to that family. So we work to try to find another family, a better family to raise children.

Governments do a lot of things well, but one that governments don't do well is raise children. Moms and dads and parents and families and responsible adults do that, not government. So these children, then, are in the temporary care of the government, but it is our hope they can be placed as soon as possible into the loving arms of families.

I have met hundreds of families who have adopted, including my own. It is a blessing to my husband and to me. I have just recently met a family from Minnesota. The parents already have several biological children. When they found out about the death of a woman and her husband in the Philippines that resulted in nine children of that family being orphaned, they stepped up and adopted all nine of those children from the Philippines. Because of the good work of Senator KLOBUCHAR and others, they were able to bring that whole sibling group to the United States.

I could go on and on and tell my colleagues the most remarkable stories. As Members travel around the Capitol complex this month, they will be very happy to see, in the Rotunda of the Russell Senate Office Building, a very special exhibit. It is the National Heart Gallery Exhibit.

About some 10 years ago, or maybe even less, some great nonprofits got together and said: What can we do to help show Americans that these are beautiful children with lots of potential just waiting for a chance for a family to call their own? As a result, photographers donated their time to take beautiful portraits of these children so they don't look like just mug shots but beautiful portraits of these children, and some of them are going to be on display. This is an opportunity for us to become more familiar with how many different kinds of children are available for adoption. I say that as sensitively as I can.

These are children who are waiting for a family. They would love to be adopted. They want to have a family forever. A person doesn't just need a family until they are 18; a person needs a family forever. A young lady would like a father to walk her down the aisle when she is married or she would like her mother to show up at the baptism of her child. A person would like a place to go home to even in their forties and fifties for Thanksgiving. So we don't think anyone is too old to be adopted, and everyone needs a family. So we will see pictures of these children.

Let me make a couple of other points about this national exhibit. It has traveled around to many cities. Perhaps it has been to the Presiding Officer's State of New Hampshire, I don't know. We would be happy to have it in Louisiana. But it is in the Nation's Capital for this 10th anniversary.

These numbers do sound staggering: 500,000 in foster care and 100,000 waiting to be adopted. Let me put it in this perspective. There are over 100 million children in the United States—one-third of our population—between the ages of roughly zero and 13. So 100,000 is a relatively small number. There are roughly 300,000 churches in America. So if just one family within three churches—just one family among three churches—decided to step up and say they will take a child into their home, we would have no more orphans in the United States, which is our goal. Our goal is for every child in the United States and in the world, if they are separated from their birth family, to find within a short period of time a home to call their own, preferably with a relative in kinship care but, if not, somewhere in the community.

I don't think this is a difficult or an impossible task. It seems overwhelming, but when we think of the assets of the world and we juxtapose the assets and strengths of the world against this particular problem, it is most certainly doable. If we can go to the Moon, if we can explore science and space, we most certainly can put our good minds and senses together to figure out a way that governments can work better with nonprofits to make this happen.

I wish to conclude by recognizing what I believe is one of the extraordinary organizations in the world doing this work, and that is the Dave Thomas Foundation. Many people may remember Dave Thomas as the founder of Wendy's, but I remember Dave Thomas as a child who came out of the foster care system—or a man who came out of the foster care system; I did not know him as a child. But I can remember him—he has passed, of course—coming to Congress advocating on behalf of foster care children, of which he was one.

Now, he beat the odds. Not only did he go on to be successful and go on to create one of the most successful businesses in America today and perhaps even in the world, but as he has passed, his foundation carries on that work. They have just released a wonderful report which will come more into focus in the coming weeks.

The bottom line is that through the work of this foundation, they have come up with new strategies—not complicated, quite simple, child-focused, recruitment strategies that each and every one of our States can employ or deploy and use without a lot more expense to see significant increases in the number of older children—particularly children with mental challenges and emotional challenges—adopted. In fact, they have increased, according to the study.

Research shows that children in foster care served by Wendy's Wonderful Kids are 1.7 times more likely and children with mental disorders are 3 times more likely to be adopted using these different strategies.

So, in conclusion, this is National Adoption Month. We have the Heart Gallery in the Capitol and in Washington with pictures of some of the most extraordinary children. Their families may be broken, their families may be dysfunctional, but it doesn't mean they are. It means they are full of potential, ready for a family to call them their own, and to step up and to live up to their potential. There are many organizations, from this nonprofit to Wendy's Wonderful Kids, the Dave Thomas Foundation, and hundreds of others working to solve this problem.

So I thank my colleagues. Many have been very active this last year in this regard. I wanted to honor the Heart Gallery and the great work of the organizations that have put that together. It has made a meaningful difference, making these children, through these beautiful photographs, very real to all of us so we know they are not just statistics but they are children with heartbeats and dreams and hopes and aspirations, and they would make wonderful additions to many of our families.

Thank you, Madam President. I yield the floor, and 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.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

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

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

Mr. GRASSLEY. I ask unanimous consent to speak for such time as I may consume, but it will probably be in the neighborhood of 20 or 25 minutes.

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

CONGRESSIONAL OVERSIGHT

Mr. GRASSLEY. Mr. President, today I wish to take a few moments to talk about the importance of the oversight work of the Congress. It is a very critical function of Congress. As one of the three branches of government, Congress is a very important pillar of our government. Our system provides for checks and balances between the three branches of government. Not only do we in the Congress legislate, but we must make sure the other two branches are not overstepping their power, and that is the function of oversight.

I have been conducting oversight of the executive branch since I first came to the Senate. I take oversight very seriously. It is often an overlooked function for Members of Congress. It is not a glamorous function. It is a lot of hard work.

Some people have said recently that my oversight work is political. Quite honestly, people who say that are the ones who are, in fact, political or may be ignorant of what I do because I happen to be an equal opportunity overseer. I do not care if it is a Democrat or a Republican occupying the White House; if something needs to be investigated, I am going to investigate it.

In 2008, I was glad to hear the President-elect talk about the most transparent government ever that he was going to institute under his administration. Unfortunately, up to this point, this administration has been far from transparent—at least far from transparent in the way he said he was going to be so transparent. If any of us thought it was bad before, it is worse now.

But my message about oversight is combined with a very important reminder about the rule of law, a philosophy upon which our country was founded. So I would like to talk about this administration's evasive and disappointing response to Congress about two different policies: first, the immigration policy and administrative enforcement of that, and second, Operation Fast and Furious. I will first discuss immigration.

Since the founding of our country, our immigration laws have been a source of discussion. We were born a nation of immigrants and still are welcoming to people coming to our country legally. We have welcomed men and women from diverse countries and provided protection to many who flee from persecution. We have been generous, and we will continue to be generous. Yet we have seen our country face many challenges and have attempted to restrict immigration levels. The first immigration law of 1790 tried to limit citizenship to certain individuals and institute what is called the ''good moral character'' requirement. We created quotas in the 1920s, to only do away with those quotas 45 years later. We even provided amnesty to millions of undocumented and hard-working people in the last big immigration law to pass Congress in 1986. Today, we are faced with another challenge of how to deal with more than 10 million undocumented persons.

Congress struggles with this challenge on a yearly basis. It is important for lawmakers to bear in mind that the policies we make should benefit our country in the long term and that they must be fair to current as well as future generations.

People in foreign lands yearn to be free. They go to great lengths to be a part of our great country. It is a privilege that people love our country and want to become Americans. At the same time, however, we must not forget the great principle upon which our country was founded, and that great principle is the rule of law. We want to welcome new Americans, but we need to live by the rules we have set. We cannot let our welcome mat be trampled on, and we cannot allow our system of laws to be undermined.

As a Senator, like all of my colleagues, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. That is why I am deeply concerned about the immigration policies that are coming from this White House. The President's policies may be an impermissible intrusion on Congress's plenary authority over immigration law. They are pushing the envelope, and there is little transparency into their actions at a time when transparency was promised by this administration at the time they were sworn in.

As many of you know, last summer I exposed an internal homeland security memo that outlines ways President Obama could circumvent Congress and grant legal status to millions of undocumented individuals. So this is where oversight becomes very important—whether or not this memo is an intent to get around a law Congress passes which the President of the United States, under his oath of office, has pledged to faithfully enforce. This memo was entitled ''Administrative Alternatives to Comprehensive Immigration Reform.'' That title in and of itself kind of signifies efforts to get around law, to get around what Congress intended. Its purpose was, in their words, ''to reduce the threat of removal of certain individuals present in the United States without authorization.'' Now why, if you are enforcing and faithfully executing the laws of the United States, would you want to ''reduce the threat of removal of certain individuals present in the United States without authorization''? Aren't those words, ''without authorization'' in and of themselves an indication that people might be here illegally?

The memo outlined more than a dozen ways to keep individuals in the country and to provide them with benefits or protections. I, along with my colleagues in the Congress, have asked repeatedly for assurances that those options were not being explored. But, you know what. Our concerns have not been addressed. The President and the Secretary of Homeland Security have only said they do not plan to provide such benefits to the entire population of undocumented individuals. They claim they will use their discretionary authority and pursue relief on a limited and case-by-case basis. To the extent to which it is limited and it is case-by-case, I confess, the law probably provides for some administrative discretion because if you are going to have people come to this country, Congress is not going to be able to write a law that is going to take every instance into consideration. But I go back to that title: ''Administrative Alternatives to Comprehensive Immigration Reform.'' So there is a need to change the laws on immigration, update them. So if everybody admits there is that need, why do you need administrative alternatives, unless you are trying to get around what Congress intended?

So we are asking these questions, and yet we have no idea if it is true that they want to do it strictly on a case-by-case and very limited basis because we have reason to believe we are talking about hundreds of thousands of people because we have no idea how many people are truly receiving the benefits and what standards are being used when determining that an individual is granted parole or deferred action. These are the questions that, in our oversight capacity, we are asking, but we are not getting very many answers, as I am going to show you here.

Again quoting the title, ''Administrative Alternatives to Comprehensive Immigration Reform,'' this memo from last summer also included a proposal to lessen the ''extreme hardship standard.'' Under current law, aliens are inadmissible for 3 to 10 years if they have been unlawfully present in the United States for 180 days in the case of a 3-year inadmissibility or 1 year in case of 10 years of inadmissibility. The Department has discretion to waive the grounds for inadmissibility if it would result in an extreme hardship. Again, I am willing to grant that there is some leeway in the law here.

The amnesty memo states: ''To increase the number of individuals applying for waivers and improve their chances of receiving them, Citizenship

and Immigration Services could issue guidance or a regulation specifying a lower evidentiary standard for extreme hardship.'' Now, ''extreme hardship'' ought to mean the same from administration to administration, not some special definition of ''extreme hardship'' because we have a President who maybe wants to find some way of getting around the immigration laws because he does not want to work hard enough to get immigration reform passed through the Congress.

Proponents argue that this redefinition of ''extreme hardship'' is needed for family unity and that the 3-year and 10-year bars are overly burdensome. Well, Congress did not consider the 3- and 10-year bars to be overly burdensome or we would not have put them in the law in the first place. If this standard is lessened, an untold number of undocumented individuals will be able to bypass the 3-year and 10-year bars that are clearly laid out in the Immigration and Nationality Act. My concern is that this policy, if implemented, is a blatant way to circumvent Congress and the law to keep as many undocumented aliens in the United States as possible.

It is difficult to ascertain if this change or any other proposal from the amnesty memo is being considered by the Secretary, so I asked the Secretary about this very proposal when she testified before the Judiciary Committee about 2 weeks ago. She admitted that existing immigration law is difficult, but the Secretary would not deny that discussions about changing the standards are even taking place.

Well, what about the memo to which I referred? Frankly, she refused to comment about the proposal during the hearing. Indeed, she said she was focused on exercising enforcement functions, which gets me to my next issue.

A year after the 2010 amnesty memo circulated, we learned that the head of Immigration and Customs Enforcement—and we use the acronym ''ICE'' for that—which is the agency responsible for enforcing the law, apprehending and deporting undocumented people in this country, directed his agents to use ''prosecutorial discretion'' on those with whom they come in contact. What does this mean? In June of this year, Assistant Secretary Morton released a memo directing ICE officers to exercise prosecutorial discretion and to consider the alien's length of presence in the United States, the circumstances of the alien's arrival in the United States, particularly if the alien came as a young child. Also, take into consideration the alien's criminal history, the alien's age, whether there was service in the military, and whether they came here to pursue education in the United States.

On August 19 of this year, Secretary Napolitano announced an initiative to establish a working group to sort through an untold number of cases currently pending before the immigration review office and also before the Federal courts to determine if they can be ''administratively closed.'' This gets into big numbers. There are more than 300,000 cases pending before the Executive Office of Immigration Review. The Secretary claims this process will allow them to direct resources at higher priority cases.

This memo and initiative outlined by the Secretary are concerning, especially to those of us who said our country is based on the rule of law. These policies seem to contradict that very important philosophy underlying our whole system of law.

On September 26 of this year, I led 18 of my Senate colleagues in sending a letter to President Obama expressing dissatisfaction with these prosecutorial discretion policies. We said this administration was encouraging undocumented aliens to come forward in hopes of relief. This letter to the President is part of our constitutional responsibility of oversight. It is going to the President of the United States, who said he was going to have the most transparent administration ever in the history of the country. So wouldn't you think we would get a lot of answers?

We asked the President to rescind the June memo and end the initiative outlined in August, and requested that he make the Secretary available to all Members of the Senate to explain how his immigration policies are consistent with the rule of law. It is a very simple process: Have one of your Cabinet people come here and explain it all to us.

Do you know what the President did? He asked a bureaucrat from the Department to respond to us on his behalf. The letter from this bureaucrat didn't address any points we made in our letter and shows a complete disregard for the concerns we raised. I tell a lot of people in both Republican administrations and Democratic administrations that I am overseeing—doing my constitutional responsibility of oversight. The longer you stonewall, when the truth comes out, the more egg you are going to have on your face. That is going to be true in this instance as well.

This is what we expect from the administration. We have many unanswered questions about this prosecutorial discretion initiative. For example, how many cases will the working group sort through? You can quantify that pretty easily. What standards will be used for adjudicating cases? In the rule of law, you ought to be able to tell us what the process is and what the standard is. Will those already ordered removed be considered for relief? In other words, if somebody has already figured out you ought to be removed from this country, is someone going to step in and say, no, maybe you don't have to be removed? Will those with a criminal conviction be eliminated from consideration for discretion? We ought to know if you commit a crime in this country, besides coming here illegally, will you be removed or will you be given some discretion—what you call prosecutorial discretion? How much in taxpayer money will be expended for this effort, and when will the working group finish its work? Will the Department of Homeland Security keep the committee apprised and provide detailed information on who is granted a benefit, including work authorization? What will happen to individuals who have their cases ''administratively closed''?

Congress passes the laws, the President takes an oath to faithfully execute those laws, and we have a constitutional responsibility to make sure that what Congress intended is carried out. We are not saying that maybe Congress's intent isn't being carried out. We want questions answered to determine whether they are being carried out. These are pretty simple questions to the President. We ask for the Secretary to come and answer these questions, and that doesn't happen. We get a letter back from some low-level bureaucrat who doesn't even answer the question.

How far can you go, and be morally and ethically correct, as President of the United States, saying at the time you were sworn in that you are going to have the most transparent administration this country has ever seen, and then you stonewall Congress on simple questions such as this policy that you want to carry out, called prosecutorial discretion?

We await answers and can only hope they will be more transparent about these policies than on the amnesty memo—assuming we get answers to our questions.

The future of our country hinges, in part, on the policies this administration is making behind our backs. Congress has a role to play. That is not my position; that is the position of our Constitution.

We need more sunshine in our government in Washington on amnesty and numerous other issues, including one of my oversight investigations that involves a Federal law enforcement operation that went critically wrong.

I am now turning to Fast and Furious. This program was a multiagency effort, run by Federal prosecutors in Arizona and supervised by officials in the Justice Department headquarters here in Washington, DC.

The Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, encouraged U.S. gun dealers—federally licensed gun dealers—to keep selling guns to people known to be transferring weapons to third parties. These buyers are called ''straw purchasers.'' There were lots of reasons for the gun dealers—federally licensed gun dealers—to be suspicious of this operation. The straw buyers were purchasing the kind of assault rifles preferred by the Mexican drug cartels. They repeatedly bought dozens of weapons at a time, and then returned days or weeks later to buy dozens more. They paid with paper bags full of tens of thousands of

dollars in cash and bought very expensive, high-powered .50 caliber sniper rifles.

All of this was plenty of cause for the dealers to report the sales to the ATF as suspicious, and then stop making the sales in the future. But the ATF had even more reason to be suspicious than the gun dealers had.

The Drug Enforcement Administration, or DEA, had tipped off the ATF about the activity of the ringleader, using information from a wiretap in a related drug trafficking case. The ATF knew that some of the straw buyers were on food stamps, or unemployed, so a legitimate explanation for all the cash was very unlikely.

Most important, the ATF knew that the straw buyers' guns ended up at crime scenes in Mexico just days or weeks after being bought in the United States. ATF knew all this information from the beginning of the investigation in late 2009.

As early as January of 2010, the DEA wiretaps had even collected detailed information about who the ringleader was selling guns to, and that information was available to the ATF. Yet our government allowed the ring of straw buyers to grow and operate freely for about a year.

Starting in late 2009, agents who later blew the whistle on the mishandling of the case were ordered to merely watch and record what the straw buyers were doing but not arrest them. The agents were not allowed to stop the straw buyers or even to question them. The agents were not even allowed to continue following the guns once they were transferred to unknown third parties or stash houses. Surveillance was simply abandoned.

These details were apparently not provided to gun dealers, even though these gun dealers cooperated with the ATF from the very beginning. The government installed hidden cameras in at least one store, and dealers notified ATF each time one of the straw buyers came in for another purchase of guns.

By March of 2010, the ATF had gathered evidence that the intent of the straw buyers was to transfer these weapons to criminals and to Mexican drug cartels. The ATF applied for wiretap authority and supplied all the necessary details to the Justice Department in Washington. Yet it was not until December 15, 2010, that a single one of the straw buyers was arrested.

Was it just by coincidence or was it for some other reason that the day of the first arrest was the day that U.S. Border Patrol Agent Brian Terry was murdered? Two of the weapons bought right under the ATF's nose nearly a year earlier turned up at the murder scene.

Within a day, the straw buyers of those two guns were finally arrested. The other straw buyers were indicted a few weeks later, in January 2011.

ATF agents who knew the ugly truth blew the whistle. The whistleblowers made sure that Congress and the Terry family were fully informed.

I started asking questions, and I have been asking questions ever since. But getting answers out of a Justice Department which is stonewalling is like pulling teeth. At first, the Department explicitly denied the allegations in writing, and officials implied it was all hogwash, in a widely attended briefing for Senate Judiciary Committee staff.

But then the evidence started coming out. Document by document, witness by witness, the truth became so clear that it was no longer deniable. An internal briefing paper explicitly said that the strategy of the case was to ''allow the transfer of firearms to continue to take place.''

E-mails proved that a gun dealer had prophetically worried that the operation could lead to the death of a Border Patrol agent. But ATF and Department of Justice officials reassured the dealers that cooperation was still necessary. They falsely assured the dealer that there were secret methods of stopping the guns before they went south.

The House Oversight Committee issued subpoenas and held two hearings. My staff worked with them on two staff reports detailing the testimony and the documents we have gathered. The Justice Department stepped in and tried to control the flow of information, but we continued to receive documents and information from confidential sources.

The Justice Department provided documents from the ATF files, but until yesterday very few documents from the Department of Justice files. The Department waited to deliver them until Halloween, to produce the first substantial batches of documents from the Department of Justice, even though we asked for documents at the beginning of the summer.

They also waited until the night before the head of the Criminal Division, Lanny Breuer, was set to testify before the Judiciary Committee to provide 652 pages of documents. Mr. Breuer also admitted to knowing all about gunwalking in what is referred to as Operation Wide Receiver as far back as April 2010. We have to go through these new documents to see what they contain. The first smaller batch of documents included several memos to Attorney General Holder that appeared to contradict the Attorney General's earlier claim that he had never heard of Fast and Furious until sometime in April of this year.

The documents also show that Attorney General Holder's current chief of staff received a detailed briefing 18 months ago, in March of 2010. He was the Acting Deputy Attorney General at the time, so, obviously, the No. 2 person in the Justice Department.

The Deputy Attorney General even took detailed handwritten notes on the presentation. However, Attorney General Holder says he didn't know anything about it until after the controversy became public. That is also what Mr. Breuer said today as well.

I know the Attorney General was at least aware of the whistleblower allegations on January 31 of this year because I personally handed him two letters about the issues in my office on that very day. As for exactly what else he knew and when, his statements will have to be tested against the rest of the evidence as we continue to investigate.

Included in the documents released recently were e-mails between senior Justice Department officials that explicitly talked about ''gun walking,'' and these memos were dated October 2010. ''Gun walking'' is a term the whistleblowers use for sitting by and not stopping the guns, even though the guns could have been stopped and people arrested. These senior Justice Department officials were discussing whether the head of their criminal division should attend upcoming press conferences on Fast and Furious and Wide Receiver.

That second case is the one Mr. Breuer admitted to knowing about yesterday, where ATF had walked guns even before Fast and Furious. Their concern was over how tricky the press conference could become because of the guns that were walked.

You know, it is kind of common sense. If you can't talk about it in a press conference, you probably shouldn't be doing it in the first place.

So these memos will show they clearly anticipated the controversy even 2 months before Agent Terry was murdered and before the whistleblowers came to me about it. This makes the initial false denials even more outrageous.

Some have seized on the reference to a case from the previous administration that suggests that gun walking was nothing new and that our investigation is partisan. Now, let me be clear: There is nothing—absolutely nothing—partisan about my desire to get to the bottom of Fast and Furious. My motivation is to make sure nothing like this ever happens again, that the Terry family gets the truth about their son's murder, and also the untold number of Mexican citizens who may have been victims of this operation as well ought to be righted.

During my testimony before the House committee, I asked the Members to put aside politics and just listen to the Terry family because they were going to testify later on, and also to listen to the whistleblowers as they testified that very day. But some people see everything through the lens of their own politics. Rather than listen to the evidence, they want to blame the second amendment for Agent Terry's death. Whoever pulled the trigger is the one to blame, not the second amendment. That is the person who should be brought to justice. The straw buyers who illegally bought the guns and the government officials who stood by and watched them do it all need to be held accountable.

So that is the story of Fast and Furious so far. But what does it tell us about the rule of law in this great

country we call America? When we talk about the rule of law, we are usually referring to the idea that government should make decisions consistently and those decisions be made according to law. Those decisions should be based upon some neutral principle rather than on someone's personal whims or bias. Those decisions should apply to everyone equally without allowing a lot of discretion for government officials to pursue their own agendas. In short, we should be ruled by laws, not men.

Our government gets its authority from the consent of the governed. Representatives elected by the people write the laws, and the executive branch enforces them. However, over the years, our government has grown so big and so complex it is hard to hold government officials accountable for how they apply the law. In Fast and Furious it has taken us months to sort out responsibility because of this problem. There are dozens of bureaucrats pointing fingers and shifting blame. There are dozens of lawyers parsing words and shuffling paper.

At the end of the day, what we know is that several people in government decided not to enforce the law—the law they took an oath to faithfully execute. These people believe it was within their discretion to allow straw purchasers to operate, despite all the evidence the law was being broken. In most other field offices, obvious straw buyers were stopped, questioned, and arrested but not in Phoenix, AZ.

As one of the whistleblowers put it: Operation Fast and Furious represented a ''colossal failure of leadership'' at every level that was aware of it.

Just what each official knew at each level in each agency is something that needs to be clear before our investigation is complete. For the rule of law to function properly, there needs to be supervision, accountability, and consistency. Remember the transparency the President promised? Transparency leads to accountability. Government officials must know their discretion to play around in gray areas of the law has limits. It is the job of elected leaders to enforce those limits on behalf of the people who elect them. But there are so many officials and so many decisions that accountability seems hard to impose.

The President himself recognized this in the context of Fast and Furious back in March of this year. When the President was first asked about Fast and Furious on Spanish-language television, he was pressed about how he could not have known about it—kind of the very same questions we are asking the Attorney General. He was asked: How could you not have known about it? The free press in America asked the President how he could not have known about Fast and Furious, and by then it was 3 months after a Border Patrol agent had been murdered and illegally sold guns had appeared at the scene of the murder.

This is how the President responded on Spanish-language television.

> This is a pretty big government, the United States Government. I've got a lot of moving parts.

Mr. President, exactly. That is the problem. Government needs to be limited, government needs to be focused, and government needs to be constrained by the rule of law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:45 p.m. with Senators permitted to speak for up to 10 minutes each.

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

CONSUMER PRODUCT SAFETY COMMISSION

Mr. BROWN of Ohio. Mr. President, yesterday, in Cleveland—the largest metropolitan area and the second largest city in my State—I was part of, for want of a better term, a celebration of a public health victory for our country. I met on Halloween with Jeff Weidenhamer, chairman of Ashland University's chemistry department and a leader in consumer safety issues.

That name may ring a bell with some of my colleagues because I have mentioned his work on the floor of the Senate in addressing the very real public health disaster, in some cases, afflicting our children because of lead-based paint on many imported toys, especially those imported from China.

Back in the fall of 2007 and the spring of 2008, Dr. Weidenhamer identified a number of products that were highly contaminated with lead paint. As part of an Ashland University freshman chemistry class project, he sent some of his students to Dollar Stores to buy inexpensive plastic Halloween toys in the fall of 2007 and inexpensive Easter toys and ornaments in the spring of 2008.

Of the 97 products he tested, 12 of them were highly contaminated with lead paint—or about one in seven. These were products such as candy buckets, drinking cups, and fake teeth. Some of those plastic teeth the children, obviously, put in their mouths. It is what they are made for, I guess. The levels of lead contamination in them were much too high. And there were other Halloween props. Many were products bought at leading national retailers.

It was clear that our trading system, our regulatory system, and our corporations failed basic consumer and public safety standards. We think nothing, and our companies, apparently, thought nothing of what might be in the products they were buying from China that were inexpensive, that looked good in terms of Halloween and Easter, and that our children would use.

Dr. Weidenhamer, after collecting these products, went to work, and so did we. I commend especially Senator PRYOR, who worked tirelessly in 2008 on legislation to, if you will, revamp the Consumer Product Safety Commission through the Consumer Product Safety Improvement Act to ensure the CPSC had the resources and funding necessary to carry out its critical mandate.

Mr. President, how many times have we heard in the body of this Chamber, in the House of Representatives, during a Republican Presidential debate that government is too big; that we have to get government out of our lives and that government can't do anything right? Well, this was a case with the Consumer Product Safety Commission—and with this legislation, the Consumer Product Safety Improvement Act—where the government's involvement, the regulatory process, actually got it right.

This year—not long ago—Dr. Weidenhamer sent out his students again. Obviously, this hasn't undergone rigorous scientific analysis, but it tells us how things are moving. I believe they tested some 75 products this year, and they found not one containing lead.

We know what lead does to a child if that child chews on a piece of old crumbling wood containing lead-based paint—found particularly in old homes that are beginning to decay, and particularly inner-city kids and Appalachian kids. We know that lead in children's bloodstreams arrests their brain development. Children who ingest lead—and these are mostly low-income children or children exposed to these Halloween kinds of toys—can often suffer retardation or their brains do not develop as quickly as they should.

So this was a huge victory. Again, this legislation hasn't done everything we want, but I hear so often people dismissing any regulation as job killing. When we hear a conservative politician—usually enthralled to corporate America—talking about regulation to the largest corporations that outsource jobs, we can bet the term before it is ''job killing.'' How about putting the term ''lifesaving'' before regulation, such as lifesaving regulation that makes a difference in a child ingesting lead?

How about lifesaving regulation that has cleaned up our air and cleaned our drinking water? How about lifesaving regulation when it is the prohibition on child labor worker safety rule? Instead, it is job-killing regulation every time. Clearly, that is not the way it has often worked. But then we see, after my Republican colleagues too often want to weaken these safety rules, as they have tried to do, House Republicans have tried to cut more

than $3 million from the Consumer Product Safety Commission.

So we have this new law in effect that can literally save children's lives and make children more healthy and help their brain development, in effect, in Eugene, OR, and Columbus, OH, but if we cut back on the enforcement of these laws by cutting these agencies and taking away employees who inspect these, who force these companies—who make sure these companies are doing the right thing and not selling lead-based toys to American children, what have we? And that is really unfortunate. The cuts would take us back to the very reason Congress passed and President Bush—a Republican President—in those days signed into law the Consumer Product Safety Improvement Act in the first place.

We know there are plenty of government regulations that we should reexamine and in some cases pull back or reform or repeal, but it just seems my conservative colleagues don't know the difference between regulations that might actually affect jobs and regulations that clearly protect the public health and clearly protect the public safety.

We know the Senate will prepare to debate the fiscal year 2012 financial services and general government appropriations bill later this week. I call on my colleagues to support funding for the Consumer Product Safety Commission. We know what that does. We know it saves lives. We know it makes a difference in the lives of our children.

VICTOR F. STEWART, JR.

Mr. BROWN of Ohio. Mr. President, I rise on a more somber note. A longtime friend of mine, Victor F. Stewart, Jr., from O'Leary, OH, died this week at the age of 85. He was a counselor to me, he was a teacher, and he was a friend. He was someone who mentored me and so many other people in our county and our State. He dedicated his life to his community and to his country. He leaves behind 10 children and family and friends. He leaves public servants behind him whom he counseled about life, politics, and public service.

Vic was a child of the Great Depression. He was born in the 1920s. He was a child of the New Deal. He believed in loyalty and frugality. He believed in a citizen's responsibility to vote and to be a citizen.

As I said, he was the father of 10—6 daughters and 4 sons. His wife Helen survives him, and he was married to her for 62 years. I remember going to Vic and Helen's 50th wedding anniversary and the number of children and grandchildren and friends in the community, and the love people felt and extended to both him and Helen was a sight to see.

Vic was a city councilman. He was mayor of O'Leary. He served in the U.S. Army in World War II. He was always a team player. He was a Catholic Youth League basketball coach, a Little League coach, a high school third baseman, and, again, a mentor to young people in politics, baseball, sporting activities, and especially to his children.

He was a Democratic Party chair in Lorain County for many years. He walked and met with President Kennedy, President Johnson, and President Carter when they were in Lorain County. He credits President Johnson with so much of what we all should credit our government for doing: the Civil Rights Act, the Voting Rights Act, the passage of Medicare, the antipoverty initiatives of the Johnson Great Society program.

When I think about what our government can do in partnership with the private sector, that is what brought us Medicare, that is what brought us safe drinking water, that is what brought us civil rights, and that is what brought us Head Start, many of them passing in the mid-1960s, passage of legislation from which our country still benefits.

Many of the young people sitting in front of us today will benefit from the Pell grants that came out of the Higher Education Act. Senator WHITEHOUSE spoke to a group of us today about a forum he did at the University of Rhode Island and what those Pell grants mean to some of the professors there who were able to go to college because of the Pell grants, some of the young students there who can afford college because of the Pell grants, and some older people who went back to school because of these Pell grants and got an opportunity to further their education as middle-aged parents. Vic Stewart was part of all that.

Vic Stewart believed that the role of government in our communities could make a difference in people's lives, especially working families. So while he met with President Carter and President Kennedy and President Johnson, his heart was always in the community. He cared most about working families, poor kids who didn't have the opportunities of some more privileged people in O'Leary or Lorain or anywhere else in our county. That is what I admired about Vic.

I was so appreciative of the wisdom he would impart to me when we would get together several times a year at breakfast or lunch and just talk about what I was doing and what he was doing, and he was always so helpful that way. He offered his no-nonsense advice with a touch of humor and compassion and a healthy dose of common sense.

He understood the value of a hard day's work. He lived his life guided by that devotion to God. He was a devout Roman Catholic. To family—he was a terrific father and husband to Helen. Friends—he counted so many of us as people who were close to him and his love of country. We will never forget his warmth and his wit and his wisdom.

He always looked to the whole community, not just the privileged. He was sickened by this power of Wall Street and this huge executive compensation, these huge salaries and bonuses that too many in our society on Wall Street and other places have taken.

His heart was always with the middle class, working families. He taught integrity, especially to young people. That is why I owe Vic Stewart so much. We have lost a true friend, we have lost a teacher, and we have lost a mentor who made a difference in the lives of so many of us. We mourn for Vic Stewart, Jr. We think of Helen. We think of the sons and daughters whom Vic and Helen have taught so well and raised so well over the last five-plus decades.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

REBUILD AMERICA JOBS ACT

Mr. WHITEHOUSE. Mr. President, if we pass the Rebuild America Jobs Act, we will immediately invest $50 billion into our transportation infrastructure and generate hundreds of thousands of good jobs and establish a national infrastructure bank which will generate even more good jobs. We need these jobs during the current period of high unemployment, and upgrading our crumbling infrastructure will spur long-term job growth in addition to the immediate employment benefits. So I strongly support this bill and I hope our colleagues can be brought around as well.

The Rebuild America Jobs Act is one piece of the larger American Jobs Act which, when Leader REID brought it to the floor, all 47 Senate Republicans chose to filibuster instead of allowing us to begin debating and, if they wished, improving the jobs legislation. That filibuster blocked President Obama's plan to cut payroll taxes for every single American worker, and it blocked his plan to offer business owners generous tax breaks to hire new workers and grow their businesses. Economists estimated that the American Jobs Act would create nearly 2 million jobs—1.9 million jobs. Perhaps for that reason, many pieces of the bill have received wide bipartisan support in the past. Indeed, just last December, similar job-creating provisions were included in the Job Creation and Tax Cuts Act, which received 81 votes in the Senate.

The jobs bill that Republicans blockaded was fully paid for through a 5.6-percent surtax on income in excess of $1 million. In other words, the only tax increase in the bill is a provision that pays for job creation in this country by

having millionaires and billionaires who continue to enjoy the record low tax rates brought on by the Bush tax cuts pay a little more and only on their income over $1 million. There is no increase on the first million.

A recent study by Citizens for Tax Justice showed that the surcharge would only apply to the richest one-fifth of 1 percent of U.S. taxpayers, leaving the taxes of more than 99 percent of all Americans—if my math is right, 99.8 percent of all Americans—unchanged.

The Rebuild America Jobs Act, which is one piece of the full jobs bill, is paid for with a much smaller 0.7-percent surtax on income above $1 million. Having one-fifth of 1 percent of the wealthiest Americans pay less than 1 percent more in income taxes, and only on income above $1 million of income, hardly seems unreasonable to support hundreds of thousands of jobs for middle-class families in this economic climate.

As we try again and again to advance jobs legislation in the Senate, the supercommittee we established in the Budget Control Act is at work on recommendations to cut the deficit. Getting the most fortunate and well-compensated Americans to start paying a fair share in taxes ought to be a logical component of any deficit reduction plan—at least under a theory that we should have a progressive Federal tax system. That is a tax system in which we pay higher rates of tax the more money we earn.

In theory, we have a progressive Federal tax system, but, in fact, do we? We are often told that the wealthiest Americans are already shouldering too great a share of our tax burden. Earlier this year, one of the candidates, a leading candidate for the Republican Presidential nomination, told NBC that ''the top 1 percent of income earners pay about 40 percent of all taxes into the Federal Government.''

That sounds like a lot—the top 1 percent pay 40 percent of all taxes. Let's look at some data to see if the theory proves correct. The Urban Institute and the Brookings Institution, two very respected organizations, estimate that the total share of Federal taxes paid by the top 1 percent of taxpayers is, in fact, 22.7 percent—not 40 percent. Remember that for a moment, 22.7 percent is the amount of Federal taxes the top 1 percent of income earners pay.

If we take a look at the long-term trends in income and taxation, it is revealing. According to the Congressional Budget Office, between 1979 and 2006, the total effective Federal tax rate for the top 1 percent of households fell. The tax rate went down almost 6 points, from 37 percent to 31.2 percent. Over the same period, that group, the top 1 percent, went from earning 10 percent of the Nation's income to 22.8 percent. The amount of the Nation's income that the richest 1 percent earn in this country climbed over that period from 10 to nearly 23 percent. They claimed an additional 13 percent of the Nation's income.

Go back to the number. The Urban Institute and Brookings Institution estimate that the total share of Federal taxes paid by the top 1 percent of taxpayers is 22.7 percent, but the share of income the top 1 percent takes is 22.8 percent. That is not a progressive tax system. They may be paying a lot in taxes, but it is proportionate almost exactly to what they are taking out of the economy in income. The relative burden of the extremely wealthy in this country is going steadily down, not up, and it has just crossed to the point where it is no longer progressive.

There is a tale of two buildings that may help explain why. This is the first of the two buildings. This is the Helmsley Building in New York City. It is on Park Avenue. It is a lovely, wonderful place—a great building. Not surprisingly, some very successful and well-compensated people live there.

It is also a big building. It is so big it has its own ZIP Code. Because it has its own ZIP Code and because the Internal Revenue Service calculates and provides information about income by ZIP Code, we can learn quite a lot about the occupants of this wonderful building. What we know from the latest IRS information that I have been able to find is that the very well-compensated and successful individuals and corporations that call this building home actually paid a 14.7-percent tax rate in 2007. That rate is lower than the Bureau of Labor Statistics tells us is what the average New York City janitor or doorman or security guard pays. So at least in this building the fabulously successful and well-compensated occupants of the building who live in those wonderful apartments on Park Avenue are paying a significantly lower tax rate in real life than the actual men and women who are their janitors, who are their doormen, who are their security guards.

It is not just some fluke about the Helmsley Building. We all remember Leona Helmsley saying it is the little people who pay taxes. There is no ghost of Leona Helmsley making that true in this building; it is true across the board. Each year, the Internal Revenue Service publishes a report consolidating the tax returns of the highest income 400 Americans and they publish that data. They do not get around to it very quickly, but in May they published the most recent data on the top 400 taxpayers in America for 2008. In 2008, the top 400 earners took home an average of $270 million each. They earned more than one-quarter of a billion dollars each that year, which is wonderful. That is the kind of country we are. One can make a real fortune here. But where it gets a little sketchy is that, on average, those 400 extremely highly compensated Americans actually paid into the Treasury of the United States at an average Federal tax rate of just 18.2 percent on adjusted gross income—18.2 percent.

We have spent time on the Senate floor debating whether the top income tax rate should be 35 percent or 39.6 percent. That is not what they pay. The top 400 income earners, the $¼ billion-a-year crowd, pay actually, on average, just 18.2 percent. This means the 400 highest earning individuals in the Nation, in 2008, just like the occupants of this Helmsley Building, were paying rates lower than or equivalent to what regular working families pay.

If we went back to the Bureau of Labor Statistics and pulled out the information for the Helmsley Building but about the janitors, the doormen and about the security guards and we look to see who else in America is paying an 18.2-percent tax rate—if a person is a single filer they are paying an 18.2-percent tax rate in this country if they make $39,350 a year. Where I come from in Rhode Island, the Bureau of Labor Statistics says that is about what a truck driver makes—$40,200 is what a truck driver makes; $39,350 is what it takes to put a person in the income bracket where they are paying the same tax rate into our Treasury as the 400 members of the $¼ billion-a-year club.

The choice is very clear. Instead of moving forward on a jobs plan that independent economists agree will create millions of American jobs in the near term, we are facing an opposition that is fighting to make sure people making $¼ billion a year pay lower Federal tax rates than regular working, middle-class American families.

That is the story of the first building, the Helmsley Plaza. This is a different building. This is the Ugland building. It is called Ugland House. It doesn't look like much, but it is near the lovely aquamarine beaches of the Cayman Islands. What is interesting about this little building is that 18,000 corporations claim they are doing business here. That is not a very big building. The notion that 18,000 corporations are doing business out of this building—that gives a whole new meaning to the phrase ''small business.'' But there is no real business going on here. The business that is going on here is funny business, under the Tax Code.

The PRESIDING OFFICER. We have a 10-minute time limit and the Senator has consumed 9 minutes.

Mr. WHITEHOUSE. I ask consent for 3 more minutes.

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

Mr. WHITEHOUSE. The companies doing business here are not real companies; they are phony-baloney shell corporations that are designed to hide assets and to play games with the tax system. This income never even makes it into the 18.2 percent of the Helmsley Building. This gets hidden away completely.

When our tax system is rigged so it permits billionaires to pay lower tax rates than truck drivers and allows the wealthiest to avoid taxes by hiding assets in phony offshore corporations,

something is not right. With multitrillion dollar budget deficits threatening our Nation's prosperity, we have to do something to make our tax system more fair for regular Americans.

I have been working on legislation which would ensure that millionaires and billionaires pay an effective tax rate at least as high as is paid by middle-class families. This would require all taxpayers with income over $1 million a year, indexed to inflation, to pay at least a 25-percent rate. A 25-percent rate is the marginal rate middle-class taxpayers currently pay on income, from about $34,000 of income to about $84,000 of income, depending on the size of the family and the deductions they get. It seems fair to me to ask people at the highest end of the income spectrum to pay at least the tax rate middle-class families in the $34,000-to-$84,000 range actually pay. It simply doesn't make sense to have the wealthiest abusing these tax gimmicks to pay lower tax rates than middle-class families. So whether it is Leader REID's surtax or my proposal, I hope we can act to ensure that the most successful Americans actually pay their fair share of our national tax burden to restore our Nation to its economic strength.

I thank my distinguished colleague from Michigan for her courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I wish to thank my good friend and colleague from Rhode Island for his important words on the floor and for indicating that millions and millions of middle-class families and small businesses in this country expect us to figure out a way to make sure the tax system is fair and we have the opportunity for everyone to be able to be successful in this country and know they have a fair chance to make it and that the rules are not rigged for just a few folks. So I wish to thank the distinguished Senator for his comments and for his leadership and pointing out some very important things for the majority of Americans and small businesses across the country.

I rise to speak about a very important issue that will be coming before us for a vote that directly relates to jobs. As the Chair knows, that is a pretty big issue for me in Michigan. We have over 11 percent unemployment. I am laser focused on creating jobs and growing the economy because I think it is absolutely critical for us to get out of debt. We are not going to get out of debt with more than 14 million people out of work, and we are not going to be able to move forward in a way that allows families and businesses to succeed in America if we are not able to turn this economy around and create jobs.

Following World War II, our country created a system of roads and bridges and railways and airports unlike any in the world. In fact, countries are now looking to duplicate what we have done. In the decades that followed, this important infrastructure served as the foundation of our economic growth and prosperity, being able to move commerce and people from one place to another, and we grew. Now that infrastructure has fallen into disrepair. Not surprisingly, we need to be doing some things to be able to rebuild and make sure our bridges are safe and to be able to move forward in a global economy and have the ability to compete because we have an infrastructure that is worthy of the 21st century.

More than one-quarter of our Nation's bridges are either structurally deficient or obsolete. Think about that, one out of four. If I am driving down the road, I don't think I want to bet that one-out-of-four probability that the bridge I am driving over with my children or my two beautiful grandchildren is safe. I think families want to know every bridge is safe, every road is safe, and that they are not going to put their families in jeopardy as they are driving on our roads and crossing our bridges.

In Michigan, we have 1,400 bridges that are deficient—more than 13 percent of Michigan's bridges. Motorists in Michigan are no stranger to bad roads. I can tell you as somebody who has the wonderful honor of representing Michigan, a very large State, I spend much time on the road, as do my brothers in their work, and my family is on the road as well. We can tell you every year the freezing and thawing wreaks havoc on our roads and every year our roads are full of potholes. I certainly can speak from experience about the expense of fixing a car when one drives over and falls into one of those big potholes.

Even our Republican Governor, Rick Snyder, says we need to invest in infrastructure. He recently said:

> Michigan's infrastructure is living on borrowed time. We must reinvest in it if we are to successfully reinvent our economy.

I couldn't agree more. I wish to commend the Governor for those words and for his focus and his administration's focus on investing in our roads and our infrastructure.

We are sitting in traffic and paying the price at the pump because we have fallen behind in maintaining and improving our physical infrastructure as a country to be able to move across town or across the State or across the country. If we don't invest to fix our crumbling roads and bridges and airports now, the costs will only go up, as we know. Failure to act now will cost nearly 1 million Americans their jobs. Those are a lot of people. Those are a lot of families. Those are a lot of mortgages. Those are a lot of families figuring out whether they are going to be able to put food on the table and send their kids to college. There are 1 million American jobs in jeopardy. It will cost our economy nearly $1 trillion over the next 10 years if we do not act. We have the opportunity to act and we have the opportunity to act right now. We can invest in rebuilding our infrastructure and it will, in turn, rebuild our economy and create jobs.

The Rebuild America Jobs Act is an opportunity to turn the corner and to head in the right direction. Not only will it upgrade 150,000 miles of roadway, improve thousands of miles of train track, and modernize our Nation's runways and air traffic control systems, but it will also put hundreds of thousands of people to work. This is a win-win. The Rebuild America Jobs Act will provide desperately needed repair funds and will provide the seed money for a national infrastructure bank that will attract private sector capital to help fund a broad range of new investments. This is such an important idea to be able to provide seed money, to be able to track the private sector, private capital, to be able to invest, to be able to leverage the dollars that American taxpayers put in and be able to address all our roads and bridges and other infrastructure needs in a way that creates jobs.

It will have a very big impact on my great State of Michigan. The plan will make immediate investments in Michigan that could support at least 11,700 local jobs that are so critical to us right now as we are coming out of this huge jobs deficit hole we have been in for too long. The plan to rebuild our infrastructure and put Americans back to work has bipartisan as well as strong support from the private sector. The presidents of the U.S. Chamber of Commerce and the Republican Mayors and Local Officials Coalition have both supported the infrastructure investments we are talking about. This approach has strong bipartisan support.

Simply put, the Rebuild America Jobs Act will fix our crumbling infrastructure, put hundreds of thousands of people back to work at the same time. It will not add a dime to our deficit, and the American people support it. So this is a win-win. Why will it not add a dime to our deficit? Because we pay for it in a way that I think is very reasonable and very fair. We are asking those who are most blessed economically in our country, those who earn over $1 million a year, to pay less than 1 percent, .7 percent, on any $1 they earn above the first $1 million of income. So they would be asked to have basically a surcharge to contribute to creating jobs and investing in the future of America, rebuilding America—jobs that cannot go overseas, jobs in rebuilding America.

This can be done for less than a 1-percent surcharge, not on the first $1 million they earn but on the $1 that comes after or the $2 or the $5 or the $10 or the second million. It is anything above $1 million where we are asking those in our country who are in a position to be able to help instead of going back to middle-class families, working families, senior citizens, people who have been hurt so hard in this recession for so long. Instead of asking them

one more time to be the ones to carry the burden, we are, instead, asking those who have had success, who have been blessed financially, and who have benefited from this great country, whether it was with what was done to support Wall Street, whether it was other ways in this country, for them to be a part of the solution with less than 1 percent on any dollars earned above $1 million. I think this is a reasonable and fair approach.

This is about jobs. We are talking about the Rebuild America Jobs Act, putting people back to work, doing something that is incredibly important for our country and will grow the economy, create jobs, rebuild communities, and help our country move forward.

I urge my colleagues, when we have the vote, to move forward on this bill and that we all join in what has been a bipartisan set of issues of infrastructure investment and rebuilding America. I hope we will see that in the vote that will be coming in the next couple days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank and commend my distinguished colleague from Michigan for those very eloquent remarks on behalf of an act that I too rise to support. I thank the Presiding Officer for his very eloquent and persuasive comments earlier in this debate on the Rebuild America Jobs Act and the need for this Nation to focus on the increasing trend in inequality and a very troubling absence of focus on the compelling obligation we have to rebuild America at this point in our history, to rebuild our roads and bridges and ports and airports and schools.

The Rebuild America Jobs Act would provide $50 billion very directly to rebuilding our roads and bridges and railroads and airports, and that is a pressing need for America, but equally as pressing and important are the people hurting and struggling all across the country. People are struggling to find jobs, to stay in their homes, to keep their families together, and those struggles ought to be heard and seen in this Chamber, on this floor, at this moment in our history. They are Americans who played by the rules and who are now out of work, out of support, and soon, sadly, out of hope.

For much of our time recently, we have been mired in the politics of deficit and debt, and that is not to say those subjects are unimportant. I believe in fiscal responsibility. I believe in cutting our debt, restraining spending, and cutting the deficit. But deficit cutting cannot be used as an excuse to gut the social safety net we have labored hard to create over 75 years. It cannot be used to ignore the needs of people struggling to find work. It cannot be used as a reason to neglect our critical infrastructure in this country and the sad and serious defects we now find in it.

One powerful and proven means to cut the deficit and the debt is to create jobs and enable economic recovery. What matters most to the American people now is jobs, work, employment, going back to work, back to good jobs, earning a living for the sake of not only their economic well-being but their respect and self-worth, their dignity. More is at stake here than simply a paycheck. It is the social fabric of our communities, our country, our families. That is why it ought to be a priority. Right now, investing in infrastructure in those roads and bridges and ports and airports is one of the most immediate job creators available.

The Congressional Budget Office has found that returning to full employment would reduce the deficit by 25 percent. That is way more than the politically charged and severely damaging cuts offered by many of my colleagues across the aisle. Thankfully, we have a plan to put us on the path to full employment, and it is called the Rebuild America Jobs Act. This bill would put America back to work immediately by rebuilding our ailing infrastructure.

There is no question about the need. The American Society of Civil Engineers recently rated America's infrastructure and they gave us a D. According to the nonpartisan organization Transportation For America, Fairfield County in my home State of Connecticut has the fourth highest number of motorists using structurally deficient bridges among all the metropolitan areas nationwide. That is an indictment not of Connecticut but of our Nation, and so is the fact that over 9 percent of Connecticut's bridges are considered structurally deficient. Nationwide, in fact, the numbers are even worse. One in four of our Nation's bridges is either structurally deficient or obsolete. No one wants another tragedy such as the one we experienced in Connecticut. It is called the Mianus River Bridge collapse. It killed three people. It paralyzed the roadways in and around the bridge for months.

It cost millions of dollars. It led to litigation that spanned years. The bridge's collapse almost 30 years ago prompted a major infrastructure effort in Connecticut focusing on repair and reconstruction to make our bridges and roads more safe and secure. We need not await the kinds of tragedies we saw 30 years ago in Connecticut and more recently in other States involving bridge collapses and other tragedies that show the deficiencies and unacceptable defects in these roads and bridges.

The need is clear. At a time when civil engineers across the country are calling for vast improvements in our national infrastructure, the measure before this body would accomplish exactly that goal. It would provide aid for States to be spent at their discretion and flexibility as to the projects but not as to the purpose. The purpose would be roads, bridges, airports, railroads.

This bill would invest $50 billion in upgrading and repairing 150,000 miles of road, laying or maintaining 4,000 miles of train tracks, and restoring 150 miles of runways at our Nation's airports. It would also provide seed money—and this purpose is important—for a national infrastructure bank that will attract private sector capital to fund a broad range of nationally significant projects, going beyond the ones that would be immediately supported by the $50 billion in this measure. That national infrastructure bank would be capitalized at $10 billion, but it would attract money from private investors to do far more than would be enabled by the initial seed money.

This is a bipartisan measure, long supported by Senators KERRY and HUTCHISON. I am proud to have joined them as a cosponsor, and I thank them for their leadership. I thank Members on the House side, including my colleague, Congresswoman ROSA DELAURO, for supporting this measure over the years.

A national infrastructure bank would leverage private capital and public capital to fund a broad range of nationally significant infrastructure projects all around the country—in Connecticut and elsewhere. These funds would provide an immediate boost for our economy. It is estimated, in fact, that for every $1 spent on these roads, bridges, and other infrastructure projects, our gross domestic product would be increased by about $1.59—for every $1, an increase of $1.59 in gross domestic product. We are talking about investment. We are talking about investment in America's future, in Connecticut's present as well as its future, because people in Connecticut would go back to work, back to jobs, back to livelihoods that give them dignity and self-respect.

With so many people out of work and a dire need for that kind of investment, common sense says we ought to pass this bill, we ought to do it now, without delay, and we ought to do it on a bipartisan basis. There is nothing Republican or Democratic about investment in roads or bridges or airports or railroads to make them safer, more secure, more efficient.

I ask my colleagues, regardless of party, to stand with us and millions of Americans who are out of work, to come together and find a way to pass the Rebuild America Jobs Act. Let's pass this bill now. Let's do it together, without any more delay. People are continuing to struggle and seek work, and this bill is the right thing for America. It is the right thing for Connecticut. Let's do it now.

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

INTERNATIONAL TRADE

Mr. UDALL of Colorado. Mr. President, I wish to speak about the recent trade votes that the U.S. Senate had over the last several weeks. I believe that bilateral trade agreements should

be based on the premise that by growing economic ties with foreign trading partners our nation levels the playing field on which our companies and workers compete. Trade agreements should also be a means to growing a relationship with established allies that share our commitment to democratic values in an effort to work toward achieving common goals. Over the past several weeks, the U.S. Congress has weighed in on several pieces of legislation that—on balance—keep faith with these goals.

Before I speak to each of the free trade agreements, I would like to reflect on the currency exchange rate oversight reform bill that the U.S. Senate considered just before the pending free trade agreements. It is important to note that playing by the rules is an important element of fair and free trade, and it is a theme I will address several times today in my remarks. The concerns of many Coloradans who both supported and opposed this currency legislation were fundamentally based on fairness. Both sides understand that intentionally undervalued foreign currencies hurt the competitiveness of American exports. I supported currency reform legislation because any country that is intentionally undercutting American companies and workers through the manipulation of its currency, especially if it had agreed to play by specific rules, must be held accountable. That is common sense—and a matter of fairness. This legislation will allow the United States to clearly identify fundamentally misaligned currencies and initiate purposeful efforts to work bilaterally and multilaterally to seek corrective action. We must work in the interest of American manufacturers—and American workers—that rely on a level playing field to succeed, while also engaging our trade partners to work collaboratively to resolve these important concerns. I believe that this currency-related legislation, which passed the U.S. Senate in a bipartisan manner, will send the appropriate signal that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

More recently, the U.S. Congress considered free trade agreements with Korea, Panama, and Colombia. We enjoy good diplomatic relationships with each of these countries and the United States has a particular interest in maintaining strong diplomatic and economic ties to these countries given our shared values on the international stage. More importantly, the Obama administration, in consultation with Congress, has been able to incorporate pragmatic and responsible ways to address the outstanding concerns raised with each agreement. While these free trade agreements are not perfect, I supported the passage of all three after studying each one carefully, and hearing from a wide range of Coloradans.

Regarding the Korea free trade agreement, the new concessions that protect America's auto industry in addition to reductions in tariffs for U.S. products and strong protections for intellectual property and labor rights solidified my support for the agreement.

Over the last several months the Obama administration worked with the Korean government to gain concessions that will help American manufacturers compete in the Korean market, Asia's fourth largest economy. For example, the Koreans have committed to immediately reduce their eigh percent tariff on U.S.-built passenger cars, including electric vehicles and plug-in hybrids, to four percent and immediately reduce their ten percent tariff on trucks to zero. After 5 years, tariffs on U.S.-made motor vehicles, including electric cars and plug-in hybrids, will be reduced to zero. In addition, we have strengthened safeguards that will prevent any large influx of Korean cars into the U.S. market to protect against unintended effects of the removal of trade barriers. These new concessions won the support of both the U.S. auto industry and the United Auto Workers.

With regard to agricultural products, Colorado producers will benefit from increased market access in Korea through the reduction of existing tariffs on wheat and corn. Existing 40 percent tariffs on certain beef products will be phased out over 15 years and the United States will engage continuously with Korea to plan the removal of other tariff barriers. When I hosted the Korean Ambassador, Han Duk Soo, in Colorado in April of this year, I made it clear that Colorado agricultural producers expect a reasoned approach to removing restrictions and other trade barriers that are in conflict with international sanitary standards and sound science. I am very hopeful that this agreement will help Colorado producers build a relationship of trust with Korean consumers so that they come to understand the high quality of Colorado beef and the well-justified pride that our State feels about its beef.

Autos and agricultural products are just a few areas where American producers will gain better access to the Korean market. Overall, the U.S. International Trade Commission estimated that tariff cuts alone to a variety of U.S. goods could amount to an increase of $10 billion to $11 billion of U.S. goods exports alone. This will help produce a much-needed boost to the U.S. economy. This agreement also includes provisions related to labor and the environment that are the strongest standards to enforce domestic environmental and labor laws included in any trade agreement. It also includes robust protections for intellectual property rights that will set a new benchmark to protect American-made ideas.

In addition to supporting opportunities for American exports, the agreement will enhance America's relationship with a strong partner that is committed to democratic values on the Korean Peninsula. More than 60 years after the Korean war, this trade agreement will serve to further strengthen bilateral ties in a region of growing strategic value to the United States. As a member of the U.S. Senate Armed Services and Intelligence Committees, this was another important factor in my support of the Korea free trade agreement.

Similarly, the Panama free trade agreement, like its Korean counterpart, is aimed to help grow the U.S. economy. In the Panama agreement, we have also included enforceable mechanisms to protect the environment and the rights of Panamanian workers. To address financial and tax concerns and further support labor protections, the United States worked bilaterally with Panama to institute robust legal reforms that protect against the country being used as a tax haven while further enhancing labor protections in Panama. The United States and Panama have worked collaboratively to strengthen tax transparency in support of curbing illicit financial transactions associated with money laundering activities. Notably, due to its positive actions, Panama was removed from the Organization for Economic Co-operation and Development ''Gray List'' of countries that have agreed to, but not yet adopted an international tax transparency standard.

These improvements to the Panama free trade agreement will be incorporated along with reductions in tariff barriers that will improve access to the Panamanian market for U.S. goods and services. Again, this should give a boost to American business at a time when our government should be doing everything it can to help grow our economy.

Currently, U.S. industrial goods face an average tariff of seven percent in Panama and U.S. agricultural goods face an average tariff of 15 percent, while most of Panama's products enter the United States duty-free. After implementation of this agreement, more than 87 percent of U.S. exports of consumer and industrial products to Panama will become duty-free immediately, with remaining tariffs phased out over ten years. Almost half of U.S. agricultural exports will also benefit from immediate duty-free treatment, with most of the remaining tariffs to be eliminated within 15 years. Of particular importance for Colorado is beef, which will see an immediate removal of a 30 percent tariff for prime and choice cut beef, and wheat, which will lock in its already tariff-free treatment.

As Panama embarks on a historic $5 billion infrastructure project to revamp and expand the Panama Canal, American businesses will be better situated to compete for opportunities in the Panamanian market as a result of this free trade agreement. Additionally, this agreement will enhance our strong relationship with Panama, which serves as a major international

trade thoroughfare for the United States and the world.

And finally, the Colombia free trade agreement, which was a vote that took even greater deliberation.

Colombia is a strong U.S. ally in Latin America and is a critical regional and global partner. Colombia's market is the third largest for the United States in Latin America and U.S. producers have been losing market share quickly as the Colombians strengthen economic ties with Canada, the European Union and the Mercosur countries of Argentina, Brazil, Paraguay and Uruguay. As other countries facilitate trade with Colombia, American producers have faced continued tariffs on goods exported to Colombia, while Colombian goods face few tariffs into the United States. Currently, the average U.S. tariff on the few Colombian goods subject to a tariff is 3 percent. Colombia's average tariff on U.S. exported goods is 12.5 percent. This agreement will increase market access for U.S. goods and services in Colombia by immediately eliminating duties on 80 percent of U.S. exports to Colombia, with all remaining tariffs eliminated within 10 years.

These numbers show why American businesses have been eager to level the playing field with foreign competitors that have benefited from preferential tariff treatment in Colombia. Still, there have been long-standing concerns with Colombia's history of violence and its human rights record, issues that deeply concern not only me, but many Coloradans. I have looked to Colombia and supporters of this agreement to make the case that adequate progress has been made to determine if the United States should move forward with a trade agreement at this time.

The Colombian and U.S. governments, as well as organizations that have opposed and supported the agreement, acknowledge the problematic record Colombia has had on human rights and labor protections. Most agree that progress has been made, though many disagree to what extent that progress has improved labor conditions and lessened human rights violations. After meeting with groups on both sides of this debate, I concluded that maintaining the status quo was not the best answer. Leaving things as they are now would not create any more incentives for Colombia to maintain or further cultivate its commitment to resolving issues of violence. Nor do I believe that the status quo would strengthen the ties with this key ally in South America. I ultimately believe that the recent labor and legal reforms in Colombia represent concrete steps in the right direction. The commitment of Colombia's political leadership to improving its record is also an indication that Colombia can move beyond its past. The primary objective is for our two countries not only to maintain the shared goal of reducing violence and protecting workers' rights, but also to become stronger economic partners, enabling American business to compete in Colombia's market on a level playing field with our international competitors. Both of these goals help justify moving beyond the status quo.

Let me be clear: we must continue to work collaboratively with the Colombian government to ensure that the appropriate steps are taken toward responsible and meaningful reforms. A meaningful step in this direction is President Obama's commitment to allow the agreement to enter into force only when Colombia has sufficiently met predetermined benchmarks. These benchmarks include efforts to increase protection of labor activists, enforce core labor rights and reduce impunity for perpetrators of violence against union members. Additionally, the underlying agreement includes strong labor provisions that protect the right to organize, the right to bargain collectively, and to provide protections against forced labor, child labor, and employment discrimination.

These changes may not all happen overnight, but we can ensure that what remains to be fixed will be supported by our strengthened economic relationship and the social and economic incentives for Colombia to maintain a positive trajectory in reducing violence. Does the passage of this agreement mean that all of the ills facing Colombia will be cured? I make no such assumption, and I know it will take work and diligent oversight. The burden will be on the Colombian government to follow through on promised reforms and ensure they have the intended effect. It will also be up to this administration to ensure that the benchmarks laid out in its labor action plan are met to the greatest extent possible and that Colombia continues to meet these goals. Finally, it will be up to Congress to provide ongoing oversight to ensure everyone is meeting their responsibilities. I, for one, will be watching.

In addition to these agreements, I note briefly that Congress came together in a bipartisan manner to reauthorize a robust Trade Adjustment Assistance Program that will assist workers, firms and farmers to retrain and retool so they can better compete in the global economy. This was a necessary precursor to my support of these three free trade agreements.

In sum, the free trade agreements with Korea, Panama, and Colombia, while not perfect, present strong opportunities for Colorado and U.S. businesses while also including some of the most robust labor and environmental provisions that we have ever had in a trade agreement with any country. Trade issues are never clear cut, but simply put, trading with our neighbors and partners can help our economy when we set the terms fairly and find balance. By helping to ensure that our trading partners play by fair rules, and by opening foreign markets for U.S. products, the United States is better positioned to win the global economic race.

JOHANSON CONFIRMATION

Mr. HATCH. Mr. President, last night the Senate confirmed David Johanson as a member of the International Trade Commission. I would like to take a moment to congratulate David on his confirmation. The ITC administers the Nation's trade remedy laws and provides Congress with independent analysis and information on matters relating to international trade. I am confident that the International Trade Commission will benefit greatly from David's intelligence, experience and extraordinary work ethic.

David has served as International Trade Counsel to the Senate Finance Committee since 2003, first under the leadership of Senator GRASSLEY and now with me as ranking member. With his help, the committee accomplished much in those 8 years. Under President Bush, we renewed trade promotion authority and worked together to pass trade agreements with 14 countries agreements that helped to grow the U.S. economy, increase exports, and create American jobs. We also used that trade promotion authority to negotiate and pass our trade agreements with South Korea, Colombia and Panama.

Much of the focus of David's work on the Finance Committee has been on agricultural issues. These are often some of the most contentious issues in international trade, but David proved himself to be a tireless and effective advocate for U.S. exports. With his help, this Committee was able to reopen important international markets for American agricultural products, including the critical Chinese market.

In closing, David will bring 15 years of experience in the field of international trade law, an extraordinary work ethic, meticulous attention to detail and pragmatic creativity to his new role as a member of the International Trade Commission. We wish him well on this next phase of his career and thank him for all of the great work that he has done in the U.S. Senate.

FORT MONROE NATIONAL PARK

Mr. WARNER. Mr. President, today marks the start of an exciting new chapter for Fort Monroe in Hampton, VA. I welcome the President's decision to use his authority under the Antiquities Act to protect this special place by declaring it a national monument and the country's 396th National Park unit. A National Park Service presence will ensure that we can properly preserve this historic, natural and recreational resource for the benefit of present and future generations.

On this important occasion, I recognize the effort that has gone towards establishing a National Park unit at Fort Monroe. I have been fortunate to

work with a bipartisan, Federal, State and local group that includes Senator JIM WEBB, Congressmen SCOTT RIGELL, BOBBY SCOTT, ROB WITTMAN and RANDY FORBES, Virginia Governor Bob McDonnell and his administration, the Fort Monroe Authority, the city of Hampton and Mayor Molly Ward, State and local elected officials, conservation partners such as the National Trust for Historic Preservation and the National Park Conservation Association, individual advocates and citizen groups including the Citizens for a Fort Monroe National Park, and many others who have been committed to this effort. I thank Secretary Salazar and the National Park Service for their work and their visits to Hampton this summer to hear firsthand the overwhelming public support that exists for this new National Park Service site. Now that we have solidified a National Park Service role, it is critically important that the city, the region, and the Commonwealth continue to work together to make the most of this tremendous opportunity to showcase Fort Monroe's incredible place in our nation's history. I look forward to continued progress at Fort Monroe.

ADDITIONAL STATEMENTS

COLORADO CELEBRATION

• Mr. BENNET. Mr. President, today I wish to recognize the sesquicentennial of the 17 original counties created by the Colorado Territorial Legislature in 1861. These counties celebrate this significant milestone today, November 1, 2011.

Congress established Colorado Territory on February 28, 1861, and the territory's first legislative assembly convened on September 9, 1861.

The 17 original counties—Arapahoe, Boulder, Clear Creek, Costilla, Douglas, El Paso, Fremont, Gilpin, Guadalupe, shortly thereafter renamed Conejos, Huerfano, Jefferson, Lake, Larimer, Park, Pueblo, Summit, and Weld counties were established by the territorial legislature within the present boundaries of the State of Colorado.

From the snow-covered mountains of Summit County to the farm lands of the San Luis Valley, these original counties established the foundation from which the most beautiful State in our country grew and developed.

Colorado became the 38th State of the Union on August 1, 1876, under President Ulysses S. Grant, and became known as the Centennial State.

Over the past 150 years, counties had their boundaries revised, new counties were created, and some were abolished, and today, the State of Colorado has 64 counties, each one with its own unique history, geography, and cultural heritage.

I take this time today to congratulate Colorado on the 150th anniversary of our State's first 17 counties and to recognize all of Colorado's 64 counties for their vital contributions to our great State.

As we welcome this milestone in the history of Colorado, we can no doubt look forward to another promising and prosperous 150 years.•

REMEMBERING DR. WANGARI MAATHAI

• Mr. BROWN of Ohio. Mr. President, 2 months ago, on September 25, 2011, Dr. Wangari Maathai of Kenya, the first African woman to receive a Nobel Peace Prize, passed away after her fight with ovarian cancer. She was a woman of firsts, of force, and of foresight. She was a woman who empowered millions of African women with hope and opportunity.

Born on April 1, 1940, in Nyeri, Kenya, to peasant Kikuyu farmers, Wangari Muta Maathai, at the urging of her older brother, attended primary school at a time when it was rare for women to receive an education. Her father worked for a White landowner who forced him to sell all his crops to him at whatever price was offered. From an early age, Dr. Maathai possessed a deep and abiding love and respect for nature. As a child, she spent time at Kanungu—an underground stream that flowed close to a sacred fig tree, and she would till fields with her mother, once saying, ''I grew up close to my mother, in the field, where I could observe nature.''

She went on to secondary school where she graduated at the top of her class. In 1964, she was awarded a scholarship to attend Mount St. Scholastica College in Atchison, KS, where she graduated with a biology degree. She pursued her master's of science at the University of Pittsburgh. From there, she continued her studies in both Germany and Kenya where she earned her doctorate in veterinary anatomy from the University of Nairobi. She was the first woman from East or Central Africa to earn a doctorate degree, and also the first woman to hold a professorship at the University of Nairobi's Department of Veterinary Anatomy which she later chaired another first for a woman.

Through the force of personality, she reinforced the links between poverty and health, economic security, and environmental sustainability. Returning to Kenya from her studies abroad, she saw how deforestation and planting of cash crops had stripped the land of resources, causing animals and plants to disappear. The result was a lack of food, water, and rampant erosion. The effect was particularly devastating for women who were not only the family caretakers, but as subsistence farmers, depended [S3]upon the land for their livelihood.

In 1977, Dr. Maathai had the foresight to establish the Green Belt Movement which sought to combat the aggressive deforestation occurring in Kenya. Asked about her efforts, she once said, ''It occurred to me that some of the problems women talked about were connected to the land. If you plant trees you give them firewood. If you plant trees you give them food.'' While many derided her efforts, this Movement, made up mostly of women, has planted more than 30 million trees across Africa and helped approximately 900,000 Kenyans develop and sustain their ability to care for themselves and their families.

The Green Belt Movement would spread across the continent. Dr. Maathai inspired the development of the Pan African Green Belt Network. Her efforts have resulted in Tanzania, Uganda, Malawi, Lesotho, Ethiopia, and Zimbabwe starting their own reforestation efforts. The Movement not only emphasizes the relationship between the people and their land, but also empowers women in the areas of family planning, reproductive health, nutrition, food security, and leadership development.

Dr. Maathai's environmental work eventually permeated the realm of politics. As a proponent of civic responsibility, she entered politics with the understanding that ''the message for Africans is that the solutions to our problems lie within us.'' As an advocate for the poor and under-represented, Dr. Maathai suffered not only political taunts but also physical violence at one point being brutally beaten by police and at another time, a victim of a tear gas attack. Throughout the 1990s, Dr. Maathai was repeatedly arrested, imprisoned, and threatened for exercising her rights.

Despite physical threats and political setbacks, in December of 2002, she was elected to Kenya's National Assembly and was appointed the Deputy Minister for Environment, Natural Resources, and Wildlife. She was also instrumental in the creation of Kenya's Bill of Rights. She went on to serve as the Presiding Officer of the Economic, Social, and Cultural Council ECOSOCC, of the African Union, as well as Goodwill Ambassador to the Congo Basin Forest Ecosystem.

As the author of multiple publications, Dr. Maathai garnered many awards including the 1989 WomenAid International Women of the World Award, the 1991 Goldman Environmental Prize, the 1991 United Nation's Africa Prize for Leadership, the 1993 Edinburgh Medal, the 2001 Juliet Hollister Award, the 2003 WANGO Environment Award, and the 2004 Sophie Prize. She has received numerous honorary degrees from a wide array of institutions including: Yale University; Williams College; University of California at Irvine; and Morehouse University. In 2005, she was honored by both Time Magazine and Forbes Magazine as one of the 100 most influential people in the world and as one of the 100 most powerful women in the world, respectively. She was also a United Nations Environment Programme Global 500 Hall of Fame recipient. In 2006, Dr. Maathai

was awarded France's highest honor, the Legion d'Honneur, by French President Jacques Chirac.

During her acceptance speech of the 2004 Nobel Peace Prize, Dr. Wangari Maathai said:

> In the course of history, there comes a time when humanity is called to shift to a new level of consciousness, to reach a higher moral ground. A time when we have to shed our fear and give hope to each other. That time is now.

Whether she was advocating for the right of women or for the importance of protecting and developing the environments in which they live, Dr. Maathai's legacy of service advocating a message that one has the power to change the lives of many—remains.●

REMEMBERING EDWARD L. LOPER, SR.

● Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of artist and educator Edward L. Loper, Sr. From the time he started painting at age three until his death at age 95, the Wilmington, DE native known as Ed inspired many to see the world differently through his art. He was a truly gifted man who dedicated his life to his craft and educating the next generation of painters.

Ed Loper was born on April 7, 1916, in Wilmington, DE. As a child, his creativity came out when he picked up a brush and painted the objects and pictures around him. As a young adult, he honed his craft by going to the Philadelphia Art Museum every Saturday to study the paintings housed there, examining the brush strokes and techniques of the great painters that came before him.

He graduated in 1934 from Howard High School where he had been an All-State football and basketball player. Later, it was a chance encounter with Albert Barnes, an entrepreneur and art collector from Philadelphia, that helped him develop his painting style. Barnes invited him to join classes at his museum, but Loper could not afford to do so at the time. Years later, Loper took advantage of this opportunity, attending classes there for 10 years.

He made his love for painting into his profession and worked at the Works Progress Administration as a painter. In the beginning of his career, Ed faced discrimination because he was a black artist in a segregated society, but his work ultimately prevailed beyond society's prejudices. In 1937, he was the first black artist to have a painting accepted to a juried show at the Wilmington Society of the Fine Arts, now the Delaware Art Museum.

His paintings focused on landscapes, still life, and portraits, and he is known for his use of vibrant and rich colors to create complex scenes. He gave visual meaning to the world he knew: city streets, tenements, railroad trestles, marshes, coal yards and pool rooms.

Ed turned to a career in art education and first shared his passion for painting with his students at Delaware's Ferris School. Then, in 1942, he began to teach at the Allied Kid Company. He also taught at the Jewish Community Center, the Delaware Art Museum, Lincoln University, the Delaware College of Art and Design, and at his own studio in his later years. Some of his students studied with him for decades.

He was married to Janet Neville-Loper who resides in Wilmington. His son, Edward Loper Jr., is also a painter. He was also the father to Kenneth Loper, Tina Sturgis and the late Jean Washington and Mary Brower. One of the last things Ed painted was the door to their kitchen, where he illustrated some of their travels to China and Europe.

Ed's talent for color broke the mold of his time, and his passion for teaching others to see through color was unsurpassed. He changed the landscape for black artists and paved the way for others who came after him. He leaves us with the lasting legacy of his work, which currently can be seen in the major permanent collections of the Philadelphia Art Museum; the Delaware Art Museum; the Corcoran Gallery in Washington, DC; Howard University; the Museum of African American Art in Tampa, FL; among others. Today I commemorate Edward L. Loper, Sr., his life and his outstanding artistic legacy. It was truly a privilege to know him, to have been one of his neighbors for a time, and to be the proud owner of one of his extraordinary paintings.●

● Mr. COONS. Mr. President, I wish to honor the work of a distinguished Delawarean who, though known for his paintings, will long be remembered for a contribution to our State that extends much farther than the reach of his brush.

Edward J. Loper, Sr., saw the world a little differently than the rest of us, and he spent his lifetime trying to let us in on the secret. He had such a rich appreciation of color that he was once described as the ''Prophet of Color.'' He was a great talent and a great teacher. He captured the beauty and vibrancy of Delaware with memorable style, bold brushwork and an engaging palette.

One of his paintings—a scene from the Wawaset Park neighborhood of Wilmington—hangs in my office. It perfectly captures the vivid contrast in color and creative use of light for which he has become so well known. It tells the story of a bright fall day, subtly emphasizing the reds and yellows of the fall foliage to innocently capture the heightened visuals of the season.

That he was an African American defined his struggle but not his art. He painted landscapes, street scenes and still lifes, and always with oil paints. He didn't like being confined to a studio, and would insist on painting his subjects in person.

Once, in his youth, he won a painting competition and proudly showed up to the ceremony to collect his award. It turned out, he was the first African American to have won the award and those in the room were aghast. Most wouldn't shake his hand. It wasn't the first time Ed Loper had been stung by discrimination, nor would it be the last.

Though Ed first picked up a brush at age 3, it was when he went to work at a division of the Works Progress Administration during the Great Depression that he really learned to paint. He was later hired by Jeannette Eckman, who was in charge of the Federal Arts Project, and much of his artwork would go on to be housed in the National Gallery of Art in Washington, D.C. He couldn't be tied down to any one particular style and a wide range of artists, including Van Gogh, Van Ruisdael, Corot, El Greco, Cezanne, Picasso, Pollock, Tintoretto, Titian, and Veronese, are said to have inspired him.

Loper once said, ''Once you learn to see as an artist, the world will never look the same again.'' For 60 years, he taught hundreds of students to see the world differently. He had a reputation for being tough on his students, but each one earned a greater appreciation for that which Loper pursued his entire life: ''real art.''

He leaves behind a great legacy, not only in the works that adorn the walls of homes and galleries around the world, but in the constellation of artists he nurtured. He will be greatly missed by his family and the community he called ''home.''●

TRIBUTE TO DR. HENRY GIVENS JR.

● Mrs. MCCASKILL. Mr. President, today I congratulate Dr. Henry Givens, Jr. on his retirement and to thank him for his many years of leadership and service to the field of education. For over 50 years, Dr. Givens has been a champion of higher education and has fought to improve the lives of Missouri's students. It is my pleasure to honor him today.

A native of St. Louis, MO, Dr. Givens attended public schools and received his bachelor's degree from Lincoln University, a master's degree from the University of Illinois, and his doctorate degree from Saint Louis University. Dr. Givens began his career in education as a fifth and sixth grade teacher in the Webster Groves School District in suburban St. Louis. After his work with the Webster Groves School District, Dr. Givens became the principal of the first prototype magnet school, Douglas Elementary School in St. Louis, MO. Under Dr. Given's guidance, Douglas Elementary faculty debuted revolutionary teaching techniques that are now standard classroom practices, helping to modernize Missouri's school systems.

In 1973, Dr. Givens continued to break new ground when he became the first African-American assistant commissioner of education for the State of

Missouri. Dr. Givens spent 5 years in that position before becoming president of Harris-Stowe University in 1979. When he first assumed leadership, Harris-Stowe State College offered one degree—elementary education—and had only one building. During Dr. Givens' 32 years as president of Harris-Stowe, the university expanded and upgraded facilities, tripled student population, and added 13 new degree programs. Dr. Givens' determined leadership shaped Harris-Stowe into the outstanding university it is today.

In addition to his accomplishments in the field of education, Dr. Givens is affiliated with numerous national and local professional and social organizations and has received over 125 awards and recognitions for his service to his community. President Obama recently appointed Dr. Givens to the Historically Black Colleges and Universities Capital Finance Advisory Board, and Dr. Givens has served as the chairman of the Dr. Martin Luther King, Jr. Statewide Celebration Commission for Missouri since its inception in 1986.

It is my pleasure to honor Dr. Givens today. His dedicated leadership has improved the quality of the educational experience for Missourians. He has undoubtedly touched the lives of many and improved the quality of the community at large.

Mr. President, I ask that the Senate join me in congratulating and honoring Dr. Henry Givens, Jr.●

TRIBUTE TO MAJOR GENERAL WILLIAM HOWARD McCOY, JR.

● Mrs. McCASKILL. Mr. President, today I wish to pay tribute to MG William Howard McCoy Jr. who is retiring on January 1, 2012, after 37 years of exemplary active Federal service in the U.S. Army. He has served our Nation with dignity, honor, and integrity, including serving multiple tours at Fort Leonard Wood in the great State that I call home, Missouri.

MG William Howard McCoy, Jr, is a native Texan and a 1974 graduate of Texas A&M where he earned a bachelor's degree in construction engineering. He was then commissioned through the Reserve Officers' Training Corps and entered the U.S. Army as second lieutenant in the Army Corps of Engineers. He later went on to earn a master's of business administration from the University of Phoenix.

Following the Engineer Officer Basic Course, his first assignment was to Germany. From 1974 to 1975, Major General McCoy served as a platoon leader, and later as an executive officer, in the 237th Engineer Battalion, 7th Engineer Brigade, VII Corps, U.S. Army Europe and Seventh Army, Germany. His next assignment was as project officer, director of training developments, U.S. Army Engineer School, Fort Belvoir, VA.

From 1980 to 1981 he commanded Company B, 8th Engineer Battalion, 1st Cavalry Division, at Fort Hood, TX. From there he deployed to be an engineer advisor, as part of the Technical Assistance Field Team at the U.S. Military Training Mission in Saudi Arabia.

From 1981 to 1983, he was assigned as a project officer with the Southern Colorado Project Office, U.S. Army Engineer District Albuquerque in Pueblo, CO. It was during this time when he would meet and marry his lovely lifelong partner, Jill McCoy.

With renewed vigor, from 1983 to 1986, he was assigned as the engineer staff officer for the Directorate of Engineering and Housing, Installation Support Activity in Europe and later became the Special Assistant to the Chief of Staff, 56th Field Artillery Brigade, U.S. Army Europe and Seventh Army, Germany. He was then assigned as engineer staff officer, Office of the Deputy Chief of Staff, Engineer for U.S. Army Europe and Seventh Army, Germany.

From 1986 to 1989 he served in numerous positions at Fort Hood, TX. Initially, he served as plans officer, Corps Staff Engineer Section, III Corps and later he served as the operations officer and executive officer of the 17th Engineer Battalion, 2d Armored Division. Following his assignment to Fort Hood, he returned to Virginia to attend the Armed Forces Staff College in Norfolk.

From 1989 to 1991 he served in the Pentagon as a staff officer for the Force Development Directorate for the Office of the Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army in Washington, DC. Following this tour at the Pentagon he was nominated and selected to be a research fellow for the RAND Army Fellowship Program in Santa Monica, CA.

From 1992 to 1995 Major General McCoy served as the executive officer to the Deputy Chief of Staff, Engineer, U.S. Army South, at Fort Clayton, Panama. He then transitioned to become the commander, 536th Engineer Battalion (Combat)(Heavy), U.S. Army South, Fort Clayton, Panama and Joint Task Force Builder, El Salvador/Uruguay, later OPERATION SAFE HAVEN, Panama, and later, Joint Task Force Builder, El Salvador.

Due to his outstanding performance and unlimited potential, he was selected to study at the Army's prestigious professional academic institution, the Army War College in Carlisle Barracks, PA. After graduating from the Army War College, from 1997 to 1998, Major General McCoy became the deputy director for the Maneuver Support Battle Lab, U.S. Army Engineer Center, Fort Leonard Wood, MO.

In 1997, he was once again assigned to Europe as the Director of the Engineer Operations Directorate, Office of the Deputy Chief of Staff, Engineer, U.S. Army Europe, and Seventh Army, Germany. From 1998 to 2000, Major General McCoy transitioned to be the Commander, 130th Engineer Brigade, V Corps, United States Army Europe and Seventh Army, Germany and OPERATION TASK FORCE HAWK in the country of Albania.

From 2000 to 2003, Major General McCoy served as the Chief of Staff, 1st Armored Division, U.S. Army Europe and Seventh Army, Germany. He later became the Deputy Chief of Staff, Engineer, U.S. Army Europe and Seventh Army, Germany. In 2003, Major General McCoy became the commander, 18th Theater Army Engineer Brigade and simultaneously as the Deputy Chief of Staff, Engineer, U.S. Army Europe, and Seventh Army, Germany. During this period he led his unit during OPERATION IRAQI FREEDOM/Joint Task Force-North in the country of Turkey.

Upon returning from overseas, from 2003 to 2005, Major General McCoy was assigned as the assistant commander, U.S. Army Engineer School/Deputy Commanding General, Initial Military Training, Fort Leonard Wood, MO. However, his tenure in the States was short-lived and Major General McCoy once again answered the call to duty by becoming the Commander, Gulf Region Division, U.S. Army Corps of Engineers, OPERATION IRAQI FREEDOM in Iraq.

He returned from his deployment to Iraq and from 2006 to 2008, Major General McCoy served as the commanding general, U.S. Army Maneuver Support Center and Fort Leonard Wood, Fort Leonard Wood, MO.

From 2008 to present, Major General McCoy has been assigned as the deputy, the inspector general, Office of the Secretary of the Army and Headquarters, Department of the Army, Washington, DC. In August 2010 he became acting, the inspector general.

During his career, Major General McCoy steadily rose through the ranks and excelled at each assignment. He served in commands at the tactical, operational and strategic levels, as well as installation commands, during times of peace and war. At every command he effectively led our men and women in the accomplishment of the mission. From domestic to overseas assignments, and as a platoon leader to acting, the inspector general, Major General McCoy was ever mindful that the Army's most precious assets were those who wear the uniform and the civilians who work in the service of our nation's military. He ennobled this diligently through his thoughts, decisions, and actions.

Major General McCoy's personal awards include the Distinguished Service Medal, the Legion of Merit (with four Oak leaf Clusters), the Bronze Star Medal, the Meritorious Service Medal (with three Oak leaf Clusters), the Army Commendation Medal (with two Oak leaf Clusters), the Army Achievement Medal (with Oak leaf Cluster), the Joint Meritorious Unit Award, the Army Superior Unit Award, the Ehrenkreuz in Silber, and the Silver Order of the DeFleury Medal.

Throughout his lifetime of military service, MG William Howard McCoy, Jr. showed extraordinary professionalism, valor and integrity, and

dedication to the mission. He leaves a legacy of tremendous leadership and genuine concern for the soldiers and civilians of the U.S. Army. Furthermore, he attributes his success to the loving support of his wife Mrs. Jill McCoy and his children. General McCoy may have only spent several assignments in Missouri, but his career embodies classic Missouri values: love of country and family; selfless service; ''show me''—or, in other words, speaking with one's actions not words; and being humble. I wish Major General McCoy and his family the very best in retirement and I congratulate Major General McCoy on a fabulous career of service to our Nation and to the cause of freedom.●

TRIBUTE TO DR. DORIS JONES WILSON

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in honoring the work of Dr. Doris Jones Wilson, a music legend and icon in the St. Louis, MO community. For over 65 years, she has worked as an instructor, arranger and performer of music from every genre. Dr. Wilson's retirement marks just one more wonderful milestone in a life of service. It is my pleasure and privilege to ask the Senate to pause for a moment to honor Dr. Wilson today.

Dr. Wilson is a beloved member of the St. Louis community. She first earned a bachelor of music education degree from Lincoln University in Jefferson City, MO. She continued her education at Washington University in Saint Louis earning a master of arts in teaching and later a doctor of education in music education. Following her studies, Dr. Wilson went on to become a professor of music and director of the Concert Chorale of Harris-Stowe State University in St. Louis. Dr. Wilson recently retired from her position as minister of music for the West Side Missionary Baptist Church in St. Louis.

Dr. Wilson has received numerous awards and commendations over the course of her career that recognize the exceptional impact her work as a musician, teacher and choral director has had on the music community. I was so humbled to learn that this previous September, the Kennedy Center featured a special performance of one of her most popular arrangements, ''Even Me.'' This is only one in a long list of honors.

In 2004, Hampton University awarded her the Living Legend Award of Ministers and Choir Directors. She received the Missouri Arts Award from the Missouri Arts Council in 1998 and the Excellence in Teaching Award from Emerson Electric in 1997. In 1994, Dr. Wilson was honored with the Stellar Performer Award from the St. Louis American newspaper for outstanding leadership in music education. That same year the Bahamas Department of Tourism wrote Dr. Wilson a letter of commendation for Concert Choral Performance. In 1981, Dr. Wilson was awarded the Gold Medal for Concert Choral at the International Music Festival.

As a Representative of the great State of Missouri and a resident of St. Louis, I am proud and humbled by the life and career of Dr. Wilson. I have no doubt that she has touched the lives of many students with her wonderful gift and spirit. The education and wisdom that she has passed on as a music educator will live on in the work her students do and the people they become. I truly believe that the impact her work has had on the St. Louis community is immeasurable.

Mr. President, I ask that the Senate join me in congratulating and honoring Dr. Doris Jones Wilson on her retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2011.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *November 1, 2011.*

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1769. A bill to put workers back on the job while rebuilding and modernizing America.

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

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–3683. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery'' (RIN0648–BA13) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3684. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3'' (RIN0648–BA22) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3685. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sharks in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA733) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3686. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XA729) received in the Office of

the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3687. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2011–2012 Accountability Measures for Recreational Black Sea Bass'' (RIN0648–XA698) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3688. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''ACQUISITION PLANNING: Opportunities to Build Strong Foundations for Better Service Contracts''; to the Committee on Commerce, Science, and Transportation.

EC–3689. A communication from the Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 64 of the Commission's Rules Regarding Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities; Truth-In-Billing Requirements for Common Carriers'' (DA 11–1649) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3690. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Contributions to the Telecommunications Relay Services Fund'' (FCC 11–150) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3691. A communication from the Deputy General Counsel, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 0, 1, 73, and 74 of the Commission's Rules'' (DA 11–1658) received in the Office of the President of the Senate on October 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3692. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States'' (Docket No. APHIS–2011–005) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3693. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fresh Baby Kiwi From Chile Under a Systems Approach'' ((RIN0579–AD37) (Docket No. APHIS–2010–0018)) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3694. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions; Correction'' ((RIN0579–AD21) (Docket No. APHIS–2009–0031)) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3695. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year'' (7 CFR Part 6) received during recess of the Senate in the Office of the President of the Senate on October 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3696. 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 11–066, 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–3697. 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 11–084, 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–3698. 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 11–111, 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–3699. A communication from the Acting Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report relative to military construction requirements related to antiterrorism and force protection (DCN OSS No. 2011–1621); to the Committee on Armed Services.

EC–3700. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan for the period from January 1, 2011, through June 30, 2011 (DCN OSS No. 2011–1667); to the Committee on Armed Services.

EC–3701. A communication from the Secretary of Defense, transmitting, pursuant to law, a report regarding the approval by the President of the United States of changes to the 2011 Unified Command Plan (UCP) that specifies the missions and responsibilities, including geographic boundaries, of the combatant commands; to the Committee on Armed Services.

EC–3702. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3703. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Report on Redetermination Process for Permanently Incapacitated Dependents of Retired and Deceased Members of the Armed Forces''; to the Committee on Armed Services.

EC–3704. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Report to Congress on Impact of Domestic Violence on Military Families''; to the Committee on Armed Services.

EC–3705. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I; Regulations Governing Definitive United States Savings Bonds, Series I'' (31 CFR Parts 351, 353, 359, and 360) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3706. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC–3707. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled ''Quality of Water, Colorado River Basin, Progress Report No. 23''; to the Committee on Energy and Natural Resources.

EC–3708. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Domestic Unconventional Fossil Energy Resource Opportunities and Technology Applications Report to Congress''; to the Committee on Energy and Natural Resources.

EC–3709. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Compliance Date Regarding the Test Procedures for Walk-In Cooler and Freezers and the Certification for Metal Halide Lamp Ballast and Fixtures'' (RIN1904–AC58) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Energy and Natural Resources.

EC–3710. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Frequency Regulation Compensation in the Organized Wholesale Power Markets'' (Docket No. RM11–7–000) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Energy and Natural Resources.

EC–3711. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3328–EM in the State of New York having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Government Affairs.

EC–3712. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3327–EM in the State of North Carolina having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Government Affairs.

EC–3713. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 PM2.5 Standards'' (FRL No. 9482–9) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Environment and Public Works.

EC–3714. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Iowa: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision'' (FRL No. 9484–5) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Environment and Public Works.

EC–3715. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Assuring the Availability of Funds for Decommissioning Nuclear Reactors'' (Regulatory Guide 1.159, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC–3716. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF–510, Revision 2, 'Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection' '' (NUREG–1430, –1431, –1432) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC–3717. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Authorization Program for Nuclear Power Plants'' (Regulatory Guide 5.66, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC–3718. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities'' received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Environment and Public Works.

EC–3719. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Ambulatory Surgical Centers Patient Rights Conditions for Coverage'' (RIN0938–AP93) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. KERRY, Mr. SANDERS, Mrs. MURRAY, Mr. FRANKEN, and Mr. LAUTENBERG):

S. 1770. A bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved; to the Committee on Finance.

By Mr. KERRY:

S. 1771. A bill for the relief of Patricia Donahue, individually and in her capacity as administratrix of the estate of Michael J. Donahue; Michael T. Donahue; Shawn Donahue; and Thomas Donahue; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1772. A bill for the relief of Patricia Macarelli, in her capacity as administratrix of the estate of Edward Brian Halloran; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mr. LEAHY, Ms. MIKULSKI, Mr. TESTER, and Mr. HARKIN):

S. 1773. A bill to promote local and regional farm and food systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 1774. A bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. RISCH, Mr. REID, Mr. UDALL of Colorado, and Mr. HELLER):

S. 1775. A bill to promote the development of renewable energy on public lands and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Mr. WICKER, and Mrs. FEINSTEIN):

S. 1776. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

By Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN):

S. 1777. A bill to require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense; to the Committee on Armed Services.

By Mr. BLUMENTHAL:

S. 1778. A bill to amend the Child Care and Development Block Grant Act of 1990 to include the provision of diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BENNET, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. PRYOR, and Mr. CHAMBLISS):

S. Res. 308. A resolution designating November 27, 2011, as ''Drive Safer Sunday''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 46, a bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 50

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 52

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 466

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies.

S. 626

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 678

At the request of Mr. KOHL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 720

At the request of Mr. THUNE, the names of the Senator from Indiana (Mr. COATS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 838

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) 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. 1106

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1119

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1278

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1494

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1541

At the request of Mr. BENNET, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1555

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1555, a bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.

S. 1566

At the request of Mr. KIRK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1566, a bill to amend the Elementary and Secondary Education Act of 1965 regarding public charter schools.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1701

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1717

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1717, a bill to prevent the escapement of genetically altered salmon in the United States, and for other purposes.

S. 1769

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. WICKER, and Mrs. FEINSTEIN):

S. 1776. A bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations; to the Committee on Armed Services.

Mr. CARDIN. Mr. President, I rise today to introduce the Hotels for Heroes Act. Next week is Veterans Day and we owe it to our military men and women to support them every day but especially in their time of need. Today, military families are facing enormous challenges, not just emotionally, but financially. The legislation I am introducing will help more families to be with their loved ones as they recover from injuries and illnesses sustained defending our country and our way of life.

This bill expands on the popular Hero Miles program created in 2003 by my Maryland delegation colleague, Congressman DUTCH RUPPERSBERGER. The Hero Miles program authorizes the Department of Defense to accept donated frequent traveler miles to provide free round-trip airfare to military members recovering at military or Veterans Administration, VA, medical centers as a result of injuries sustained in overseas conflicts. The program also enables family and friends to visit injured troops while they are being treated. The Fisher House Foundation administers the program. The Foundation is a non-profit best known for its network of comfort homes built on the grounds of major military and VA medical centers.

The bill that I am introducing today would expand the program to allow the Department of Defense to accept the donation of hotel points in addition to airline miles. Congressman RUPPERSBERGER has introduced a companion bill in the House of Representatives. Here in the Senate, I am proud to have bipartisan support for this bill: Senator WICKER is the lead co-sponsor. The Fisher House Foundation, the USO, and the Military Child Education Coalition all support the legislation.

Donating unused frequent flyer airline miles and hotel points is a wonderful and easy way for Americans to express their appreciation for our brave men and women in uniform and their families. The Senate is not renowned for acting expeditiously, but one nice way to help pay tribute to our veterans and active duty servicemen and women would be to pass the Hotels for Heroes Act as soon as possible. I urge all my colleagues to join me in supporting this legislation.

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. 1776

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

SECTION 1. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) USE.—Subsection (d) of such section is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) providing humanitarian support to members and eligible beneficiaries receiving care through the military health care system; and

''(4) providing support to allow participation of members and their families in Department of Defense sponsored and authorized programs.''.

(d) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(e) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs.''.

By Mr. UDALL of New Mexico (for himself, Mr. BENNET, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce an amendment to the United States Constitution to address our country's broken campaign finance system. Joining me in this effort are my colleagues Senators BENNET, HARKIN, DURBIN, SCHUMER, MERKLEY, WHITEHOUSE, BEGICH, and SHAHEEN.

As we head into another election year, we are about to see unprecedented amounts of money spent on efforts to influence the outcome of our elections. With the Supreme Court striking down the sensible regulations Congress has passed, I believe the only way to address the root cause of this problem is by first amending the Constitution.

Such an amendment is not a new idea. Constitutional amendments to

grant Congress broad authority to regulate the campaign finance system have been introduced many times in the past, and most had bipartisan support. But last year's Supreme Court decision in Citizens United v. FEC places a new emphasis on the need for Congress to act.

Citizens United was a victory for special interests at the expense of the average American. It held that corporations deserve the same free speech protections as individual Americans, enabling them to spend freely from their corporate treasuries on campaign advertising. It also gave rise to so-called Super PACs, which can raise and spend unlimited funds to campaign for or against candidates.

We saw in the last election the initial impact of the Citizens United decision, but it is about to get much worse. A New York Times editorial on September 18 summed it up pretty well.

That piece, entitled ''How the Big Money Finds a Way In,'' stated that:

> Companies, unions, and other interest groups poured about $300 million into campaign ads in the 2010 Congressional elections after the Supreme Court's Citizens United decision open the sluices to unlimited spending by independent groups. That will look like a trickle compared with the gusher coming in 2012.

While the Citizens United decision sparked a renewed focus on the need for campaign finance reform, the Court laid the groundwork for a broken system many years ago. In 1976, when the Court held in Buckley v. Valeo that restricting independent campaign expenditures violates the First Amendment right to free speech, it established the flawed precedent that money and speech are the same thing. Since then, our Nation's policymakers are all too often elected based on their ability to raise money or the size of their personal fortunes, rather than the quality of their ideas or dedication to public service.

These decisions, among others, demonstrate the Court's willingness to rule broadly and ignore longstanding precedent to declare our campaign finance laws unconstitutional. Because of this, I believe that the only way to truly fix the problem is to first amend the Constitution to grant Congress clear authority to regulate the campaign finance system.

Our proposed amendment is similar to bipartisan proposals in previous Congresses. It would authorize Congress to regulate the raising and spending of money for federal political campaigns, including independent expenditures, and allow states to regulate such spending at their level. It would not dictate any specific policies or regulations. Instead, it would allow Congress to pass campaign finance reform legislation that withstands constitutional challenges.

I understand how difficult amending the constitution can be, but also believe that momentum is growing to reign in the out of control campaign spending. Just because getting a constitutional amendment through Congress and ratified by the States is extremely difficult, it doesn't mean we shouldn't try. We know our Founders did not intend for elections to be bought and paid for by undisclosed donors operating through secretive organizations—that is the antithesis of democracy and we must do everything possible to address the problem.

The only way to restore the democratic nature of our election system is to fundamentally change it. That can only be done after the Constitution is amended to allow such changes. Many of my predecessors understood this and spent years championing the cause. Senator Fritz Hollings introduced bipartisan constitutional amendments similar to the one we introduce today in every Congress from the 99th to the 108th. Senators SCHUMER and COCHRAN introduced one in the 109th Congress.

Those were all before the Citizens United decision, but Senator Hollings has continued to call for an amendment since his retirement. Just last October, he wrote a piece for The Huffington Post titled ''Money is a Cancer in Politics.'' In that article he wrote:

> Like a dog chasing its tail, Congress has tried for thirty-five years to control spending in federal elections, only to be thwarted by the Supreme Court intent on equating speech with money. To return to Madison's freedom of speech, Congress needs to pass a Joint Resolution amending the Constitution to authorize Congress to limit or control spending in federal elections.

Our constituents' faith in the election system has been fundamentally corrupted by big money from outside interest groups. It is time for Congress to take back control of the campaign finance system by passing a constitutional amendment that will allow real reform.

Mr. President, I ask unanimous consent that the text of the joint resolution and an article be printed in the RECORD.

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

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. Congress shall have power to regulate the raising and spending of money and in kind equivalents with respect to Federal elections, including through setting limits on—

''(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

''(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

''SECTION 2. A State shall have power to regulate the raising and spending of money and in kind equivalents with respect to State elections, including through setting limits on—

''(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

''(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

''SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.''.

[From the New York Times, Sept. 17, 2011]

HOW THE BIG MONEY FINDS A WAY IN

(By Eduardo Porter)

Companies, unions and other interest groups poured about $300 million into campaign ads in the 2010 Congressional elections after the Supreme Court's Citizens United decision opened the sluices to unlimited spending by independent groups. That will look like a trickle compared with the gusher coming in 2012.

Gov. Rick Perry's supporters have created a group called Make Us Great Again, which plans to spend up to $55 million to help him win the Republican presidential nomination. Unions and other supporters of Democrats, too, are starting to funnel money into independent groups like Priorities USA Action, which has raised $3.2 million for the presidential race and plans to raise much more.

These groups, which are not supposed to coordinate with candidates' campaigns or the political parties, are called Super PACs, but the label doesn't much matter. The point is that in the past several years outside groups—using various types of financing vehicles—have accounted for a growing share of the money spent in federal elections.

The first chart shows the steady rise in total spending in federal elections in both presidential and nonpresidential years over the last decade. Over that time, money spent by outside groups jumped to 8 percent of the total from less than 1 percent, while party spending declined as a share.

The second chart shows how spending by independent groups has morphed with each new campaign finance law and judicial ruling. What's constant is the ability of fundraisers to put more cash into elections. The 2002 McCain-Feingold law put an end to the unlimited ''soft money'' donations by corporations, unions and wealthy individuals to party committees, which used it to pay for ''issue'' ads that often attacked or supported candidates. When soft money went away, donors simply channeled money for such ads to other vehicles, including 527 committees, like Swift Boat Veterans for Truth.

In 2007, the Supreme Court blew aside spending restrictions (weak as they were) by ruling that corporations, unions and other groups could spend unlimited amounts up to Election Day on ''issue'' ads that mentioned a candidate's name, as long as they did not explicitly urge a ''vote for'' or ''vote against'' a candidate. Soon after that, 501(c) groups (like trade associations, unions and social welfare advocacy groups) became the vehicle of choice; unlike other types of groups, they are allowed to collect unlimited anonymous donations.

The Citizens United decision eliminated the biggest remaining restriction by allowing independent groups to pay for campaign ads that explicitly endorsed or opposed a candidate. Big donors responded in the 2010 election by launching Super PACs like American Crossroads, which raised $26.6 million to help Republicans, and America's Families First Action Fund, which raised $7.1 million to help Democrats. And they created 501(c) ''social advocacy'' groups like Crossroads GPS to offer secrecy to campaign donors.

The legal changes of the last decade have contributed to the flood of money in the political process. Corporate campaign donations through 5o1(c)s and Super PACs hit around $140 million in 2010 from zero in 2006, according to estimates by the Center for Responsive Politics. For interest groups and wealthy individuals, the shifts have meant more direct influence in elections. For American democracy, the effect may well be disastrous.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 308—DESIGNATING NOVEMBER 27, 2011, AS ''DRIVE SAFER SUNDAY''

Mr. ISAKSON (for himself, Mr. PRYOR, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band (''CB'') radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2011, as ''Drive Safer Sunday''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 921. Mr. DURBIN proposed an amendment to the bill H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

TEXT OF AMENDMENTS

SA 921. Mr. DURBIN proposed an amendment to the bill H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

Amend the title to read:

''An act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.''

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, November 8, 2011, at 10 a.m. in SD–106 to conduct a hearing entitled ''Beyond NCLB: Views on the Elementary and Secondary Education Reauthorization Act.''

For further information regarding this hearing, please contact the committee staff on (202) 224–5501.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 10, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on S. 1192, Alaska Safe Families and Villages Act of 2011; S. 872, a bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; and S. 1763, the Stand Against Violence and Empower Native Women Act (SAVE Native Women Act).

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 17, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Future of Internet Gaming: What's at Stake for Tribes?''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate, on November 1, 2011, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled ''China's Role in Africa: Implications for U.S. Policy.''

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

SUBCOMMITTEE ON CHINA AND TERRORISM

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on November 1, 2011, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Combating International Organized Crime: Evaluating Current Authorities, Tools, and Resources.''

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

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

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

REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 213, S. 1769.

The PRESIDING OFFICER. Without objection, the clerk will report the bill by title.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 213, S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

Harry Reid, Amy Klobuchar, Jeff Bingaman, Bernard Sanders, Tom Udall, Daniel K. Akaka, Jon Tester, Christopher A. Coons, Mark R. Warner, Michael F. Bennet, Kent Conrad, Sheldon Whitehouse, Sherrod Brown, Claire McCaskill, Mark Begich, Ron Wyden, Benjamin L. Cardin, Frank R. Lautenberg

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. Mr. President, I am hopeful that we will not have to have a vote on this matter. This is to protect us so if we cannot work out something we will have a vote Thursday morning. I hope we can work out something to have a vote on this most important measure. It is very important. This is a piece of legislation that the entire population of America supports by a ratio of some 76 percent. Republicans support it; Democrats support it; Independents support it. The only people in

the world who do not support it are Republicans here in the Senate. So I hope we can work out something and move to this and it would be unnecessary for us to have to have cloture invoked or try to have cloture invoked.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider nominations numbered 412 and 414; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

Patricia M. Loui, of Hawaii, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

Larry W. Walther, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DRIVE SAFER SUNDAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 308.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 308) designating November 27, 2011, as ''Drive Safer Sunday.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider laid on the table.

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

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band (''CB'') radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2011, as ''Drive Safer Sunday''.

ORDERS FOR WEDNESDAY, NOVEMBER 2, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 2, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act.

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

PROGRAM

Mr. REID. Mr. President, I filed cloture on the motion to proceed to S. 1769, the jobs bill. If no agreement is reached, this vote will occur Thursday morning.

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 adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, November 2, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL DEPOSIT INSURANCE CORPORATION

THOMAS HOENIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE THOMAS J. CURRY, TERM EXPIRED.

DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DENNIS F. HIGHTOWER, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

AJIT VARADARAJ PAI, OF KANSAS, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2011, VICE MEREDITH ATTWELL BAKER, TERM EXPIRED.

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2010, VICE MICHAEL JOSEPH COPPS, TERM EXPIRED.

DEPARTMENT OF STATE

LARRY LEON PALMER, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES .

THE JUDICIARY

CORAL WONG PIETSCH, OF HAWAII, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE WILLIAM P. GREENE, JR., RETIRED.

DEPARTMENT OF DEFENSE

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE MICHAEL G. VICKERS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KIRK W. ALBERTSON
MATTHEW J. ANDRADE
DOMINIC S. ANGIOLLO
ZACHARY P. AUGUSTINE
WILLIE J. BABOR
MICHAEL J. BERENS
CHARLOTTE D. BOSWELL
MICHAEL L. BOYER
ANNA L. CAMPBELL
DAL N. CHO
KERIC D. CLANAHAN
MICHELLE D. CLARK
SOPHIA B. CRAWFORD
ROBERT B. CRAYNE
DAVID WILLIAM CROMWELL
WILLIAM G. DALZELL
SIMONE V. DAVIS
SARA M. DAYTON
CARLOS M. DEDIOS
LAURA C. Y. DESIO
DAVID S. DICKINSON
RANAE L. DOSER PASCUAL
DANIEL P. DOYLE
JAMES B. EVES
ANTHONY J. GHIOTTO
JOHN S. GOEHRING
CHRISTOPHER J. GOEWERT
BRIAN D. GREEN
JAMES H. GUTZMAN
ANDREA MARIE HALL
BRYAN W. HALL
PATRICK A. HARTMAN
CARY D. HAWKINS
BRADLEY J. HENDERSON
MATTHEW E. HUGHES
JASON R. HULL
BRIAN R. HUREY
DYLAN THOMAS IMPERATO
RAVINDER S. KAPOOR
SAM C. KIDD
TYSON D. KINDNESS
KEVIN S. KREBS
BRIAN C. MASON
NICHOLAS P. MATHIEU
THOMAS A. MCNAB
JOHN A. MOORE, JR.
MONICA E. NUSSBAUM
SHERRI M. OHR
ROBERT K. PALMER
JEFFREY C. PHILLIPS
LANOURRA L. PHILLIPS
ANTOINETTE T. QUINN
MICHAEL P. SABALA
JENNIFER M. SANCHEZ
ZAVEN T. SAROYAN
LAELA F. SHARRIEFF
ERIKA LEE SLEGER

TODD M. SPARKS
JUSTIN W. N. STRONG
TENNILLE A. SYRSTAD
MICHAEL G. THIEME
TODD F. TILFORD
ERIK R. TJADER
JAMES E. TUCKER
ANDREW J. UNSICKER
EVEYLON C. WESTBROOK
DANIEL J. WHITE
NATHAN A. WHITE
JA RAI A. WILLIAMS
TIFFANY J. WILLIAMS
MAUREEN SCHELLIE WOOD
HANNA YANG
MARSHA M. YASUDA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID M. BARNS
RAPHAEL BERDUGO
JASON MCKINLEY BOTTS
MATTHEW F. BOYD
GLENN B. BRIGHT
GREGORY M. BRUNSON
CHRISTIAN J. CHAE
DAVID EDILBERTO DEL PRADO
LEIF J. ESPELAND
TERRY L. FOX
ERIK G. HARP
ROLF E. HOLMQUIST
JONATHAN R. HURT
JAMES E. JANECEK
DAVID B. KNIGHT, JR.
DALLAS L. LITTLE
MARK W. NEVIUS
ALEXANDER PALOMARIA
BRADFORD S. PHILLIPS
REGINA O. SAMUEL
ROBERT J. SCHOBERT
RUTH N. SEGRES
CHARLES SELIGMAN III
WILLIAM R. SPENCER
EUGENE J. THEISEN
ANDREW L. THORNLEY
ERIC L. WHITMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BARBARA B. ACEVEDO
CHADWICK B. ACKISON
ROBERT ATISME
KATIE B. AUSTIN
ELISSA R. BALLAS
EARL J. BANNING
MARY A. BAUZA LAWVER
KENNETH L. BEADLE
ERIKA L. BEST
SCOTT A. BLACK
RAYMOND R. BOUCHARD
ROBERT J. BOULIER III
RONNY G. BOWMAN
ALLISON L. BRADSHAW
ROBERT A. BRIGGS
DAWN M. BROCK
KAREN J. BUIKEMA
STEVEN T. BURDINE
CONNIE M. BURNETT
ROSS M. CANUP
PETER E. CARRA
MICHELLE M. CARTER
VICKI L. CHARBONNEAU
KAREN B. CHISHOLM
BRIAN M. CLARKE
MONTSHO P. CORPPETTS
WAYNE S. COX
TIMOTHY A. DAVIS
JESSICA DEES
MICHAEL T. DIETRICH
DARRICK N. DURAN
PAUL K. EDWARDS
JOSHUA M. ELSTON
SEAN J. ESTRADA
ERIN L. FAGER
DEBORAH P. FAUCETTEMORALES
ROSS A. FREE
KRISTIN L. GALLOWAY
KASIE LYNN GAONA
JULIANA J. GHEORGHIU
CASSANDRA J. GILBERT
MARC J. GRAESSLE
HEIDI L. GRANDIN
DYANA L. HAGEN
KEVIN M. HAINES
COURTNEY E. HARPER
NEIL J. HELBLING
DEBORAH L. HENRY
CORDY F. HERRING III
LORALIE E. HODGES
BRADLEY C. HOFFMAN
SHANNON E. HUNT
ANGELA L. JIMDAR
CHARLENE Y. KIRBY
JESSICA BEAL KNOWLES
MEGAN K. KRUTY
KEVIN R. KUPFERER
PAUL B. LANE
DENISE E. LEMON
DANIEL E. LIM
BRIAN B. LUPFER
JUSTIN D. LUSK
TANYA L. MANNING
MALISHA L. MARTUKOVICH
TRACY E. MAYFIELD
KIMBERLY A. MCCOY SINGH
WILLARD B. MCDOUGAL
ELIZABETH ANNE S. MCKENNA
DONALD T. MICHAEL
REBEKAH R. MOONEY
BRANDON C. MORGAN
CHAD E. MORROW
KEMBA R. MYERS
THIEN H. NGUYEN
MATTHEW K. NIELSEN
SEAN T. NIELSON
FRANCIS A. OBUSEH
DANIEL J. K. OH
MARK PAINE
ELISHA N. PARKHILL
RENEE M. PATTERSON
JAMILA L. PETTERSON
KERRY A. PHELAN
ANTHONY B. POLITO III
JOSE I. RAMOS
MICHAEL C. RENKAS
KRISTEN M. ROBERTSON
PATRICK J. RYAN
DAVID M. SANDERS
DAVID J. SEELEN
WILLIAM E. SHAW, JR.
WILLIAM A. STEELE
DAVID MICHAEL STUEVER
MATTHEW T. TARANTO
MELISSA L. TENNANT
JOHN M. TONARELLI
WILLIAM N. TUCKER, JR.
RICHARD J. VILLANUEVA
MARVIN S. WADE
JOHN W. WAGGONER
RICHARD A. WAGGONER
DANIEL J. WATSON
QUINTON E. WEIGNER
AMY S. WEST
SHAUN C. WHITE
AIMEE E. WILLIAMS
SHAWNEE ANNE WILLIAMS
SEAN A. WILSON
DAVID S. WINTER
HEIDI P. WORLEY
SARA E. WRIGHT
RICHARD E. YON
CHRISTY LYNN ZAHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KRISTINE M. AUTORINO
ERIC J. CADOTTE
ROBERT P. CHATHAM
JENNIFER A. CLAY
MATT D. COAKLEY
BRYAN B. DAVIS
DON D. DAVIS III
SETH R. DEAM
JOHN C. DEGNAN
MARK D. HOOVER
WILLIAM D. JOHNSON
SHERI K. JONES
OREN D. LEFF
CHRISTOPHER D. MAY
SHAWN D. MCKELVY
CHRISTOPHER S. MORGAN
TARALYNN M. OLAYVAR
ARIE J. SCHAAP
LYNN SCHMIDT
CHRISTOPHER M. SCHUMANN
COREA B. SMITH
RICHARD J. STABILE, JR.
MATTHEW P. STOFFEL
LYNN R. SYLMAR
STERLING R. THOMAS
MITZI O. WEEMS
JASON S. WRACHFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTINE L. BLICEBAUM
HECTOR L. COLONCOLON
DAVID W. DEPINHO
MATTHEW P. FRANKE
PATRICK A. GENSEAL
SHERROL L. JAMES
LESLIE A. JANOVEC
ROBERT W. JOHNSON
DANIEL N. KARANJA
DWAYNE W. KEENER
KEVIN L. LOCKETT
GLENNDON E. PAGE, JR.
TIMOTHY J. PORTER
ABNER PERRY V. VALENZUELA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLINTON E. ABELL
JEFFREY J. AUTREY
PHILIP G. BASCOM
THOMAS R. BERANEK
SHELIA D. BEVILLE
CHRISTOPHER R. BISHOP
KEITH W. BLOUNT
AMY R. CARPENTER
JOHN D. CATOE
CHAD D. CLAAR
DAVID D. CORDRY
DARRICK D. CUNNINGHAM
TAM T. DINH
JOEL R. DIXON
RACHEL E. FOSTER
JOHN S. FRAZEY
KATHY L. FULLERTON
JENNIFER L. GRUENWALD
MICHAEL G. HAINES
WILLIAM E. HUBBARD, JR.
LEIGH G. JOHNSON
MARK W. LEHMAN
TIMOTHY A. LOOMIS
TEG W. MCBRIDE
JOHN C. MCGEE
SEAN J. MCNAMARA
NICHOLAS A. MILAZZO
ALAN D. OGLE
VANHSENG PHANTHAVONG
DOUGLAS D. RILEY
DEBORAH K. SIRRATT
SOO A. SOHN
TODD A. TICE
SAMANTHA TIMM
DIANE M. TODD
JENNIFER T. VECCHIONE
KENDRA J. WARNER
RICHARD A. WEBER
STEPHEN P. WOLF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL J. APOL
JEFFERSON B. BROWN
ANDREW C. FOLTZ
GREGORY O. FRIEDLAND
GRAEME S. HENDERSON
EDWARD R. LUCAS
ERIC F. MEJIA
JEANNE M. MEYER
MARK HOWARD PATTERSON
TOM E. POSCH
ROBERT J. PRESTON II
JEFFREY D. SATTLER
MICHAEL D. TOMATZ
MICHAEL G. VECERA
DAWN M. K. ZOLDI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN P. DITTER
BRUCE R. GLOVER
MICHAEL D. GRUBBS
STEVEN E. WEST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOEL O. ALMOSARA
THOMAS A. BACON
BRIAN G. CASLETON
ALICE S. CHAPMAN
DAVID DUQUE
MARKUS P. GMEHLIN
REBA E. HARRIS
ANDREW B. MEADOWS
LUCIA E. MORE
JOSEPH J. NARRIGAN
MARK S. OORDT
RUSSELL L. PINARD
PHILIP J. PREEN
ROBERT B. ROTTSCHAFER
ANDERSON B. ROWAN
ANNETTE J. WILLIAMSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

SERAFINA SAUIA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

TERRY L. CLARK
DARRON T. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID BUTLER
ERIC W. SIMONS
TIMOTHY W. SMITH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RANDALL D. ISOM

DAVID G. JENKINS
MICHAEL A. MITCHELL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH C. BARKER
THOMAS W. LINGLE
CARROLL G. LINKS, JR.
ROBERT A. PHILLIPS, JR.
JAMES W. RING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW J. POWERS

CONFIRMATIONS

Executive nominations confirmed by the Senate November 1, 2011:

EXPORT-IMPORT BANK OF THE UNITED STATES

PATRICIA M. LOUI, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015.

LARRY W. WALTHER, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 1, 2011 withdrawing from further Senate consideration the following nomination:

THOMAS HOENIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING DECEMBER 12, 2015, VICE THOMAS J. CURRY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 20, 2011.