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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 14, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

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

PRAYER

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

Dear God, we give You thanks for giving us another day. We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times with many forces and interests demanding their attention.

Give them generosity to enter into their work. May they serve You in the work they do as You deserve; give of themselves and not count the cost; fight for what is best for our Nation and not count the political wounds; toil until their work is done and not seek to rest; and labor without seeking any reward, other than knowing they are doing Your will and serving the people of this great Nation.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS 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.

SUPREME COURT TO DECIDE CONSTITUTIONALITY OF HEALTH CARE LAW

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

Mr. BURGESS. Madam Speaker, today the Supreme Court announced plans to take up a judicial review of the President's health care law, the so-called Patient Protection and Affordable Care Act. This was signed into law in March of 2010.

Now the Justices will consider if the Federal Government—indeed, the United States Congress—exceeded its authority by requiring that every American purchase health insurance by 2014.

The American people have made it very clear throughout this process: Give us the reforms that will address the problems, but don't tinker with what is already working well. What people wanted was not a 2,900-page bill that shatters the system that was working well for the vast majority of Americans.

What Congress should have done was to tackle the problems that Americans who need help were requesting. We could have addressed and accomplished reform in stand-alone bills at a much lower cost. We've seen that the new health care law is not what the American people wanted, and I am encouraged that this law will now be heard before the highest court in the land, and I am hopeful for their expeditious and judicial removal of the Affordable Care Act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2011 at 5:52 p.m.:

That the Senate passed with an amendment H.R. 674.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2011 at 10:19 a.m.:

That the Senate passed without amendment H.R. 398.

Printed on recycled paper.

That the Senate passed S. 363.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE HONORABLE LEE TERRY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LEE TERRY, Member of Congress:

CONGRESS OF THE UNITED STATES,
House of Representatives, November 7, 2011.

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

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena duces tecum for the production of documents, issued by the District Court of Sarpy County, Nebraska.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

LEE TERRY,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

□ 1632

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 4 o'clock and 32 minutes p.m.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

SAM D. HAMILTON NOXUBEE NATIONAL WILDLIFE REFUGE

Mr. HASTINGS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 588) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 588

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

SECTION 1. REDESIGNATION OF THE NOXUBEE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Noxubee National Wildlife Refuge, located in the State of Mississippi, is redesignated as the ''Sam D. Hamilton Noxubee National Wildlife Refuge''.

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton Noxubee National Wildlife Refuge (referred to in this section as the ''Refuge''), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuge new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the Noxubee National Wildlife Refuge is deemed to refer to the Sam D. Hamilton Noxubee National Wildlife Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Under H.R. 588, the Noxubee National Wildlife Refuge in Mississippi will be renamed after the former Director of the U.S. Fish and Wildlife Service, Sam Hamilton, who recently died at the young age of 54. It's my understanding, Madam Speaker, that his first outdoors job was at the Noxubee Refuge, where he learned to band wood ducks and manage wildlife habitat.

I want to compliment my friend and colleague from Mississippi, Congressman GREGG HARPER, for introducing this no-cost legislation, which I think is a fitting tribute to Sam Hamilton and all that he stood for.

With that, I urge adoption of the measure, and I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. I rise in support of H.R. 588, which would redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

Madam Speaker, it is abundantly clear that everyone who worked with Director Hamilton during his three-plus decades of public service had the utmost respect and admiration for him. His lifelong commitment to conservation and restoration of some of the Nation's most important species and ecosystems started at Noxubee National Wildlife Refuge, and so it is fitting that this place is memorialized in his honor.

I commend my colleague, Congressman HARPER from Mississippi, for introducing this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the author of this legislation, the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Madam Speaker, I rise today to speak in support of H.R. 588, legislation that I introduced to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge. This legislation is a companion bill to S. 266, introduced by Mississippi Senator THAD COCHRAN, which passed the Senate on February 17, 2011. I want to thank Senator COCHRAN for his leadership on this and many other conservation matters.

H.R. 588 honors Mr. Sam D. Hamilton, a lifetime conservationist and a great man who spent 30 years at the Fish and Wildlife Service, ultimately rising to Director in 2009.

Established in 1940, the Noxubee National Wildlife Refuge consists of 48,000 acres in east-central Mississippi. Approximately 170,000 people visit the refuge annually and enjoy hunting, fishing, hiking, and other outdoor and recreational activities.

Mr. Hamilton had a long and personal history with the refuge. A native of Starkville, Mississippi, he recalled during his confirmation testimony that he caught his first fish at the refuge at the age of 5 and began his conservation career there as an employee at age 15. Sam called the refuge system the ''finest collection of public lands and waters dedicated to fish and wildlife conservation in the world.''

Upon graduating from Mississippi State University, Sam started a career that spanned 30 years at the Fish and Wildlife Service. On September 1, 2009, Sam Hamilton was sworn in as the 15th Director of the U.S. Fish and Wildlife Service.

Regrettably, Sam passed away on February 20, 2010. Honoring Sam by renaming the refuge would be a tribute to his remarkable career and his commitment to conservation. The National Fish and Wildlife Foundation recently provided a grant to the Friends of Noxubee Refuge that will allow the name change to occur without the Federal Government's incurring these costs.

I would also like to thank Chairman HASTINGS and Subcommittee Chairman FLEMING for their support and look forward to working with them to ensure this legislation is signed into law to remember a man who devoted his life and career to the ideals formed during his early days at the Noxubee National Wildlife Refuge.

Ms. BORDALLO. Madam Speaker, again I urge my colleagues to support H.R. 588, which is a bill that would rename the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I too urge my colleagues to support the bill, and I yield back the balance of my time.

□ 1640

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 588.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN J. COOK POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2079

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

SECTION 1. JOHN J. COOK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, shall be known and designated as the ''John J. Cook Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John J. Cook Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I would like to ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

H.R. 2079, introduced by the gentlelady from New York (Mrs. MCCARTHY) would designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the John J. Cook Post Office. This bill was introduced in June of this year and was favorably reported out of the Committee on Oversight and Government Reform on November 3.

John J. Cook served the community of East Rockaway, New York, for more than six decades, working as a letter carrier at the facility to be named after him. Serving his community for 60 years and 4 months, Mr. Cook went above and beyond to serve his neighbors and exemplified professionalism and courtesy each and every day on the job. Mr. Cook delivered mail on the same route for nearly all of his 60 years on the job; and according to many in his community, he continually touched the lives of countless people spanning generations.

According to one East Rockaway resident, he was ''the best.'' He knew all of his customers very well and gave personalized service throughout his career. The resident went on to say that ''they don't make people like him anymore.''

Sadly, Mr. Cook passed away in 2005 at the age of 78. He left behind his wife, Roberta, and many who will miss this true public servant and model postal employee.

I urge all Members to join me in naming the postal facility in East Rockaway, New York, after John J. Cook; and I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

As the ranking member of the Committee on Oversight and Government Reform, I'm pleased to join my colleagues in supporting H.R. 2079, a bill to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the John J. Cook Post Office.

The measure before us was introduced by Representative CAROLYN MCCARTHY on June 1, 2011. In accordance with committee requirements, H.R. 2079 is cosponsored by all members of the New York delegation. It was reported out of the Oversight Committee by unanimous consent on November 3, 2011.

H.R. 2079 honors John J. Cook, a man who worked for more than 60 years with our Nation's postal service. Mr. Cook began working for what was then the United States Postal Department on January 8, 1944, after returning from service in World War II. From 1948 until his retirement in 2004, he walked the same route 6 days a week, with neither snow nor sleet nor rain preventing him from completing his appointed duties.

Mr. Cook was a fixture of the East Rockaway community, known and beloved by all. Even now, 7 years after his retirement, East Rockaway residents fondly recall Mr. Cook's kindness and empathy as a public servant. By all accounts, he went above and beyond the call of duty to serve his neighbors. His professionalism, courtesy, and dedication to the job made him a model letter carrier.

After 60 years and 4 months of faithful service to the United States Postal Service, Mr. Cook passed away in 2005 at the age of 78. Mr. Cook's career is a stunning example of what our dedicated postal workers contribute to our communities. Even as the postal service faces severe financial and operational strains, we must never forget that the service's success depends on the dedication of employees like John Cook.

Madam Speaker, I ask that we pass H.R. 2079 in recognition of Mr. John J. Cook's commitment to his work at the postal service, his compassion for his community, and his service to a grateful Nation. I also ask that we keep the example of his career in mind as we work together to craft what should be a bipartisan piece of legislation, to ensure that the institution Mr. Cook loved so much can continue to serve our Nation.

With that, I urge the passage of H.R. 2079, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, at this point I would like to withdraw my motion.

The SPEAKER pro tempore. The motion is withdrawn.

PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3004) to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the ''Private First Class Alejandro R. Ruiz Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3004

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

SECTION 1. PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 260 California Drive in Yountville, California, shall be known and designated as the ''Private First Class Alejandro R. Ruiz Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Private First Class Alejandro R. Ruiz Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

H.R. 3004, introduced by the gentleman from California (Mr. THOMPSON), would designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the Private First Class Alejandro R. Ruiz Post Office Building. This bill is cosponsored by the entire California State delegation and was reported by the Committee on Oversight and Government Reform on November 3.

Madam Speaker, it is altogether fitting and proper that we name this post office in honor of Private First Class Ruiz. Born on April 26, 1924, in Loving, New Mexico, PFC Ruiz enlisted in the Army during World War II and was deployed to the island of Okinawa in 1945. On April 28, 1945, PFC Ruiz and his platoon were ambushed by Japanese soldiers hiding in fortified bunkers. Under a hail of machine gun fire, with enemy grenades being lobbed from every direction, PFC Ruiz single-handedly killed 12 Japanese soldiers and completely destroyed the enemy machine gun nest.

In the face of overwhelming odds, PFC Ruiz acted with the utmost courage, risking his own life to save the lives of many of his fellow soldiers. While he was shot in the leg during the battle, PFC Ruiz and his squad leader were the only two men to escape death or serious injury that day. For his bravery and valor, Private First Class Ruiz was presented with the Medal of Honor by President Truman in June of 1946. He went on to continue his service in the Army, fighting in the Korean War and retired a master sergeant in the mid-1960s.

Sadly, Madam Speaker, on November 23, 2009, Private First Class Ruiz died of congestive heart failure at a hospital in Napa, California, at 85 years of age. I am truly grateful for the service of Private First Class Ruiz and all the men and women who put their lives on the line to protect and defend our country each day. I urge all Members to join me in strong support of this bill.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in supporting H.R. 3004, which designates the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the Private First Class Alejandro R. Ruiz Post Office Building.

This measure was introduced on September 21, 2011, by our colleague from California, Representative MIKE THOMPSON, and has been cosponsored by all members of the California delegation. H.R. 3004 was favorably reported out of the House Oversight and Government Reform Committee on November 3, 2011.

Alejandro R. Ruiz served his country valiantly for nearly 20 years, reaching the rank of master sergeant by the time of his retirement.

□ 1650

Born in New Mexico, Mr. Ruiz served our Nation with exceptional courage and valor. During service in World War II, his unit, the 27th Infantry Division of the 165th Infantry, was ambushed by Japanese troops sheltered in a camouflaged pillbox on Okinawa. Private First Class Ruiz grabbed an automatic rifle and charged forward through a storm of bullets and grenades. As an enemy soldier rushed toward him, his weapon jammed. After clubbing the enemy with the butt of his rifle, Private First Class Ruiz grabbed a different rifle, charged the pillbox and killed 12 enemy soldiers stationed inside. He was awarded the Congressional Medal of Honor for his actions.

Mr. Ruiz died on November 23, 2009, of heart failure in Yountville, California. He was 85 years old.

I ask that we pass H.R. 3004 to honor Alejandro Ruiz' heroic actions in defense of our Nation as well as the long and productive life he lived thereafter.

I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I have no further requests for time, so I continue to reserve the balance of my time.

Mr. CUMMINGS. I yield 3 minutes to the gentleman from California and sponsor of the bill, Congressman MIKE THOMPSON.

Mr. THOMPSON of California. I thank the gentleman from Texas for bringing this bill to the floor. I also thank the ranking member for his good work on this and for yielding me time to speak on this.

This is very near and dear to me. The California Veterans Home in Yountville, California, is in the heart of my district and my home county. I've known it my entire life, and it's been home to many brave men and women who have served courageously in our military. These are heroes and heroines who put their lives on the line for everything that we as Americans believe in and everything that we enjoy today.

There is a post office on that facility that provides mail service for 1,100 heroes and heroines at the California Veterans Home. These guys get their mail there every day. It saves them from having to make an impossible trek to the closest town. If they were forced to do that, it would put them again in harm's way because it is a very dangerous route to travel; and in their advanced age, it makes no sense for them to have to do that. So this is a very, very important facility.

And here just recently, a very distinguished hero at the California Veterans Home, Alejandro Ruiz, passed away. The reason we want to name the post office after Alejandro Ruiz is because he earned a Congressional Medal of Honor. Now, it has already been noted on the floor the heroic activities of the day in question, but here's a man who, without any concern for his own safety, charged an enemy pillbox filled with enemy combatants, avoiding rifle fire, avoiding grenades, and took this responsibility on to save his comrades who were there fighting with him.

When his weapon became disabled, he returned, got another weapon, more ammunition, and again charged this pillbox. On the second attempt, he was able to reach the pillbox, get on top of it, and dispatch all those who were trying to kill his comrades. Had it not been for his activities, many Americans would have lost their lives that day, and the advancement of the American troops would have been stopped.

This man is a true hero, and that is probably redundant given he has received the Congressional Medal of Honor, and I think it is the appropriate tribute to name this postal facility after Alejandro Ruiz.

Mr. CUMMINGS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of this bill, H.R. 3004, and I yield back the balance of my time.

Mr. BACA. Madam Speaker, I rise today in recognition of H.R. 3004, to designate a United States Post Office in Yountville, California as the "Private First Class Alejandro R. Ruiz Post Office Building."

Pfc. Ruiz was a former United States Army soldier who served our nation honorably between 1944 to 1964.

He received the Medal of Honor on June 26, 1946 for his actions in the Battle of Okinawa in the Ryukyu Islands during World War II.

President Harry S. Truman presented Pfc. Ruiz with the highest military decoration the United States has to offer.

Pfc. Ruiz's unit was stopped by a camouflaged enemy pillbox where these soldiers encountered machinegun fire and grenade attacks.

Pfc. Ruiz was able to destroy the pillbox under heavy fire and save the lives of many comrades.

He faced overwhelming odds and not only served his unit bravely, but also served his country admirably.

As a Member of Congress, and a veteran, I am proud to stand here before you because of the efforts of Pfc. Ruiz, and soldiers like him.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3004.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

OFFICER JOHN MAGUIRE POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (S. 1412) to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1412

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

SECTION 1. OFFICER JOHN MAGUIRE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, shall be known and designated as the ''Officer John Maguire Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Officer John Maguire Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

S. 1412, introduced by Senator JOHN KERRY of Massachusetts, would designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office.'' The bill passed the Senate by unanimous consent on October 20 and was reported favorably by the Committee on Oversight and Government Reform on November 3.

Madam Speaker, John Maguire was born and raised in Woburn, Massachusetts, growing up in a home where his father was chief of police in Woburn for 15 years. After graduating from the University of Massachusetts-Lowell, Officer Maguire was sworn in as a Woburn police officer by his own father in June of 1977. Wearing badge No. 23, which had been his father's badge number, Officer Maguire worked for over three decades as a tireless public servant, protecting the people of Woburn.

On December 26 of last year, three armed men went into a department store in Woburn and proceeded to steal money and jewelry. Arriving on the scene to back up his fellow officers, Officer Maguire used his cruiser to block the gunmen who were fleeing on foot from the store. Exiting his vehicle, Officer Maguire and one of the suspects exchanged gunfire. Officer Maguire was able to kill the suspect; but, tragically, he was mortally wounded himself. Officer Maguire had celebrated his 60th birthday just 3 days prior to his death and was less than a year away from retirement.

Madam Speaker, it is altogether fitting and proper that we name this post office in Woburn for Officer John Maguire. And to Officer Maguire and all those who wear a badge and courageously protect and serve our towns, cities, and counties each and every day, we are eternally grateful for all that you do and all that you sacrifice. I urge all Members to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I urge the body to pass this legislation.

I rise in strong support of S. 1412, which designates the facility of the United States Postal Service located at 462 Washington Street in Woburn, Massachusetts as the "Officer John Maguire Post Office."

The measure before us was introduced on July 25, 2011 by Senator JOHN KERRY.

Our distinguished colleague, Congressman EDWARD MARKEY of Massachusetts, also introduced a companion version of the underlying bill on July 25, 2011.

Both S. 1412 and H.R. 2640 have met the requirements for consideration established by the Oversight Committee and enjoy the support of all members of the Massachusetts delegation.

S. 1412 was reported out of Committee by voice vote on November 3, 2011.

John "Jack" Maguire was born on December 23, 1950 in the city of Woburn, Massachusetts.

He became a police officer for the Woburn Police Department in June 1977 and was sworn in by his own father, then-Police Chief Thomas Maguire. Throughout his career, he wore Badge Number 23—the same badge his father had worn.

Officer Maguire has been called a 'life-long student.'

He graduated from Austin Prep High School in 1969 and from the University of Massachusetts-Lowell in 1973.

In 1998, more than 20 years later, he earned a master's degree in business administration from Franklin Pierce College.

He went on to earn a second master's in science and criminal justice administration from Western New England College in 1999.

That same year, he earned a doctorate in philosophy from the American College of Metaphysical Theology.

Following the celebration of his 60th birthday late last year, Officer Maguire gave notice of his intention to retire in the fall of 2011.

On December 26, 2010, however, Officer Maguire found himself on duty in the middle of a New England blizzard.

Armed robbers threatened the employees of the Kohl's department store in Woburn and then fled the store with money and jewelry.

Responding to a fellow officer's call for assistance in a foot chase, Officer Maguire rushed to the scene and blocked an escape path with his cruiser.

He then got out of his vehicle to confront an assailant. The two exchanged gunfire, which killed the gunman and left Officer Maguire mortally wounded.

John Maguire was the first officer killed in the line of duty in Woburn, Massachusetts since the department was established in 1847.

I know the City of Woburn, the Commonwealth of Massachusetts, and the family of Officer Maguire are grateful for his service and sacrifice. We are truly indebted to men and women like him, who risk their lives to protect our communities on a daily basis.

Madam Speaker, I ask that we recognize Officer Maguire's devotion to his profession, his community, and our country's safety by passing S. 1412.

Mr. CUMMINGS. I yield 5 minutes to the sponsor of the companion bill, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much for yielding. I thank the gentleman from Texas as well. This is a very important bill.

I rise today in support of H.R. 2640, which I introduced in the House of Representatives, and Senate 1412, introduced by Senator KERRY and Senator BROWN, and that is to name the Woburn Post Office in honor of Officer John—his friends called him ''Jack''—Maguire.

□ 1700

At 9 p.m. on December 26, 2010, during the height of a blizzard, two men invaded a Kohl's department store on Washington Street in Woburn, Massachusetts, to rob the jewelry counter as the employees prepared to close. As one robber entered the store, the second stood lookout on the outside, while a third man waited in a nearby getaway vehicle.

The robber in the department store was a career criminal with a long and violent record. He took a large amount of jewelry and fled outside the store into the driving snow. Eyewitnesses and store employees dialed 911. Officer Maguire arrived in the parking lot moments after the robbery. He saw an officer chasing a gunman on foot and drove his cruiser to a location to prevent the escape of the gunmen into a residential neighborhood in Woburn. Officer Maguire jumped out of his cruiser on Washington Street, and the

gunman opened fire on him. Shots were exchanged, and the gunman was killed. Unfortunately, Officer Maguire was shot four times in the torso and was transported to a local trauma center, where it was announced, unfortunately, that he had passed away.

Officer Maguire paid the ultimate price protecting the citizens of Woburn. We are incredibly grateful for his selfless acts that day, which capped 34 years of outstanding dedication to the safety of the people of Woburn.

On June 26, 1977, Officer Maguire began his career by being sworn in by his father, Police Chief Thomas Maguire, a longtime friend of mine, and he was so proud to follow in his father's footsteps. On December 26, 2010, he died wearing badge 23, which had been his own father's badge number. Just days before his death, he had celebrated his 60th birthday and given notice of his intention to retire in October of 2011.

A devoted husband and caring father, Officer Maguire is survived by his wife, Desiree, and children Bryan, Tara, and Sean. Officer Maguire died protecting the residents of Woburn from an armed gunman. He was the first officer killed in the line of duty from the Woburn Police Department since its inception in 1847. It was a tragedy for his family, for the Woburn Police Department, and the Commonwealth of Massachusetts to have lost such an honorable father, a courageous cop, and a hometown hero.

That is why, at the request of Mayor Scott Galvin of Woburn, Police Chief Richard Kelly, and former Police Chief Phillip Mahoney of the Woburn Police Department, I introduced H.R. 2640 to rename the Woburn Post Office in the memory of Officer John ''Jack'' Maguire. Renaming the post office located at 462 Washington Street—just a few hundred yards across the street from where Officer Maguire was shot and killed—in his honor is the least that we can do to pay tribute to this brave, dedicated first responder. We honor his service and sacrifice. We honor his life and his legacy. And we honor police officers everywhere who go to work every day to protect the safety and security of all citizens.

Today, we are considering an identical bill that was introduced by my colleagues Senator KERRY and Senator BROWN. I urge adoption of this bill, a bill to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office'' to honor the legacy of a true hometown hero.

Mr. CUMMINGS. I have no further requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of Senate 1412, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 1412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 298) to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 298

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

SECTION 1. ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, shall be known and designated as the ''Army Specialist Matthew Troy Morris Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Army Specialist Matthew Troy Morris Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

With the observance of Veterans Day this past Friday, it is timely and fitting that we name this post office in Cedar Park for Army Specialist Matthew Troy Morris, a Texan and a true American hero who gave his life courageously defending freedom.

I would now like to yield such time as he may consume to my distinguished colleague and friend from the great State of Texas, the sponsor of this legislation, Mr. CARTER.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 298, a bill that would designate the United States Post Office located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the Army Specialist Matthew Troy Morris Post Office Building.

Mr. Speaker, I have the high honor of representing the brave men and women of Fort Hood, Texas, the largest military installation in the world. Every day that I have the opportunity to serve in Congress, I do so knowing that my number one responsibility is to give our men and women in uniform the support and resources they need to be successful. Each time I visit Fort Hood, I see America's finest—the soldiers who put it all on the line to allow us to live in the greatest country on Earth. Only 3 days ago, we celebrated Veterans Day, a somber reminder that freedom is not free. And today, here on the House floor, we remember those who gave the ultimate sacrifice for our country, another reminder to all of us that freedom is not free.

Representing Fort Hood, Texas, also comes with the sober reminder of the sacrifice that our young men and women in the military and their families make to the cause of freedom. Since September 11, 2001, 384 Army soldiers have been killed in action from the 31st District in Texas, the highest number of any congressional district in the country. Central Texans and their families have sacrificed much and know that freedom is not free.

Today, we celebrate the life and remember one of those patriots who served our country and gave his all, Army Specialist Matthew Troy Morris. Matthew Morris was born on July 16, 1984, in Fairfax, Virginia. He attended Fishburne Military School in Waynesboro, Virginia, where he earned an ROTC leadership award. He later attended Cedar Park High School in Cedar Park, Texas, and went on to score in the 90th percentile on each section of the General Education Development test.

Specialist Morris enlisted in the United States Army in December 2005 and attended basic combat training at Fort Jackson, South Carolina, followed by advanced individual training at Aberdeen Proving Ground in Maryland. He graduated from AIT in June of 2006 as a power generation equipment mechanic and was assigned to Howitzer Battery, 2nd Squadron, and the 3rd Armored Cavalry Regiment at Fort Hood, Texas.

□ 1710

Specialist Morris served with the 3rd Armored Cavalry Regiment, 1st Cavalry Division in Balad. Despite the dangerous nature of this work, he remained devoted to his mission; and the heroism he demonstrated in Iraq earned him the Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq

Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Action Ribbon.

Matthew Troy Morris was killed on April 6, 2008, when his vehicle encountered a makeshift bomb in Balad, Iraq. Matthew was only 23 years old. He is the oldest of four children, leaving behind Cory, Katie and Sam. Matthew's parents are Lisa and Glenn Morris of Cedar Park, Texas. His father, Glenn, served our country in the Vietnam war, and we should thank him for his service.

Matthew was engaged to be married to Ms. Julia Richardson. He is survived by his grandparents, Nancy Jackson and Joane Walters; his aunt, Diane Afflerbach; and uncles John and Brian Walters. The sacrifice our military families make often goes unnoticed, and I would like the entire Morris family to know that we will never forget Matthew and the pain that they have endured at his loss. Our country and this House have not forgotten Matthew, and we are proud to celebrate his life on this day.

Matthew Morris exemplified the highest ideals of the United States Armed Forces. And although his passing left a void in the lives of those who were fortunate enough to know him, they will forever carry the memories of this heroic young man close to their hearts.

Mr. Speaker, I urge the passage of H.R. 298 and ask my colleagues to join in honoring an American patriot and hero, Army Specialist Matthew Troy Morris of Cedar Park, Texas.

On Saturday, I was at the dedication of the Veterans Memorial in Cedar Park, which holds the likeness of this young specialist, and there were hundreds of citizens—probably 500 people—there to celebrate that memorial.

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

I rise in support of H.R. 298, a bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building.''

The measure before us was introduced by Congressman JOHN CARTER. In accordance with our committee requirements, H.R. 298 has been cosponsored by all the members of the Texas delegation. It was reported favorably by the House Oversight and Government Reform Committee on November 3, 2011.

Army Specialist Matthew Troy Morris was born on July 16, 1984, just across the Potomac River in Fairfax, Virginia. He was killed while serving in Balad, Iraq, on Sunday, April 6, 2008, after only 23 short years of life.

Specialist Morris was a loving son to his parents, Lisa and Glenn Morris, and a caring brother to his siblings Cory, Katie and Sam. Friends and family describe him as a dedicated soldier and an energetic and inspiring young man.

Matthew Morris joined the Army immediately after high school and was assigned to the 2nd Squadron of the 3rd Armored Cavalry Regiment based in Fort Hood, Texas. While serving in Iraq, he earned the Bronze Star, the Purple Heart, the National Service Defense Medal, and several other decorations for heroism. Specialist Morris was a talented young man whose courage and sacrifice will forever be remembered.

Mr. Speaker, I ask that we pass the underlying bill to recognize Specialist Morris' valor.

Having no requests for time, Mr. Speaker, I yield back the balance of my time.

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

I am truly grateful for the brave and heroic service of Specialist Morris and the countless other veterans who sacrifice their time, the families that sacrifice their time, and the bravery and courage of all our veterans in serving our country and protecting our freedom. It is true that freedom is not free; and veterans like Specialist Matthew Troy Morris, whom we're proposing to name this post office after, are perfect examples of the bravery and courage of the American military.

Specialist Morris was born on July 16, 1984, in Fairfax, Virginia. He later attended Cedar Park High School in Cedar Park, Texas.

Specialist Morris was in Iraq, serving as part of the Army's 2nd Squadron, 3rd Armored Cavalry Regiment, 1st Cavalry Division based out of Fort Hood. Tragically, on April 6, 2008, at just 23 years of age, Specialist Morris was killed when the vehicle he was riding in hit an improvised makeshift bomb. Specialist Morris left behind his parents, three siblings, a fiancee, and dozens of other family and friends. For the bravery, courage, and heroism he displayed, Specialist Morris was awarded the Bronze Star, Purple Heart, and National Service Defense Medal.

Mr. Speaker, our Nation is eternally grateful for his sacrifice, and I urge all Members to join me in strong support of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 298.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

SERGEANT ANGEL MENDEZ POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2422

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

SECTION 1. SERGEANT ANGEL MENDEZ POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, shall be known and designated as the ''Sergeant Angel Mendez Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant Angel Mendez Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. Mr. Speaker, I rise today to honor a brother, a member of the United States Marine Corps. He gave his life for his country and fellow marines during the Vietnam war.

Sergeant Angel Mendez was born to Puerto Rican American parents but was raised in the Mission of the Immaculate Virgin, an orphanage located in Mount Loretto, in my hometown in Staten Island, New York.

When Angel graduated from high school in 1964, he volunteered to join the United States Marine Corps. Angel Mendez was assigned to Company Foxtrot, 2nd Battalion, 7th Marines, 1st Marine Division as a corporal and often said he found a family in the United States Marine Corps. His company participated in Operation DeSoto in Duc Pho, Vietnam.

During a search and destroy mission on March 16, 1967, Mendez and his company were taken under intense Viet Cong fire. Half of the company sat across an open rice paddy separated by enemy fire. Among them was the platoon commander, Lieutenant Ronald Castille, who had been shot in his right

leg; and without hesitation, Sergeant Mendez volunteered to lead a small squad to help his fellow marines and move Lieutenant Castille to safety.

Castille remembers Mendez shouting, ''I'm coming, Lieutenant, I'm coming,'' as he crossed the open paddy, providing cover fire for the platoon commander and other wounded marines. Mendez shielded Lieutenant Castille with his own body as he dressed the wound on his leg and attempted to carry the commander to safety, but it was at this point that he was shot in the shoulder. Two marines came to aid Mendez in carrying Lieutenant Castille to safety, but he refused to let go of the lieutenant and chose to directly expose himself to enemy fire while still carrying Castille's legs. Mendez was shielding Castille and the other marines with his own body when he was mortally wounded.

Lieutenant Castille survived the attack, which occurred on his 23rd birthday, and later went on to become the district attorney of Philadelphia and chief justice of the Pennsylvania Supreme Court.

□ 1720

Sergeant Angel Mendez is a true hero who gave his life protecting fellow marines; and in honor of his bravery, he was posthumously promoted to sergeant and awarded the Navy Cross, the second highest award for valor a marine can receive.

Angel Mendez is survived by his brother, Ismael, and sister-in-law, Aida, who have long sought recognition for Angel's heroic actions on that day.

I believe it is important for Congress to honor the sacrifice of my fellow marine. I urge my colleagues to support H.R. 2422 in honor of Sergeant Angel Mendez, and designate the facility of the United States Postal Service located at 45 Bay Street in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office.''

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. I want to commend my colleague, Congressman GRIMM, for introducing this bill to name a post office in his Staten Island district after Sergeant Angel Mendez, who, at age 20, in Vietnam, laid down his life for his fellow marines, earning the Navy Cross for his actions.

Sergeant Mendez died far too young, but his short life was filled with greatness. With this bill, Congressman GRIMM, a Devil Dog himself, honors Sergeant Mendez, the Marine Corps, and this country.

The bond between New York and Puerto Rico is deep and strong. Sergeant Mendez' parents were born in Puerto Rico and, like so many island residents of their generation, moved to New York in search of a better life for themselves and their children.

How Sergeant Mendez came to possess such character and courage will never be known; and, in fact, I am moved by the description just made by Congressman GRIMM about his valor in Vietnam. But on that day in 1967 when he was mortally wounded on a battlefield thousands of miles from Staten Island, this New York son of Puerto Rican heritage became an American hero. Today, thanks to Congressman GRIMM, we pay tribute to his strength and his sacrifice, and engrave his name in stone.

I am now, more than ever, a proud Puerto Rican American remembering the life of Sergeant Angel Mendez. I urge my colleagues to support H.R. 2422.

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

H.R. 2422, introduced by the gentleman from New York (Mr. GRIMM), designating the postal facility at 45 Bay Street, Suite 2, in Staten Island as the ''Sergeant Angel Mendez Post Office,'' was introduced in July and favorably reported by the Oversight and Government Reform Committee on November 3.

Stories like that of Sergeant Mendez demonstrate the bravery and courage of all those who have served or are serving in our Armed Forces. I urge all Members to join me in strong support of this bill, and I yield back the balance of my time.

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

I am very pleased to join my colleagues in supporting H.R. 2422. Without a doubt, Sergeant Angel Mendez was a very courageous young man. He gave a lot for his country, and he certainly deserves this rich honor.

The measure before us was introduced by Representative MICHAEL GRIMM on July 6, 2011. It has been co-sponsored by all members of the New York delegation and was reported favorably to the House by the Committee on Oversight and Government Reform on November 3, 2011.

This legislation commemorates the bravery and the sacrifice of Sergeant Angel Mendez.

As a child, Sergeant Mendez was raised in an orphanage on Staten Island.

Upon his graduation from high school in 1964, he enlisted in the United States Marine Corps.

During his service with Company F, 2nd Battalion, 7th Marines, 1st Marine Division, Sergeant Mendez was sent to Vietnam.

While on a search and destroy mission on March 16, 1967, Mendez and his company were ambushed by the Viet Cong, and his platoon's lieutenant was injured in a rice paddy some 100 yards away from where Sergeant Mendez was exchanging fire with the enemy.

Sergeant Mendez rushed to his lieutenant's aid and shielded him with his own body as he dressed his wounds. While in the process of carrying his lieutenant to safety, Sergeant Mendez was shot twice and suffered a fatal wound.

He was only 20 years old at the time of his death in battle.

Mr. Speaker, H.R. 2422 honors the ultimate sacrifice made by Sergeant Angel Mendez by renaming the Bay Street Staten Island Post Office in his name.

I urge all of my colleagues to pass this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2422.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

TOMBALL VETERANS POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2660) to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2660

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

SECTION 1. TOMBALL VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, shall be known and designated as the ''Tomball Veterans Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Tomball Veterans Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 2660, introduced by the gentleman from Texas (Mr. MCCAUL), would designate the facility of the United States Postal Service at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office.'' The bill is cosponsored by the entire Texas delegation,

and, Mr. Speaker, I am proud to be an original cosponsor myself.

There's no way a grateful nation can adequately express our thanks to those who serve. However, naming this post office in Tomball after those who serve is a small but fitting gesture to the brave men and women who are the reason this country is free.

I commend my colleague from Texas for introducing this legislation.

With that, Mr. Speaker, I would like to yield such time as he may consume to my distinguished colleague and friend from the great State of Texas, the sponsor of this bill, Mr. MCCAUL.

Mr. MCCAUL. I thank my good friend and colleague from Texas (Mr. FARENTHOLD) for his support of my legislation.

Mr. Speaker, I rise in support of our Nation's veterans and in support of this legislation, which would designate the post office located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office.''

It is appropriate, Mr. Speaker, that on the first legislative day after Veterans Day that this House would honor its veterans for their sacrifice and fidelity to our country. I cannot think of a more deserving community than Tomball, Texas, in my district.

Mr. Speaker, I just returned this weekend from visiting our troops in Iraq and Afghanistan and meeting with the President of Pakistan. I also visited our wounded warriors at Landstuhl Regional Medical Center in Germany on Veterans Day.

I'm pleased to report that our men and women in uniform are doing tremendous work and have made extraordinary progress in the war on terror. I was also humbled by our troops' sacrifice and unwavering commitment to our mission.

In Afghanistan, I witnessed the fruits of our soldiers' labor. For the first time, women are being educated and Afghans are enjoying freedoms, the likes of which they could only dream about under the Taliban's brutal regime.

In Iraq, where Saddam Hussein and his henchmen once brutalized the Iraqi people and silenced their voices, democracy is beginning to take shape. Today the Iraqi people are free to express their diverse points of view and engage in the same kind of political discourse that we are engaged in here right now in this very Chamber.

It is because of our soldiers that this is possible; that the American people can be safe from terror and tyranny; and that others around the world, for the first time in their lives, experience the freedoms which we so often take for granted.

I am so proud of our soldiers and what they have accomplished—soldiers like Marine Corporal Jeffrey Johnson of Tomball, who lost his life in Afghanistan in 2010 defending America and what our country stands for in the world.

Last year I attended Jeffrey's funeral in the small town of Tomball, where over 30,000 people—30,000 grateful Americans—lined up in the streets to show their respect for a true American hero. This unbelievable outpouring of support demonstrated that patriotism and love of country are still alive and well in America.

It's thanks to veterans like Jeffrey Johnson and so many others from Texas and across this great country that this is possible; and, for that, we must honor our men and women who have served in uniform.

That is also why I'm active with the Veterans History Project at the Library of Congress, which preserves and makes accessible the personal accounts of American war veterans so that future generations may hear directly from veterans and better understand the realities of war.

My father, a World War II veteran who flew bombing missions over Nazi Germany, always reminded me that his generation, often called the Greatest Generation, handed down a better America to my generation.

□ 1730

That same can be said for today's veterans, such as Tomball heroes like Jeffery Johnson, whose sacrifices are building a better America today.

And so to all of America's veterans, let me say on behalf of this distinguished body, thank you for your service, and I urge my colleagues to join me in passing this legislation.

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

I rise in strong support of H.R. 2660, a bill to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office.'' This past Friday, our Nation celebrated and honored the heroic service of all our Nation's veterans. Continuing that celebration, I urge that we enact H.R. 2660, introduced by Congressman MICHAEL GRIMM.

This legislation is supported by all of the members of the Texas delegation, and was considered and reported favorably by the Committee on Oversight and Government Reform on November 3, 2011.

According to the Department of Veterans Affairs, an estimated 1.7 million of our Nation's 22.5 million veterans live in the State of Texas. The legislation before us will commemorate the service of veterans of Tomball, Texas, by naming their local post office in their honor.

Such commemoration is but a small token of the debt our Nation owes its veterans. At a time when veterans returning from the wars in Iraq and Afghanistan face higher unemployment rates than the general population and when our veterans urgently need a range of services as they recover from both physical and psychological wounds, we must make it our highest priority to ensure our veterans have quick and easy access to all the services and benefits they have earned by the commitments they have made and kept to our Nation.

That said, Mr. Speaker, let us come together in support of dedicating the Tomball, Texas, Post Office to its hometown veterans by passing H.R. 2660.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join my colleagues in urging strong support for this bill honoring our heroic veterans. There are never enough ways we can thank the veterans who served so bravely this country.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2660.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2415) to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2415

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

SECTION 1. TROOPER JOSHUA D. MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, shall be known and designated as the ''Trooper Joshua D. Miller Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Trooper Joshua D. Miller Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 2415, introduced by the gentleman from Pennsylvania (Mr. BARLETTA) would designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building.''

This bill is cosponsored by the entire Pennsylvania State delegation, and was favorably reported by the Committee on Oversight and Government Reform on the 3rd of November.

Mr. Speaker, while we've considered multiple bills this afternoon to designate postal facilities for fallen military heroes, H.R. 2415 gives us the opportunity to honor those who wear a different kind of uniform—our country's law enforcement officers.

Specifically, this legislation would name the post office in Pittston, Pennsylvania, for Joshua Miller, a Pennsylvania State trooper who was shot and killed in the line of duty on June 7, 2009.

A veteran of the Marine Corps, Trooper Miller was attempting to save a 9-year-old boy from a man who had kidnapped a child at gunpoint when he was tragically shot by the suspect. For going above and beyond a police officer's duty to protect and serve, I thank Trooper Miller and all of those who wear the badge on a daily basis for their selfless service and dedication to our community.

With that, Mr. Speaker, I would now like to yield as much time as he may consume to my distinguished colleague from the State of Pennsylvania, the sponsor of this legislation, Mr. BARLETTA.

Mr. BARLETTA. I thank the gentleman from Texas for those kind remarks.

Mr. Speaker, I rise tonight to honor the life and remember the sacrifice of Pennsylvania State Police Trooper Joshua D. Miller of Pittston.

Trooper Miller was shot and killed on June 7, 2009, while attempting to apprehend a kidnapper who took a 9-year-old boy from his mother at gunpoint and fled. As he and his partner were trying to apprehend the suspect, Trooper Miller was shot in the upper chest and in the leg. While they returned fire, another State trooper and a local law enforcement officer were able to smash the window in the kidnapper's vehicle, grab the 9-year-old boy and carry him to safety.

Trooper Miller was flown to a hospital, but he died from his wounds.

Josh was born on June 13, 1974, a son of Walter Miller of Pittston and Peggy Miller of Plymouth. Josh graduated from Pittston Area High School, class of 1992. He enlisted in the United States Marine Corps in 1993, serving honorably and achieving the rank of corporal before his discharge.

Upon separation from active duty, Josh worked at the Monroe County Correctional Facility. He enrolled at Lackawanna Junior College and attended the Act 120 course. Upon graduation, Josh joined the Tunkhannock Borough Police Department in 1999. He worked there until September of 2002, when he joined the Pennsylvania State Police.

Trooper Miller first worked at the Bethlehem barracks, then at the Swiftwater barracks in Monroe County. While there, he was selected to be a member of an elite unit that conducted aggressive patrols. Trooper Miller took pride in training new troopers and hoped to instill his work ethic in them.

In 2001, Josh met his wife, Angela, and they were married in October of 2005. He had three daughters: Justine, Breana, and Joslyn.

After his death, thousands attended his viewing. More than 1,700 law enforcement officers from across the country attended his funeral. During the service, then-Governor Ed Rendell awarded Trooper Miller a posthumous Medal of Honor.

On the day he was shot and killed in the line of duty, Trooper Miller sent an email to a colleague. In it he wrote, ''I will not let anything happen to my brothers on my watch.''

After years of dedicated service as a U.S. Marine, as a law enforcement officer, and as a Pennsylvania State Police trooper, Trooper Miller ended his final watch on June 7, 2009. He died while saving a boy from a kidnapper with a gun. He died serving his community, his commonwealth, and his country.

That is why I encourage you to support H.R. 2415 and name the United States Postal Service facility at 11 Dock Street, Pittston, Pennsylvania, the ''Trooper Joshua D. Miller Post Office Building.''

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

I rise in strong support of H.R. 2415, a bill to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building.''

The measure before us was authored by Congressman LOU BARLETTA, and cosponsored by all of the members of the Pennsylvania delegation.

H.R. 2415 was favorably reported out of the House Oversight and Government Reform Committee by unanimous consent on November 3, 2011.

□ 1740

Pennsylvania State Trooper Joshua D. Miller spent his life serving his country, the Commonwealth of Pennsylvania, and his local community.

Born to Walter and Peggy Miller in 1974, Trooper Miller enlisted in the Marine Corps in 1993. Upon discharge, he returned to Pennsylvania and joined the Tunkhannock Borough Police Department before becoming a Pennsylvania State trooper.

Trooper Miller was a member of an elite unit of troopers assigned to handle the most dangerous cases. He made the ultimate sacrifice in the line of duty while trying to rescue a 9-year-old boy who had been kidnapped at gunpoint and was being held hostage. The young boy was ultimately released and returned safely to his family.

On the day of his death, Trooper Miller wrote in an email to a colleague: ''I will not let anything happen to my brothers on my watch.'' His life exemplified his commitment to serving his community and protecting his fellow officers.

Mr. Speaker, I ask that we pass H.R. 2415 to recognize the life and sacrifice of Pennsylvania State Trooper Joshua D. Miller.

I have no requests for time, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in strong support of H.R. 2415.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2415.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1791

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

SECTION 1. DESIGNATION.

The United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, shall be known and designated as the ''Alto Lee Adams, Sr., United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the

United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Alto Lee Adams, Sr., United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1791.

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

There was no objection.

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

H.R. 1791 would designate the United States courthouse currently under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I would like to take this opportunity to thank the gentleman from Florida (Mr. ROONEY) for introducing this bipartisan legislation. I also want to thank the 21 cosponsors from the State of Florida for supporting this bill.

Chief Justice Alto Lee Adams, Sr., honorably served his community and the State of Florida throughout his life.

Chief Justice Adams was born in 1899 and was raised on a farm in Walton County, Florida. After graduating from the University of Florida College of Law in 1921, he practiced law in Fort Pierce, Florida, from 1924 to 1938. He was then appointed as circuit court judge for St. Lucie County.

After Floridians adopted an amendment to add a seventh justice on the State supreme court in 1940, Governor Fred Cone appointed Chief Justice Adams to the newly created seat. Chief Justice Adams served on the court from 1940 until 1951, and he was chief justice from 1949 until 1951. He sat on the bench again from 1967 until 1968.

Outside of his judicial career, Chief Justice Adams was active in his community. In 1937 he served as the president of the Florida State Elks Association. From '37 to '38, he served as the vice chair of the State welfare board.

Chief Justice Adams also devoted time to local business interests in St. Lucie County, including citrus groves and Bass Motors. He began a cattle ranch in 1937, which is still run by the Adams family. The ranch now encompasses over 65,000 acres in three counties.

I believe it's appropriate that we honor Chief Justice Adams's dedicated service for community and the State of Florida. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

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

I rise in support of H.R. 1791 and am pleased today to speak in support of the bill that names the courthouse located in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I may seem redundant because my colleague has already mentioned most of the accomplishments of Judge Adams—the fact that he was born in 1899 in Florida and was in the U.S. Navy; that he graduated from the University of Florida Law School in 1921 and began legal practice in Fort Pierce in 1924; then from practicing law for nearly 14 years, Judge Adams was appointed, as was pointed out, to the Florida State Circuit Court in 1938. That was 2 years after I was born. After serving as a circuit court judge, he served as a member of the Florida Supreme Court, again, from 1940 to 1951 and then from 1967 to 1968 and was recognized as the first graduate of the University of Florida to serve as a justice and later chief justice of the Florida Supreme Court.

He was very well noted for his short, clear opinions as well as the several books he published and, of course, the legal articles he authored. In 1974 he was awarded the honor of being a distinguished alumnus of the University of Florida.

In addition to his judicial duties, he also served as an active member of his community, serving, as was pointed out, as the president of Florida State Elks Association and also as the vice chair of the State welfare board.

Because of his exemplary career in the public service, both in the military and the Florida Supreme Court, I urge my colleagues to join us in supporting H.R. 1791, which does name the U.S. courthouse at 101 South United States Route 1 in Fort Pierce, Florida, as the Alto Lee Adams, Sr., United States Courthouse.

I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. I thank the gentleman from California.

Mr. Speaker, today is a great day for the residents of Fort Pierce, Florida, and the Treasure Coast. Over two decades ago, the late Congressman Tom Lewis and his district director, Ann Decker, started the long process of making the courthouse a reality. The countless hours of dedication and work by those who followed him are now being rewarded with the construction of a new courthouse. I was greatly honored that one of my first official events as Congressman was to participate in the historic groundbreaking for this building.

I introduced this legislation to honor the distinguished life and career of the late Florida Supreme Court chief justice, Alto Lee Adams, by naming the new courthouse in his memory.

This courthouse will fill a vital role for the city of Fort Pierce, bringing much-needed jobs and investment to the community with this greatly needed new Federal courthouse. It is only fitting that the courthouse be named in honor of a man who himself gave so much to his community and the legal community of the State of Florida.

□ 1750

Chief Justice Alto Lee Adams attended the University of Florida College of Law in 1921. As was mentioned, he practiced law in Fort Pierce. He was appointed circuit court judge for St. Lucie County and was appointed to the State supreme court in 1940 by then-Governor Fred P. Cone. He served as a justice on the Florida supreme court from 1940 to 1951 and chief justice from 1949 to 1951.

Chief Justice Adams believed it was important to give back to his community. His service to St. Lucie County served as an example to his children and to those who knew him. Mr. Speaker, I can say, having spoken to some of the Adams family before I took the floor today, they are thrilled that this bill is being brought up as we speak.

In addition to his distinguished legal career, Justice Adams started a successful cattle ranch named the Adams Ranch in St. Lucie County—they just had their bull auction last week—and it is still run by the Adams family.

Judge Adams set a standard for integrity and community service that lives on today, and I believe it's only fitting that this new courthouse is named in his honor. I am proud to sponsor this bill, and I ask my colleagues for their support in naming this courthouse.

Mrs. NAPOLITANO. Mr. Speaker, having no requests for time, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 1791.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. NAPOLITANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 51 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 6 o'clock and 30 minutes p.m.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight, November 14, to file the conference report to accompany H.R. 2112.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1412, H.R. 298, and H.R. 2422, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OFFICER JOHN MAGUIRE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1412) to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office,'' on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 48, as follows:

[Roll No. 837]

YEAS—385

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—48

Bachmann
Blumenauer
Brady (TX)
Broun (GA)
Butterfield
Cantor
Cardoza
Carnahan
Costello
Culberson
DeGette
Diaz-Balart
Dingell
Donnelly (IN)
Filner
Fortenberry
Frank (MA)
Gardner
Giffords
Gosar
Grijalva
Gutierrez
Hayworth
Hirono
Inslee
Johnson (GA)
Lewis (GA)
Lipinski
Luján
McCarthy (NY)
McKinley
Moran
Murphy (CT)
Paul
Pelosi
Pingree (ME)
Poe (TX)
Price (GA)
Richmond
Rokita
Ryan (OH)
Sánchez, Linda T.
Schock
Simpson
Speier
Tiberi
Tierney
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1854

Mr. HEINRICH changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 837, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 298) to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building,'' on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 838]

YEAS—391

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews

Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—42

Bachmann
Blumenauer
Brady (TX)
Broun (GA)
Butterfield
Cardoza
Carnahan
Costello
Culberson
DeGette
Diaz-Balart
Dingell
Donnelly (IN)
Filner
Fortenberry
Gardner
Giffords
Grijalva
Gutierrez
Hayworth
Hirono
Inslee
Johnson (GA)
Lewis (GA)
Lipinski
Luján
McCarthy (NY)
McKinley
Moran
Murphy (CT)
Paul
Pingree (ME)
Poe (TX)
Richmond
Rokita
Ryan (OH)
Schock
Simpson
Speier
Tiberi
Tierney
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 838, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

SERGEANT ANGEL MENDEZ POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office,'' on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 839]

YEAS—390

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)

Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—43

Bachmann
Blumenauer
Brady (TX)
Broun (GA)
Butterfield
Cardoza
Carnahan
Costello
Culberson
DeGette
Diaz-Balart
Dingell
Donnelly (IN)
Filner
Fortenberry
Gardner
Giffords
Grijalva
Gutierrez
Hirono
Inslee
Johnson (GA)
Lewis (GA)
Lipinski
Luján
McCarthy (NY)
McKinley
Moran
Murphy (CT)
Paul
Pingree (ME)
Poe (TX)
Richmond
Rokita
Ryan (OH)
Sarbanes
Schock
Simpson
Speier
Tiberi
Tierney
Turner (OH)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 839, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 837, 838 and 839.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–283) on the resolution (H. Res. 463) providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, which was referred to the House Calendar and ordered to be printed.

□ 1910

SMALL BUSINESS TAX REFORM

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

Mr. OLSON. Madam Speaker, small businesses account for nearly all the new job creation in America and nearly half of America's workforce. Yet in this economy, small business owners are struggling just to stay afloat. Most small businesses file taxes as individuals, so any tax hike, like the one proposed by the White House, or the expiration of previous tax cuts, will kill growth and American jobs.

We need a simpler tax code. Our current Tax Code is so complex that America's businesses spend roughly $74 an hour on paperwork for compliance. That's real money, money that could give jobs to thousands of Americans struggling to take care of their families.

House Republicans have a plan to fix the Tax Code to help job creators by giving them more time, more money, and more resources to invest in expansion and job creation.

Madam Speaker, America's job creators deserve a simpler and more equitable tax system, and House Republicans plan to give them exactly what they deserve.

BLUESMAN BOBBY RUSH HONORS VETERANS

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

Mr. COHEN. Madam Speaker, this weekend many of us, probably all of us, honored our veterans. And they deserve the honors that we gave them. The Senate honored them with the passage of a COLA increase, which I hope our House will, too—and I'm sure it will—in a bipartisan fashion.

In Memphis, I had a Veterans Day lunch, and so did our city mayors, and we honored Bobby Rush. Not the BOBBY RUSH of the United States Congress, but Bobby Rush, the great blues guitarist, singer, and guitar player; a blues legend in Memphis who has done much to honor veterans throughout this country. Bobby Rush has been the International Ambassador of the Blues, named by the State of Tennessee, and has traveled to Iraq, Kuwait, and Afghanistan to perform for our troops. He holds an annual Red, White and Blues Day Jam in Memphis to honor our veterans. When he visited Iraq, Bobby Rush said: I was just overwhelmed to witness the very real level of commitment and sacrifice they go through so that people like me and you can live our lives without feeling threatened. It is something that must not be forgotten or taken for granted.

So as I did in Memphis last weekend and I do again today, I thank our veterans, and I thank Bobby Rush for taking his talents to entertain our troops and honor our veterans and be a great American.

PROVIDING HOPE FOR THOSE WITH PANCREATIC CANCER

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

Mr. PAULSEN. Madam Speaker, I rise today for the 44,030 Americans who will be diagnosed with pancreatic cancer this year and also for the 600 Minnesotans in my own community who, sadly, lost their lives in their fight against this devastating disease in 2010.

November is Pancreatic Cancer Awareness Month. This little-understood disease is the number four killer in the United States and the only one in the top four which does not have a known cure. Of all of the cancers tracked by both the American Cancer Society and the National Cancer Institute, pancreatic cancer has the lowest relative survival rate.

Over the past 5 years, more than 210,000 individuals have been diagnosed with pancreatic cancer, and over 92 percent of those diagnosed have passed away during the first year of their diagnosis. These numbers are simply unacceptable.

To help find a cure, researchers must have the tools they need to learn more about this disease. That's why I've supported legislation that provides funding for assistance and education around pancreatic cancer across our country.

Madam Speaker, pancreatic cancer is one of the few cancers for which survival rates have not improved substantially over the past 40 years. By volunteering and supporting research, we can do a lot to defeat this debilitating disease.

STOPPING SEXUAL ABUSE OF CHILDREN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I apologize for my raspy voice, but my passion for standing up overrules my voice. I am speechless, combined with outrage and anguish over the little boys that have been sexually abused. It is not a question of football and what is king. It is not a question of what State it is and what great university it is. It is a question of adults and institutions ignoring the pain of these children.

It is documented that it takes 2 years before a child is willing to talk about sexual abuse. And in my own State today, an 18-year-old took her life because she had been sexually abused by a family member, and finally, it was investigated. I don't know how long the law enforcement took to investigate it, but she finally took her life

with the belief that no one would be prosecuted.

So I'll be introducing legislation that will immediately suspend all Federal funds of any institution that is found to have covered up—employed someone who has been engaged in sexual abuse and no one reported it, including the prosecutor's office, who are now just saying that they will be looking at this in the State of Texas. It will exclude scholarships and Pell Grants. I intend to introduce that legislation and stop the funding now for any institution that thinks that they are above the law and will watch a grown man perform a sexual act on a child and refuse to do something about it. Refuse to do something about it. It is an outrage.

JOB CREATION AND WHY IS OUR CONGRESS SO DYSFUNCTIONAL

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. RIGELL) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGELL. Madam Speaker, I rise tonight to address two matters that are of great concern to the good folks of the Second Congressional District of Virginia and, I believe, to every American across this great land. Those two issues are job creation and why our Congress is so dysfunctional. As a businessperson with a lifetime of experience in creating jobs and fixing things, I really want to emphasize the practical solutions that I think we can bring to bear on these two important issues.

I don't think, Madam Speaker, that there is a family in America that has not been affected in some way or another by this painful economy. Unemployment continues to hover around 9 percent. My wife, Teri, and I have two dear families in our lives who have lost their business because of the economy and how difficult things are. They are small businesses. We watched them and walked with them through as they had to file bankruptcy and let go of their employees. And, Madam Speaker, the problem is particularly acute in our black community. For black men, the unemployment rate is over 19 percent. This should concern every American and command our full attention.

Madam Speaker, this is my first elected office—I have been up here about 10½ months or so—but I've had 30 years of experience in job creation. The first business that my wife and I started when I was 22 years old was a cleaning business, and we started it because we had more money going out than we had coming in. I had a couple of options, and it seemed like the best one was to start a small business, and we did—a cleaning business. We hired two people: Teri hired me and I hired her.

□ 1920

That is how we got started. I know, and I fully understand what an entrepreneur, a small businessowner or a potential small businessowner, experiences when they're trying to put capital at risk to get what I refer to as an entrepreneurial return. I know that healthy fear that really inspires you to work long hours. We would call it key-to-key, open your business and close your business at night. I know the great joy of being able to say to someone these wonderful words, ''you're hired.'' I also know what it's like to sit down with a banker, a good friend, a person who stood by us in difficult times, but yet they've come to the end, and they say, Scott, I can't help you, meaning they can't approve a critical loan. I understand what that's like.

It all revolves around, whether you own a big business or a small business, there's something in common, and that is every business has a financial statement, an income statement. And if we look at the income statement, that document that is being looked at by entrepreneurs across America and if we start at the top and you just go down line by line and if you see the intersection of what we're doing here in Congress in our Federal Government, you see the intersection of the actions that we're taking with each line on a financial statement.

I'd submit, Madam Speaker, that the evidence is clear that the steps that we're taking in this Congress—well, at least on our side I believe the Republicans are taking the right steps, but the cumulative effect of what's taking place in this Chamber, in the Senate, and in the White House has made it ever more difficult for the American entrepreneur to make it, to give them a reasonable expectation that they could achieve what we refer to as an entrepreneurial profit.

Listen, if a person is okay with a 2 percent return or a 1 percent return, they'll just leave their money where it is. It takes a lot of courage, I think, for a person to put a second mortgage on their home, to call a family member to borrow money or save up over years and maybe put $15,000 at risk. They have to be able to earn a better return than that. And in doing so, they'll start to hire people.

Let's just take a look at a basic job creator's financial statement. Now, it may look slightly different from one industry or one business to another, but it always starts out at the top with this category right here: sales. Nothing happens until you sell something. It could be anything. It could be cupcakes like some wonderful entrepreneurs in our district. It could be automobiles, it could be homes, and it could be energy and those companies that supply and help us become more independent.

Let's look at this critical area. We have over $500 billion a year that is flowing out of our country, capital that should be circulating within America. Is it here? No. It's going outside of this country to folks like Hugo Chavez. They do not share our values, and we are funding them because of our failure—Republicans and Democrats—year after year after year in failing to move this great country toward energy independence. It is hurting us, Madam Speaker.

Recently, I stood and clapped for our President as he walked in this Chamber, and I listened intently on September 8. He drew us together as Congress and said, I have a bold message for you. I desperately wanted to hear our President address energy independence. I waited expectantly, sitting right back over there. I didn't even get a chair. I think I was behind everybody and had to stand up. That's all right. The Chamber was full.

There were some things I agreed with, and I said, yes, Mr. President, I can sign up for that. And I looked forward to improving or voting for the veterans bill and the reversal of that 3 percent withholding that would hurt so many contractors within the Second District of Virginia and also across this great country. And it also has a wonderful tax credit in it to help those who are helping and hiring our veterans. I look forward to supporting that and enthusiastically want to vote for it, and I support what the President is doing.

But absent in his remarks, a 4,134-word address to Congress, was the word ''energy.'' Certainly absent was the phrase ''energy independence.'' This is a tragic mistake. It hurts America. It hurts employment in the Second Congressional District of Virginia and across this great land.

We have so much opportunity to put folks at work with great-paying jobs. I'm talking about $70,000, $80,000-a-year jobs, and some of them will pay even more—good-paying jobs. We have great potential. And if there were any question about where the President stands on this issue, he made it abundantly clear last week. He said nothing, nothing off the coast of Virginia. The energy resources that are there will be locked up while residents of the Second District are hurting because they don't have employment opportunities.

Madam Speaker, I would submit that our pain in America is largely self-inflicted. We are regulating ourselves out of our prosperity at every opportunity. It's wrong. We can and we should take a different direction.

Let's look at the expenses faced by our small business owners. I just hit one area of sales. I could have gone a lot longer on that. Let's just go down to some of these expenses that we see here. Interest, well, interest rates are extraordinarily low right now. I'd say that is a positive thing. It's only because there's a near collapse of confidence in the European economy. That's why folks are still rushing over here to America, driving down interest rates. Do not be fooled. That will not sustain itself. There is a risk, and I would say it's backed by the evidence that folks ought to be mindful that interest rates can go up, and I think they likely will.

When I talk to the bankers in our area, I'm not talking about the big shots in New York. I'm talking about homegrown banks—our neighbors, our friends—small banks, the ones that sponsor the Little League. They say, SCOTT, listen, we're not hiring account executives to go out and meet with your business and other small- and medium-sized businesses. We're hiring regulatory analysts just to deal with what's coming at us from Dodd-Frank. I had the president of a local bank tell me the other day, he said, SCOTT, listen, we're getting out of this line and this line of business because we just can't handle the regulatory burden.

Now, I am not a no-regulation person. I hate to disappoint my libertarian friends, but I'm not a libertarian. I have a libertarian streak in me, but I'm not a libertarian. There is a proper role for government and, indeed, an essential role for government. I am for wiser, smarter, lighter regulations that will free up the greatest job-producing engine the world has ever known—the American entrepreneur.

Let's look right here. We've covered interest and even the availability of capital. We're paying banks a small interest rate, a small return on their money, the government is; but we're not requiring them to loan it out. It's really a bizarre situation and one that's hurting our ability to grow our economy.

□ 1930

Look at health care. The Affordable Health Care Act, if anything, has exploded the degree of uncertainty. I do not know a fellow entrepreneur in my district who can tell me where their costs are going other than they're going up. The Affordable Health Care Act, which still is an evolving document as it becomes kind of flushed out by the regulators, those who are writing all these regulations, is a moving target; people just don't know where it's going. So we've got uncertainty there on health care.

Look at legal fees. We are the only country in the world that runs about 10 percent of our gross domestic product in legal fees. We are a litigious society, and our laws encourage that. It's wrong, and it puts an unnecessary burden on the American entrepreneur.

And let's pause for just a moment and kind of define the American entrepreneur just for a moment. I'm not talking about highly sophisticated folks and MBAs and all that. I'm talking about the moms and the dads and the young people who are starting businesses out of their homes and relying on maybe some borrowed money from family or friends or a small second mortgage on their homes if they own a home. These are the burdens that we're putting in their way that makes it more difficult to, again, get a return, an entrepreneurial return on their investment.

Accounting, accounting services. I love the CPAs out there in our communities, but they are having to deal with things, for example, our Tax Code, that is incredibly complex and unnecessarily so. I have found in my 10½ months here that the halls are filled with lobbyists. Now, some I think can provide us with good information; but some have only one mission, and that's just to find a strategic advantage for their industry or sector, and that is expressed in our Tax Code. And I, along with my colleagues—and I certainly can speak for my Republican colleagues and, I trust, for my friends who are Democrats—we can, we must, we will simplify our Tax Code.

When I would sit down with our accountant every year as a small-, medium-sized business owner, my good friend David would say, Well, here's a tax return, Scott. And I would go through it, and with even 25, 30 years of business experience, I would say, David, I just don't understand this. I'm doing my very best to keep up with you. I just don't understand this.

It is not right when an American wants to pay his or her fair share, whatever is expected and the law requires to pay, and there's not a person out there, including within the IRS, that can even confirm that you're paying it correctly. If you call the IRS and ask for guidance, that is no defense if you do it incorrectly. It's not right.

EPA compliance at every turn. Look, we have a moral obligation to leave our children with clean air and clean water and clean soil. I'm a recreational fisherman. I don't have much time to do that now. That's okay. But I used to go out to the second and third island on the Chesapeake Bay Bridge-Tunnel—and those in the Second District know where I'm talking about—and when the stripers are there and they're running, well, it's a fun evening. I never want to catch a striper that has a lesion. I have a great passion to make sure that we meet the deep obligation that we have to the next generation of Americans to be proper stewards of the environment. What I so often disagree with, with my friends who would profess to love the environment more than I do—which is something, frankly, I don't concede—is this: We are headed so often to the same place. Sometimes it's a matter of timing. Are we going to get there over 3 years or can we stretch it out over 10 to 15 so that we can give industry a reasonable time to adjust?

As I've listened carefully to the administration and to my colleagues here on this proverbial other side, I think it, in some ways, can be boiled down to this: that there is this general debate taking place—and I frame it this way—that the administration believes there is a role for the American entrepreneur to play in job creation, but its reliance is principally on government; its belief is principally in stimulus spending—that is, borrowing money to buy things through the government. I think the evidence of this is clear. The administration has doubled down in the jobs bill on a stimulus-driven mindset.

Now, in sharp contrast, we, as Republicans, believe there is a role for government, a proper role for government, but our reliance is upon the American entrepreneur, the small business owner. When we wake up in the morning and when we go to sleep at night, we know that the key to getting through this, to unleashing the great potential of America, is the American entrepreneur, America's small business owner.

Look, I applaud the President for putting forth a jobs bill, but let me share with you this: We've passed a lot of jobs bills. It's right here. And I want to take a moment—this may seem tedious, but we need to slow down and get our facts right. I'd like to cover, briefly, a summary of the 22 jobs bills that we have passed in this body with bipartisan support that are now stalled in the United States Senate.

Now, as a new Member here, I have just found it incredibly frustrating that we have passed good bills, bills that I know would move our country forward in job creation, and they're met with this response from the Senate Majority Leader: Dead on arrival.

Really? Dead on arrival? I think I learned in about eighth or ninth grade in a civics class that here is what's supposed to happen: The Senate passes its own bill or amends ours, and then we go to conference. That doesn't happen very often; very seldom.

Here is a summary of the bills that we have passed in this body.

I am very proud of my party in this respect. And when there are issues with our party, I'm quick to say that, too. And we'll cover those in just a few minutes when we answer the second question: What's wrong with this body?

Let me read just a few of them here, Madam Speaker. H.R. 872, Reducing the Regulatory Burden Act.

If you think through this, we are addressing individual lines on a financial statement, each one of which would give breath and life and hope to the American entrepreneur, saying, You know what? I really think I can do this. I'm going to go ahead and take that second mortgage out.

H.R. 910, the Energy Tax Prevention Act of 2011; H.R. 37, disapproving the rules submitted by the Federal Communications Commission; H.R. 1230, Restarting America Offshore Leasing Now Act; H.R. 1229, Putting the Gulf of Mexico Back to Work Act; and H.R. 1231, which would have reversed the Offshore Moratorium Act.

It goes on and on, Madam Speaker, on and on. These are good bills. I encourage Americans across this great land to take a look at what we are doing as Republicans in leading the way toward true job creation.

I know we can get our country back to work. There are clear steps that we can take so that, when you get to the very bottom, this profit after tax equals a return on investment that is attractive, that makes folks want to put capital at risk.

I want to cover one more thing before I go to that critical question of why our Congress is dysfunctional—taxation. I will just give you one example of how this is having a detrimental impact on our country.

We have a wonderful manufacturer in Virginia Beach, part of the Second District, called Stihl. You may know them from their chain saws, a high-quality product. It's a beautiful, well-run, efficient plant that they have in Virginia Beach. And they shared with me, they said, SCOTT, look, we are competitive with our sister unit in Asia. We are competitive with our sister unit in South America that produces essentially the same parts and the same products. We are competitive on a cost-per-piece basis, but here's where we're not competitive. We are not competitive on an after-tax basis.

Now, whether we like it or not, we are in a global economy. We are competing with countries around the world, not just with our neighbors here in North and Central and South America. We are competing with countries all across the world.

□ 1940

So our tax rate, our tax structure has to move America in the direction of making America the best place to start a business and, particularly, manufacturing.

Madam Speaker, this is the manufacturing base. The fact that we are producing less here in America, I believe that is the principal reason there's a shrinking of the middle class. And so we need to come together as Democrats and Republicans and independents and improve our manufacturing base. The 22 bills that I mentioned address that directly and head-on, and they should be passed by our Senate and then sent to our President for signature.

Let's tackle that second question, Madam Speaker. Why is our Congress so dysfunctional? I believe there are three principal reasons. The first is the harshness of our tone. Both parties are guilty of this—both parties.

Let me give you an example on the Republican side of the ledger. I don't use the term ObamaCare because I believe it's pejorative. Right out of the get-go, it personalizes the debate. My objection to the Affordable Health Care Act has nothing to do with the President, himself. It has to do with what's in the bill. But when we use a term like ObamaCare, it is unnecessarily interjecting into the conversation an angle which so many in our country find divisive.

I've spent a lot of time with our black pastors and bishops in the Second District of Virginia. What a joy it is to go across our great district and worship in different houses of worship and when I sit down with my good friends, our bishops and pastors principally in the black community, and we start talking about these matters, and they say, SCOTT, where are you on the Affordable Health Care Act?

I say, well, pastor, I don't support it. Here's why. But you know I don't use the term ObamaCare. And they said, yeah. Often times they'll say, SCOTT, they see it as a racist term. And I don't speak for every black pastor in my district certainly. But I'll tell you, I've talked to enough to know that some do see it that way.

Why would we use a term that unnecessarily alienates us from our friends and moves us apart as the American people?

And I'd submit to you, Madam Speaker, that what's taking place in this body is hurting every American family. And if wasn't, quite frankly, I wouldn't be here. But it is. It's putting our country at material and serious risk. There's a harshness of tone. And I think the way to respond to that and head in a different direction is to think, well, what would your mom say? I know how my mother taught me to speak to others: with respect.

And, Madam Speaker, I would say this: We should not mistake civility with weakness. We can and should be firm on principle. Civility is not an indication that one does not hold core values.

Now, the second aspect of what's, I think, hurting this body and hurting every American family is this: the misuse and oftentimes the complete dismissal or deliberate failure to reference facts.

I'm a businessperson. I don't know any other way to make a decision other than to first gather the facts. If I start making decisions off of how I feel or where I think the decision ought to go, I would not only not prosper; I would go into bankruptcy. And I think, in some ways, that's where we're headed as a country, because we're not relying on the facts.

Let's take a couple here that just jump out at us. Now, I would say to my friends who are Democrats, let's consider this. Historically, we've been around 19 percent of expenses as a percent of our gross domestic product. Right now we're over 24.5 percent. This is putting America on a perilous course, and I believe it threatens our country in a fundamental way.

Now, to my Republican colleagues, let's look at the other side. Historically, we've been around 18 percent, plus or minus revenue as a percent of gross domestic product. And right now we're less than 15 percent. That too is a problem. Any Republican who will not admit to this or confront it and discuss it head-on is not dealing with reality. These are the numbers. It's not how you feel; it's where the numbers lead us.

We need to be a leadership team here, a body that respects, seeks out and is guided by the facts.

My colleague, who I respect very much, Representative SCHWEIKERT, he was down here one afternoon. I was watching him on C–SPAN. I was in my office and watching him, and he had a wonderful presentation. And what he did was he put into perspective—it was sometime ago, probably 6 weeks or so, maybe 8—this debate that was taking place where there were some charges coming from our friends on the other side, and they were basically saying, you know, you're trying to crush Medicare on the backs of the poor, giving oil breaks to oil companies. And he did this. He kind of broke it down.

He said, okay, we're borrowing about $4.7 billion a day. Let's look at all tax cuts for all Americans. If you eliminated every single one of them, it would be about 28 minutes out of that 24-hour day if every tax break was removed. And I'm certainly—you know, we'll walk through which ones we can support; 28 minutes of a 24-hour day could be addressed by these tax cuts.

Tax incentives provided to oil companies amount to about 2.2 minutes under his calculation, and I'm quite confident in his math. So about 2.2 minutes out of a 24-hour day could be addressed by eliminating the tax cuts to oil companies.

And the tax treatment for corporate jets, if you remember that discussion, is about 15 seconds of a 24-hour day. Yet, in this body, right here it was presented as either fix Medicare or eliminate these tax breaks, or hold on to them, rather. It was a false argument.

I mean, you could agree to every single reversal, and we'd still be faced with an enormous, an enormous fiscal challenge. As we head into the days ahead, it looks like a ski slope. Our expenses look like a ski slope. Yet our friends on the other side would present it as, well, all you have to do is basically eliminate these tax breaks and, you know, kind of a no-pain option.

So I think—and both sides do this. You know, you look back—I targeted my own party on the first point of harshness. You know, I could give examples in each category of each party.

Now, questioning of motives here. This has been a most interesting experience as a new Member of Congress. I've sat in this body right here and watched my colleagues—Democrat colleagues—stand up and with great bravado say, you don't care about the poor. You don't care about the elderly. You don't care about our minority communities.

Madam Speaker, how can one judge another's heart? How can one judge another's intent?

I would say to my Democrat colleagues, you may care as much about our environment, but you do not care more. You might care as much about the poor, but you do not care more. You might care as much about ensuring that our seniors have medical coverage, but you do not care more.

Indeed, that is why I voted for the House Republican budget. That is why I voted to ensure that we take the steps now so that Medicare is solvent. The President and I agree on this matter, that without changes in 9 years, we're bankrupt in Medicare.

□ 1950

That's unacceptable. I think it took political courage for our party to put that on the House floor, and I think that's a good segue to this account that I have right here, this idea of questioning people's motives.

I was on my way to a Veterans of Foreign Wars town hall with our fine veterans. I have the great privilege of representing, again, the Second Congressional District of Virginia. It has the highest concentration of veterans in the country. What an honor it is.

So I'm on my way to a VFW breakfast meeting, and these good men and women get up early. I think it started at 7:30. I got a call from our district director. She said, Congressman, she said, MoveOn.org is here. I said, Okay. How many? She said, Oh, I think one or two. And I said, Shannon, there will be more, and don't worry about it.

We pulled up there and the door to the entrance was quite far from where we were on the road. There was quite a distance in the parking lot. And there were a couple of protestors out there—I think by that time it was three or four—and I told my good friend Esmel Meeks who works with me every day, I said, Esmel, stop the car. He said, What are you going to do? I said, Esmel, it's okay. I just want to get out and talk and listen.

I got out of the car, and I said, Good morning. I'm SCOTT RIGELL. The gentleman said, I know who you are. I said, Look, I appreciate you being here this morning. I respect you for getting up early. You care about this topic of Medicare. You care enough to get out here and meet with me or at least send me a message. I said, What's on your mind this morning? I think that caught him off guard a bit.

But as we went through the conversation, he said, Well, you're giving all of these oil subsidies and crushing Medicare. I said, Well, we've got something in common here. Let's talk about this. I don't believe in oil subsidies. I said, I'm looking at this matter right now. It's taking me a little time. It's a complex matter. There are several different areas of tax treatment for oil companies.

I called in one of the most progressive groups in America to give me their take on this: Tell me why these are tax subsidies. And as I met with these young folks in my office—they were first a bit surprised that they found themselves in my office, but I was delighted to have them there. I said, Help me to understand why these are tax subsidies.

There are a number of them, and they started to go down the list, and I almost immediately noticed a problem. I'm a businessperson. I've been in business 30 years. I said, Wait a minute. Some of these are just regular tax deductions that any business would get whether they were a mom-and-pop operation or a large corporation.

Now, these over here, they sure look like tax subsidies to me, and if I determine that they are, I'll vote to repeal them on the House floor. And I went back to those that were not true tax subsidies, and I said, Listen, don't use hyperbole to make your point. It actually diminishes your argument.

We got through that, and I shared a little bit of that story with this good gentleman from MoveOn.org that met me outside the VFW town hall. And then after that I said, You've accused me, or I should say, You're certainly taking a shot at me here for not caring about the elderly. I said, No, this is why I voted for the House Republican budget. This is the best way to ensure that we protect Medicare.

I said, Do you know how long it takes us to balance the Federal budget under this plan that you say is extreme? He had called it extreme. I said, Sir, do you know how long it's going to be under the Republican plan of borrowing money each and every year? He said, No. I said, I do. It's 25 years. Under the plan that's called extreme, it's 25 years of continuous borrowing. And that's the boldest plan out there right now. At least it's gotten serious consideration. And of course that plan, too, sits in the United States Senate without action.

In the Second Congressional District of Virginia, we are blessed with water. It's all around us. You can't go down a street for four or five miles before hitting beautiful water. And in those waters is one of the most precious and delicious little creatures known to man, the blue crab. And if you're lucky, you can put a couple of chicken necks in a crab pot, throw it in just about any part of the Chesapeake Bay or one of the estuaries in these little bodies of water and little creeks off of the Chesapeake Bay that we're blessed with in the Second Congressional District, come back in about 4 or 5 days, and if you're lucky, you'll have 10 or 12 blue crabs in there.

If you pull the crab pot up on to the dock, as I've done many times, one thing is pretty striking about that. As you look at these crabs, they have no idea what their fate is. And they're just going at it. Claws are flying. Occasionally a claw will be severed and pinched off, but they just keep fighting. They are oblivious to their fate.

If they had any hope, any hope at all, what they would say is, Hey, wait a minute. We're all in this together. This thing is not headed in a very good direction. And they'd say, Listen, our only hope is when this man opens up that little trap door, we all gotta rush him and maybe a few of us at least will make our way back into the water, maybe all of us. But our only hope is to do this together.

Madam Speaker, I would submit to you that in more ways than we might imagine, we are like crabs in a crab pot. We're fighting each other; we're not making good decisions as a body, and it's putting us all at risk.

I believe there is a deep resolve. Notwithstanding what I just shared, I believe there is a deep resolve among both parties. I trust and I pray that there is because the matters before us are so great that there is a deep resolve to do the right thing; to listen to each other; to treat each other with respect; to watch the harshness of our language and our tone; to bring back a civility in our public discourse; to let the facts guide us to good decisions; to not question the motives of others. This will bring us together.

Yet we know that there will still be spirited debate. This is a good and natural thing. It has been a characteristic of this body since our very founding and even prior to the founding of this great country. There will continue to be spirited debate.

How are jobs created? I have given you, Madam Speaker and others, my core belief on how jobs are created and how we'll unleash the greatest job-producing engine the world has ever known: the American entrepreneur. Some disagree with these priorities. I don't see how. I like my view. It's been tempered by 30 years of reality and experience.

But if we come together under the terms and conditions and under the umbrella of civility that I just outlined, I really believe that we'll meet that deep obligation that we have to the next generation of Americans to pass on the blessings of liberty and freedom.

I close with this, Madam Speaker:

I shared with this body earlier that I had the great privilege of representing the Second District, which has the highest concentration of men and women in uniform in the entire country. My weekend was filled with wonderful events honoring our veterans. Young veterans and older veterans, like my father, Ike, at 88 years old, an Iwo Jima veteran—my favorite veteran, by the way. But as we walked through these events from parades and marathon races and just a host of different events, it was just evident to me that we have so much more in common that binds us together, the full fabric of our community.

Every community, every minority community, every community, old, young, is represented in these wonderful events, our veterans, what they have fought for in this great country. And I believe the best way to honor our men and women in uniform surely is, of course, to stop on Veterans Day, to pause, to look them in the eye to thank them.

But I would say even more importantly, and I think our veterans would agree, they'd say, You know, I appreciate that. But better yet, and indeed your duty, elected official and every American, is to take the legacy that was gifted and handed to you at a heavy price and ensure that we pass it on to the next generation.

□ 2000

So I implore, Madam Speaker, every American to get engaged in this noble

fight for the future of our country, for our children, and for our grandchildren. My favorite modern-day President, President Reagan, said it this way: Freedom is never more than one generation away from extinction. We did not pass it to our children in the bloodstream. It must be fought for and passed on for them to do the same; or one day, in our sunset years, we will tell our children and our children's children what it was once like in America where men were free.

Indeed, we will meet our deep obligation to the next generation of Americans. And as we come through this Veterans Day, may God watch over our veterans, our troops who stand watch tonight, and may God forever bless the United States of America.

I yield back the balance of my time.

CBC HOUR: POVERTY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Madam Speaker, I want to again thank our leader, NANCY PELOSI, and the Democratic Caucus for allowing the Congressional Black Caucus to have this Special Order hour once again.

Before I begin my discussion today, though, I want to take this opportunity to wish a very happy birthday to my daughter Karida Green. I am blessed to have two wonderful daughters and four fantastic grandchildren, whom I was able to spend the past weekend with as we celebrated Kobi's, one of my grandsons, 5th birthday.

I also want to extend congratulations to the Federal team that's now in place in the U.S. Virgin Islands. Congratulations to our new district court judge, Wilma A. Lewis, who joins Chief Judge Curtis Gomez and Senior Sitting Judge Raymond Finch in the district court of the Virgin Islands; to congratulate U.S. Attorney Ronald W. Sharpe, who had his investiture this morning; and also Chief Marshal Cheryl Jacobs, who was sworn in about 2 weeks ago. We welcome all of them and thank President Obama and Attorney General Holder for their nominations and the Senate for their timely confirmation.

And let me once again thank all of those men and women who have served in our Nation's Armed Forces and those who serve today for their courage and their sacrifice, and I also want to thank their families who serve and sacrifice along with them. We in the Congressional Black Caucus and, indeed, I think, the entire Congress look forward also to sometime in the not-too-distant future to honor the Montford Marines with a well-deserved and long overdue Congressional Gold Medal.

But this evening, Madam Speaker, the Congressional Black Caucus continues our focus on the need for jobs and to reiterate the call for the leadership of this Congress to bring legislation to the floor that would create jobs. But tonight we also want to call our attention to the continuing plight of the poor in this country and how the budget and other battles that have been fought on the floor of this House and over in the Senate have been hurting them and what is at stake for them also if the supercommittee does not come to a balanced agreement that would reduce the deficit by $1.2 trillion or more—and, I would say, hopefully more.

Earlier this month, nine Members of the House joined the Fighting Poverty with Faith initiative and took the food stamp challenge. We agreed to live on what is the average food stamp allotment for a week, $31.50, and I can tell you that it is not easy.

There are over 48 million Americans today who are food insecure. More than 16 million children live in households that are food insecure in the richest country in the world. Millions face hunger every day in this country, a fact that we should all be ashamed of.

These numbers are only getting worse, not just because of the recession but because almost all of the growth of wealth in the past decade went to the top 10 percent of people in this country. For most Americans, their incomes dropped; their incomes really crashed. And the gap between the rich and the poor got wider, a dangerous trend for a country already struggling to maintain its leadership in the world, something everyone should want to do everything in our power to maintain.

For all of our 40 years of existence, the goal of the Congressional Black Caucus has been to close the gap that leaves some communities behind or some out altogether; to close the income gap, the job gap, the housing gap, the health gap, the education gap, and all of the disparities that have been so doggedly persistent for some communities, not because those on the losing side didn't want them to change or didn't work for change but because the opportunity too often was just not there.

Colleagues, America is the land of opportunity and all of us, not just the 43 members of the Congressional Black Caucus but all 441 or, really, all 541, need to be working together to make sure that it is for all and not just for some.

This country was founded on the principle that all men and women are created equal and endowed with certain inalienable rights, not to be separated from us. Inalienable rights—the right to life, liberty, and the pursuit of happiness.

Many times even when we pass programs that should have helped, they don't reach communities that need them most. Those communities in some cases are not prepared to compete or they may not be priorities for the Governors of those States who often get to decide where those programs go. And that's why our assistant leader, JAMES CLYBURN, joined with Congressman RANGEL to develop the 10–20–30 program, an initiative that they have taken to the White House and to the Republican as well as the Democratic leadership.

Under this initiative, which seeks to help out the most chronically distressed communities, 10 percent of all funding and programs would go to communities with 20 percent or higher poverty levels for 30 or more years. And it may surprise everyone, but two-thirds of all of the jurisdictions that would qualify for that 10 percent are in Republican districts. I think if it were under any other administration or if it were proposed by someone on the other side of the aisle, perhaps this would have been passed long ago; but today those communities, not all of which are racial and ethnic minority in makeup—many are, but not all are—would continue to suffer and, in essence, be denied those inalienable rights, and that's not the country that we know and love.

At our annual legislative conference in September, we heard from researchers who reported on persistent poverty and its impact on health and the quality of life in the communities that are chronically distressed. Their report tracked the stubborn persistence of concentrated poverty in U.S. metropolitan areas over a period of nearly 40 years. Neighborhoods with poverty rates above 30 percent have been recognized as places with few opportunities for employment and education, high levels of disinvestment and crime, and meager civic participation. Living in such neighborhoods over extended periods of time reduces the life chances of children, whether their families are poor or not.

The report also looked more deeply at a subset of urban neighborhoods that can be characterized as the ''original ghetto,'' extensive areas whose cores were almost exclusively nonwhite and poor in 1970. The report showed that the Nation continues to suffer from racially and economically divided cities, undercutting efforts to reach important goals for our country, for health, for education, for employment and civic engagement.

More specifically, that report found that concentrated poverty has risen substantially since 2000. About one in 11 residents of American metropolitan areas, or 22.3 million people, now live in a neighborhood where 30 percent or more of their neighbors live in poverty. Such neighborhoods suffer from private sector disinvestment, poor public services and schools, and unacceptable levels of exposure to crime, natural hazards, and pollution. The number of people in high-poverty neighborhoods increased by nearly 5 million people since 2000, when 18.4 million metropolitan residents, 7.9 percent of the total, lived in high-poverty neighborhoods.

□ 2010

The rise since 2000 is a significant setback compared to the progress of

the 1990s. The number of people in high-poverty neighborhoods stabilized in the 1990s and the concentrated poverty rate fell, fueling optimism that faith-based initiatives and rising prosperity were reversing a crisis that had grown dire in the 1980s.

Today, however, it appears that the improvement of the 1990s was just a temporary respite. The increase in the number of Americans living in high-poverty neighborhoods tracks directly with the Nation's increasing poverty rate. Between 2000 and 2009, the number of people in poverty grew by 10 million, from 33 million to 43 million, raising the poverty rate from 11.3 percent to 14.3 percent in 2009. Today it's over 15 percent. And we all have seen the Pew report which shows that white wealth is 20 times more than African American wealth, 18 times more than Hispanic wealth, and that more African Americans live in extreme poverty. If this trend continues, it is a very bad prognosis for the economic health of our Nation.

Also, everyone knows that I'm a family doctor by training, training that I received right here in the Nation's Capital at George Washington University's School of Medicine and Howard University Medical Center, so the health of my fellow Americans is very important to me. So I have to just point out that poverty is a sure prescription for poor health and for premature, preventible disability and death. Just eliminating poverty alone would improve the health of millions and the terrible health standing of our country, which is an embarrassment. Or let me quote one of our Surgeon Generals, ''An affront both to our ideals and to the ongoing genius of American medicine,'' as was said by former Surgeon General Margaret Heckler back in 1985, and it continues to be true today.

As many have said, the American Dream has become a nightmare for too many in this country, including those who recently came in pursuit of it, our immigrant community. The Rebuild American Dream movement and many of the Occupy Wall Street protests are all about making it a good dream again, and not just a dream, but an opportunity to make it a reality. As quiet as it's kept—and we, Democrats, have really been too quiet—Democrats have always been about keeping the American Dream alive for everyone who lives and who comes to this country, for making opportunity available to all for a solid education, good health, a decent job, a home in a safe neighborhood, and a secure retirement. We have never lost sight of or lost faith in this. And we continue to fight for it, despite the big money opposition and the special interests who think they will win out in the end, but they won't because we are on the side of the American people, and they will always side with what is in their best interests and not in the best interests of our country.

Before we went out over our break—one more break than we needed—Congresswoman BARBARA LEE introduced H.R. 3300, the Half in Ten Act of 2011, which proposes to cut poverty in half within the next 10 years. In 2008, House Concurrent Resolution 198 unanimously passed Congress and committed us to doing just that, cutting poverty in half. The new bill provides us with a framework for doing it, and we need to honor the commitment that we made in 2008 and pass the bill, H.R. 3300. The Half in Ten Act would establish a Federal interagency working group on reducing poverty. The working group will develop and implement a national plan to reduce poverty by half in 10 years while working to eliminate extreme poverty, which I talked about earlier, child poverty, and the historic disparity in poverty rates in communities of color. The working group will improve how we collect data on those who are in poverty and near poverty, and make regular reports on their progress so that Congress and the American people can better understand the impact of our policies and programs and make more informed decisions about how we as a people treat our most vulnerable.

The working group will be charged with developing and implementing a national plan on poverty with four distinct but interrelated goals: one, to reduce the national poverty rate by half in 10 years; two, to eliminate extreme poverty, those with income under 50 percent of poverty; three, to eliminate child poverty; and four, to eliminate the historic disparity in poverty rates in communities of color. That working group would consult with experts across all relevant Federal agencies as well as outside poverty groups who work directly with those most affected by those Federal programs so that we can develop a comprehensive, far-reaching, sustainable plan.

I really want to thank the gentlewoman from California, Congresswoman BARBARA LEE, our former chair of the Congressional Black Caucus, for her work on eliminating poverty, for her leadership of the Out of Poverty Caucus, and for introducing H.R. 3300.

We have another bill that will soon be introduced by Congresswoman GWEN MOORE which also speaks to poverty. She's preparing a bill that would reform TANF, and I think everyone would agree that TANF has not really worked as it was intended to. As we look at it, it's created a permanent underclass. Block grants are locked in at 1994 levels. Many who move off of assistance after 5 years still don't have jobs, and they don't have child care. The rise in food stamp usage shows where those pushed off of assistance have gone.

The average age of a TANF recipient is 7.8 years of age. Twenty percent of children live in abject poverty in this country. It has damaged the social safety net that was meant to respond to the countercyclical nature of the economy. When there is a recession, as there is now, it's supposed to be that last bit of help. So the bill is still being drafted, but some of the things that it would do are, it would stipulate that the number one goal of TANF is child poverty reduction. It would stop the clock during a recession. It would guarantee child care for TANF work-eligible recipients. It would lift all time limits on work participation requirements and the 30 percent safe cap on education. And it would adjust the Federal work participation requirements so that States could get credit when individuals with disabilities participate in work-related activities, even if the nature of those activities or the number of hours do not match the standard TANF requirements. Those are just some of the things that we expect to have going into the bill. And again, in addition to H.R. 3300, when Congresswoman GWEN MOORE introduces her TANF reform bill, we hope that all of our colleagues will support it.

There is an elephant in this hallowed room and every room in this Congress, and that's, of course, the deficit-cutting proposal that the supercommittee is responsible for bringing forth in about 9 days. Actually, it would be more than a proposal because we would have to vote on it as it is, just up or down, no amendments. We hear that there will, more than likely, within those 9 days be an agreement. And if there's any hope for a fair and balanced agreement, it's because we know that the House Members that the Democratic Caucus has placed on the committee will work to ensure that it is. And those are our assistant Democratic leader JIM CLYBURN, vice chair of the caucus XAVIER BECERRA, and our Budget Committee ranking member CHRIS VAN HOLLEN.

We've said over and over again that this plan needs to include a further extension of unemployment benefits, which is something that has been demonstrated over and over again as a guaranteed stimulus for the recession that we're not yet out of. But it also, of course, provides a needed bridge until we can get this Congress to create jobs again. It's been over 300 days, and we still have yet to see the Republican leadership produce and enact a jobs agenda for this country, something that we all know is so badly needed.

And just to talk about where we are, in the third quarter of 2011, 31.8 percent of 14 million Americans who are out of work have been so for more than a year. That amounts to 4.4 million people. Older workers are more likely to remain out of work for a year or longer; 43 percent of unemployed workers older than 55 have been out of work for at least a year. Although those with more education are less likely to lose jobs, once unemployed, long-term joblessness is distributed across all educational levels. And we keep hearing about employers who might have a job opening, saying for those who are jobless, don't apply. Now that just does not make any sense.

□ 2020

Unemployment cuts across every industry and occupation. More than 20 percent of unemployed workers in every industry have been out of work for a year or longer. And in mining, manufacturing, transportation, utilities, financial activities, the percentage of workers who have been jobless for a year or longer is over 40 percent. We cannot get out of this recession without jobs.

So, again, we call on the leadership of this body to enact a jobs agenda. We, the Democrats, have proposed and requested in the strongest way possible that the American Jobs Act be a part of the supercommittee's report. It in itself, because of the tax and other revenue it would generate, is an important part of reducing our deficit. We also want other revenues to be a part of that agreement. This is not in any way class warfare. The poor and the middle class have already given up much, have made major concessions and sacrifices. And in the interest of saving our country, they would likely do more up to a point. But now it's time for everyone else to give. It's the patriotic thing to do.

Unless some, or even all, of the Bush tax cuts, which were meant to be temporary and should have expired already, are allowed to expire, the majority of the deficit will come out of programs that would help the middle class and the poor. The country I pledge allegiance to is a fair country. Congress has a sacred responsibility to keep it fair, and with liberty and justice for all.

If no agreement is reached or if the House and Senate fail to pass whatever agreement is reached, mandatory across-the-board cuts will be imposed. And the President has already said he will prevent any attempts to stop the mandatory cuts from taking place, and I hope that threat extends to mandatory defense cuts, because what we keep hearing is that those defense cuts will just not ever happen. And if defense is spared, the mandatory discretionary cuts would further come out of programs that would help the poor and the middle class and would hurt them even more than some of the budget agreements we have already reached. Some of the cuts that this Congress has already made would hurt the poor and hurt jobs.

Just in 2011, 250 programs were cut that probably eliminated about 370,000 jobs. Those are just some of the things that we have already lost. There are almost 60,000 jobs lost from the spring budget cuts of the Federal Government in three areas, with secondary impact on a wide array of businesses, ranging from automobile producers to local restaurants and dry cleaning establishments. Federal support for law enforcement, environmental cleanup of nuclear weapons production facilities, and General Services Administration Federal buildings fund, those are some of the cuts that have just wiped out jobs at a time when we need to be creating them.

So we need to make sure that we allow our economy to grow. We need to continue, or begin, to invest in education and health care and renewable energy and innovation of all kinds. The only way we can do this is with a big agreement, but one that includes far more revenue than the mere $300 billion that is now on the table.

So we want balance and fairness from the supercommittee. We want a jobs agenda enacted. We want to see the American Jobs Act be a part of it. We want to see unemployment payments continued and extended beyond where they are today, and we want to go further to make sure that poverty is reduced in our country because, again, over 16 million children in this country are going hungry every day and living in poverty; and that is something that any country worth its salt should not tolerate.

I would now like to yield to my colleague from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands for her leadership, and I'm delighted to join her in what I think is an enormously important discussion. Oftentimes, Congresswoman, we don't get a chance to have this kind of discussion when we are debating bills on the floor of the House. So let me, first of all, add again to your statistics. The more we can recite for people what the problem is, the better off we are.

So you will see us standing over the next couple of days and weeks, and isn't it interesting as we approach Thanksgiving and then the Christmas holiday for many of us, and holidays in different names, Chanukah for many, and many other kinds of celebratory holidays that call upon fellowship and food to realize how many are impoverished in this Nation. So I'm delighted to stand with the Congressional Black Caucus, our friend, Congresswoman BARBARA LEE, our chairperson, Chairman CLEAVER, and yourself to firmly stand committed to combating poverty, eliminating hunger, and providing health insurance for all citizens.

Let me just say in light of that, the Supreme Court indicated that they will take up the health care bill. But I'm going to join some pundits and take a risk and say it's going to be upheld. I know there is a lot of rubbing of the hands and excitement because they see in the eyesight the death knell for the Affordable Care Act.

But the good news is that one of the judges that upheld the Affordable Care Act was a conservative judge who analyzed our right to require individuals to have insurance for the greater good—that's not the legal interpretation. And I believe there is sufficient numbers on the court that will look beyond politics and realize that the heavy burden of health care is a heavy burden on the economy. And if you are a conservative, you will look more closely at individual responsibility. That's what the Affordable Care Act is, along with preventive care and protecting children. So I'm going to be an optimist, and I'm looking forward to the Supreme Court's decision.

But our numbers show one of every six Americans is living in poverty, a total of 46.2 million people. This is the highest number in 17 years in a country with so many resources. And you've heard me say this before, our country is not broke. It can belt tighten. It can move dollars around. I'm glad that the Congressional Black Caucus that is talking about create, protect, and rebuild has the answers.

Let me just say that children represent a disproportionate amount of the United States' poor population. I chair the Congressional Children's Caucus. In 2008, there were 15.45 million impoverished children in the Nation, 20.7 percent of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty; 2.2 million of them are children; and 17.4 percent of households in the State struggle with food insecurity.

In my district alone, the 18th Congressional District, a very historic district, there are 190,000 people living below the poverty line, the highest number of people living in poverty in 17 years; and then we are thinking about cutting vital social services such as the supplemental excess, SNAP program, that fed 3.9 million residents of Texas in April 2011; the WIC program; and the Census Bureau also reported that there are 49.9 million people in the country without health insurance. We've already discussed that. And Texas happens to be the State with the highest number count.

All of that, and you're literally taking the front door, if there is one, opening the door and kicking people to the street.

I just want to deviate for a moment as I go over some very important aspects that I think, joining with the Congressional Black Caucus, that if they would only listen, if you would only listen, I believe would move us on a pathway of creating jobs, just as we spoke about in the jobs tour that we participated in this summer.

But I want to be very clear, the Second Mile in Pennsylvania was labeled as an organization that dealt with at-risk children. Those are poor children. Some might ask: Where is she going here? They are the most vulnerable. They are the most needy. And because those children were vulnerable, because those parents were vulnerable, because they were looking for relief, looking for a child to have some sort of, if you will, activity and comfort, maybe even food—I'm sure those programs and trips out of town might have also had resources that children do not have—when a child is vulnerable, they become a target for the most heinous of acts.

If I might deviate and indicate that I intend to introduce legislation on two

counts, one to suspend any Federal funding to any entity, academic, nonprofit, State and local government, prosecutors' office that has covered up and not prosecuted or not reported the sexual abuse of a child, excluding if it is an academic institution, funding for scholarships and Pell Grants; and to also indicate funding, ramping up funding, for the Department of Justice for anyone who carries a child over State lines for the intent of sexually abusing a child.

□ 2030

What an untoward national image and international image we have just gotten. I don't worry about football. I'm not interested in the State. I'm not interested in the particular academic institution. I'm not pointing fingers, and I don't know the coach's name. I just know that in the course of the activity of this alleged perpetrator, there may be many more vulnerable, poor children which we're talking about tonight, the most impoverished; and that one person, among others, saw a physical sexual act and did nothing about it.

And so poverty is not only a family not having enough to eat, maybe not having clothing, maybe not having a place to live, but it also means it puts a child in the most horrible, horrific of conditions; almost to the extent, even though you would say that the predator is sick, but it puts that vulnerable child—because that parent may be vulnerable, that parent may not be home. They may be a loving parent. They may be struggling with three jobs, and they need a place for their child. The child may need the comfort and nurturing of an adult, and that child then becomes a victim. So don't think that we're standing here and arguing against poverty just to be arguing. It is a systemic atmosphere and condition that will allow you to be victimized.

Let me go to the supercommittee as I talk about what the CBC, Congressional Black Caucus, is looking at. I will follow the quotes of some I have heard who testified before the committee. I had the privilege of sitting in on one meeting, not very long, and I think they are dedicated Members of Congress. But we must know that this is not in the regular order. This was out of the order, and it came about through the forced need to lift the debt ceiling. In essence, we were taken hostage. So, frankly, I'm going to suggest that the supercommittee yield. They can go through the 23rd, but, in essence, accept the inevitable that there will be no agreement and that this Congress come back in 2012, because we have until 2013 for the sequestration, come back in 2012 and do our business and respond to the suggestions of the Congressional Black Caucus and legislation that many of us have introduced to create jobs, to balance the revenue, and do our work.

And so I want to suggest that there are many programs. The Neighborhood Stabilization Program has been touted all over America. What it does is it brings dollars into depressed areas where these vulnerable children live, and it provides stabilization dollars, making good on 100,000 properties with $7 billion, and it allows these properties to be restored for families. In the course of doing that, you create jobs and you don't have these big signs that say, ''Foreclosure.''

And then, of course, the National Housing Trust, if Congress can provide at least a billion dollars to fund the National Housing Trust, which is a mechanism for affordable housing. When a child has a room, a light, a desk, and a bed and that family feels comfortable, they are less vulnerable to sexual predators, to not having resources, to being thrown to the wolves, if you will. And it will create 15,000 jobs.

Unemployment insurance that many of us have worked on and joined Congresswoman LEE and Congressman SCOTT to extend to the 99ers and to make sure that they can put bread on their table, pay their light bill and get gas to go look for a job, it will save 500,000 jobs—500,000 jobs.

Why is no one listening? It's a simple process. And has anyone heard of a country moving forward without investment in its people? And that's what we are arguing. Very quickly, we have supported this for so long. No one will listen. Everybody that is outsourcing is taxed, and that will generate resources that will allow us to invest back into the Treasury. Then we can invest in the National Housing Trust. We can invest in the Neighborhood Stabilization Program. We can invest in the 99ers, and we can provide money to those who are in need.

Give a tax holiday for the first $20,000 on payroll tax, which will provide the opportunity for small businesses and put income in, if you will, the pockets of many who are in need, who week to week make ends meet and are very much in need of that. As well, to help those who have been chronically unemployed, to not discriminate against them but to give a payroll tax holiday in order to hire the chronically unemployed; so when they see ''Help wanted,'' they will be excited about hiring someone because they have that benefit.

By the way, can we make an announcement here? We are not broke. Companies have trillions of dollars in their bank accounts, and so do the banks, but they keep saying to us they're afraid to invest and let the money go because it's not a stable economy. How much louder do I have to say it's a chicken and egg? Hire people. That's a stable economy. They invest back into the economy, they begin to buy things, and then you begin to manufacture. It's a chicken and egg. It's the cart and the horse.

Mrs. CHRISTENSEN. Absolutely.

Ms. JACKSON LEE of Texas. Reestablish manufacturing. If manufacturing makes things, we've got to buy things. How do you buy things? You have money to buy it. And I've been supporting this for a very long time. I'm part of the Manufacturing Caucus.

In addition, it's very important that we do as the WPA did during the time of the horrible aftermath of the Depression, and the Workforce Investment Act would be assisting 8 million people and give all of these people a chance to fix the infrastructure all across America. Cars will stop going into potholes, bridges will stop having cracks in them, and we will be able to put people to work.

TANF, if it were fully funded and if it had an emergency contingency fund that many of us have been speaking about, this would make available—create temporary jobs for adults and summer jobs, but, more importantly, it would create 240,000 jobs.

And the same thing with the infrastructure. Again, how many people have traveled with a limited amount of gas but traveled over bridges and freeways and found them in disrepair? This is a simple process.

Mrs. CHRISTENSEN. Absolutely.

Ms. JACKSON LEE of Texas. And I would argue vigorously that it is disappointing that we have not been listened to and members of the Congressional Black Caucus and the Democratic Caucus, and even today the supercommittee is speaking about not fulfilling the promise of putting the revenue on the table necessary to counter the cuts. I, frankly, don't want sequestration. The vulnerable will be hit the hardest with all of the cuts that are pointed toward Medicare, Medicaid, Social Security, food stamps, and others that they allege that are protected, but I would argue that aspects of it are not. I made a public commitment to my veterans last Friday that I would not allow for my vote and my support one iota of veterans' benefits to be cut.

I'm so tired of people talking about that we're not willing to look at Medicare, Medicaid, and Social Security. No, I am not willing to look at it as it has been proposed by my Republican friends. They know full well how they can cut this. They can follow the Affordable Care Act and close the doughnut hole on Medicare part D, the most expensive, heinous, insulting affront to spending money in the United States of America that was voted on in the Republican majority, Medicare part D that all seniors hate.

□ 2040

Our Affordable Care Act, if allowed to be implemented, would close the doughnut hole—that's one way of doing it—and seniors would jump for joy. In addition, if you start talking about provider benefits, I'm going to publicly say I oppose it. Why? Because I cannot trust the knife. What does the knife do? It goes in and slashes hospitals and home care and others possibly. And when you slash it, you do jeopardize seniors who are in hospitals.

We have to find a way to cut the waste, fraud and abuse; and we've determined that waste, fraud and abuse can save us billions of dollars. So out of my lips, I will not support cutting Medicare, Medicaid, and Social Security, or discretionary funding. I will support the creation of 8 million jobs. I will support investing in America's people. I will support getting rid of at-risk children, meaning not getting rid of them but their condition, so that we don't have to find at-risk children. What a disgrace that we take that in such a way that we categorize. These are at-risk children, these are poor children, and we just accept it. They're numbers. Well, at-risk children are impoverished, malnourished, don't have good health care, and are victims. And they can be victims of the most heinous sexual predator story, act, of our recent times. Even we've heard of the faith institution that has been under such siege that has made changes—the Catholic Church spoke out today—because it is a disease, it is an epidemic, and it comes out of poverty and vulnerability. And if we don't cut out the vulnerability of our children and families—and in this great country, even the Bible says the poor will always be with us, but they also say be busy until He comes. And that means we should be busy until the Lord comes, for those of us who believe, should be busy until He comes, making the corrections that we have to make.

So I want to thank the gentlelady for allowing me to join her and to express, as the chairwoman of the Congressional Children's Caucus, the work that should be done, the work that we've done on the issues of bullying and obesity and on nutrition. And areas like that are added to this work that has been done by the Congressional Black Caucus.

And I just simply say: Is anybody listening? Because we have the solution. And if they would only listen, 8 million jobs, children who are protected, and families who can get back on their feet and begin to invest back in this country.

With that, I thank the gentlelady for yielding.

Madam Speaker, I stand today with my colleagues from the Congressional Black Caucus to discuss the recent on poverty and healthcare. Together, we stand, firmly committed to combating poverty, eliminating hunger, and providing health insurance for all our citizens.

I am, as we all are, deeply troubled by the report issued by the U.S. Census Bureau. 1 of every 6 Americans are living in poverty, totaling 46.2 million people, this highest number in 17 years. In a country with so many resources, there is no excuse for this staggering level of poverty.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

In my district, the Texas 18th, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of American living in poverty at the highest rate in over 17 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program (SNAP) that fed 3.9 million residents of Texas in April 2011, or the Women, Infant, and Children (WIC) Program that provides nutritious food to more than 990,000 mothers and children in my home state.

The Census Bureau also reported there are 49.9 million people in this country without health insurance. This is an absolute injustice that must be addressed. We can no longer ignore the fact that nearly 50 million Americans, many of them children, have no health insurance.

Texas has the largest uninsured population in the country; 24.6% of Texans do not have health care coverage. This includes 1.3 million children in the state of Texas alone who do not have health insurance, or access to the healthcare they need.

It is unconscionable that, despite egregiously high poverty rates, Republicans seek to reduce spending by cutting social programs that provide food and healthcare instead of raising taxes on the wealthiest in the nation, or closing corporate tax loopholes.

Perhaps my friends on the other side of the aisle are content to conclude that life simply is not fair, equality is not accessible to everyone, and the less advantaged among us are condemned to remain as they are, but I do not accept that. That kind of complacency is not fitting for America.

I firmly believe that all Americans can come together to protect the most vulnerable citizens in the nation, to provide relief for the poor and the hungry, because 46 million of our fellow countrymen living in poverty, 15 million of them children, is simply unacceptable.

I urge my colleagues in Congress, and people across the nation, to look at what unites us rather than what divides us. We are linked by our compassion, and bound by the fundamental edict of the American dream that says we will strive to provide our children with a better life than we had. We can, and we must reach a compromise that will not cut valuable services from those who need government the most.

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON LEE, for joining us. Thank you for the work that you do on the Judiciary Committee, and especially for your strong defense of children and the rights of children and the protection of children in this country. We look forward to the introduction of your bills as well, and we ask for the support of our colleagues for them, both as cosponsors and when they get to the floor.

Ms. JACKSON LEE of Texas. Will the gentlelady yield?

Mrs. CHRISTENSEN. I yield to the gentlewoman.

Ms. JACKSON LEE of Texas. If I might, as I close, I did mention education. Many of us know that we are facing huge cuts in education. Again, who does it hit? The vulnerable children in public schools. And I just have to, before I leave the microphone, mention the North Forest Independent School District, the only majority minority school district left in the State of Texas, targeted for closing, not because it's not welcomed by parents, teachers, and others, but because the State simply wants to be on a budget-cutting trip, if you will. And I leave the podium by saying to my Governor, Governor Perry, as I've talked about impoverished children, don't close, and don't condemn our children who are trying to learn in North Forest Independent School District. And to my colleagues: Education creates jobs—and I mentioned the teachers—but also, it invests in our children.

I thank the gentlelady for yielding to me.

Mrs. CHRISTENSEN. Thank you. And thank you for the optimism about the outcome of the Affordable Care Act at the Supreme Court. I wish I shared your optimism, but we'll take that as a very positive outlook on the outcome, and I hope that indeed your predictions are correct.

GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas, Madam Speaker, after more than 300 days in the majority, Republicans have failed to enact a much needed jobs agenda that will strengthen America's weakened economy. While failing to put forth a solid jobs agenda, they have simultaneously said no to President Obama's American Jobs Act. Sadly students, teachers, first responders, and America's families are paying the price.

The clock is running out as the deadline for a deficit plan from Joint Select Committee on Deficit reduction looms ahead. In these last few days, I challenge the Joint Select Committee to put politics aside and to work together to create jobs and protect America's most vulnerable citizens.

As the unemployment rate remains high, millions of Americans continue to live at or below the poverty line. Texas has the second highest rate of food insecure children in the nation. Last year 4.2 million Texans either experienced hunger outright or altered their consumption to avoid going hungry. I urge the Joint Select Committee to reject any policies that will increase hunger and poverty in America.

We must ensure that the Joint Committee on Deficit Reduction focuses on economic growth and job creation to stop the spread of hunger and poverty in our country. Lastly, I 'urge the Committee to do whatever it takes to prioritize steady growth of our investments in science, technology, and STEM education. It is when our economy is hurting the most that

we should be redoubling our efforts to innovate our way into a brighter future of new jobs, new technologies, and untold societal benefits.

Ms. LEE of California. Madam Speaker, again, I rise to bring attention to the Crisis of Poverty in America.

As a founder and Co-Chair of the Congressional Out of Poverty Caucus, in 2008, I was proud to introduce H. Con. Res. 198, which committed the House of Representatives to setting a goal of cutting poverty in half in ten years. I was proud that the House passed my resolution unanimously.

I hope that together this Congress can take the first steps toward that goal.

The Crisis of Poverty in America is nothing short of a national emergency and we must begin to act like it.

The U.S. Census recently released their supplemental poverty estimates which confirms what every other survey and report has shown, that communities of color continue to face tragically higher rates of poverty than their white counterparts.

27.4 and 26.5 percent of Black and Hispanic communities suffer under poverty respectively when compared to the 9.9 percent rate of their white counterparts. This is no accident, rather the direct result of a long history of disparity and a lack of economic, educational and entrepreneurial opportunity in our communities.

We know that this disparity is reflected in the rates of unemployment, in the ranks of the uninsured, in the impact of health care disparities, in education, in income and in the already vast and expanding wealth gap.

Doing everything that we can to reduce poverty and to end this terrible racial disparity is not only the morally right thing to do, but it is the best way to jump start the economy as well.

There is simply no way forward for our economy that leaves communities of color and the poor behind.

As I said, it is time to take the first step on the road to cutting poverty in half in America.

I have introduced H.R. 3300, the Half in Ten Act of 2011, which 55 of our colleagues have co-sponsored.

My bill would establish the Federal Interagency Working Group on Reducing Poverty.

The Working Group will develop and implement a national plan to reduce poverty in half in ten years.

They would also work to eliminate child poverty, extreme poverty, and finally bring an end to the historic and on-going disparity in poverty rates in communities of color.

The Half in Ten Act would dramatically improve how the federal government responds to the needs of families in poverty.

It is time to work together to dramatically improve access to opportunity for low income Americans so that they can climb up the economic ladder and reignite the fire of every American Dream.

It is clear that our policies and programs addressing poverty have not kept pace with the growing needs of millions of Americans. It is time we make the commitment to confront poverty head-on, create pathways out of poverty and provide opportunities for all.

I encourage my colleagues to support H.R. 3300.

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

ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. It is interesting to see the way the negotiations with the supercommittee are playing out. Some of us didn't vote for the debt ceiling bill. I know in my own case I didn't vote for it because I read it, and I was concerned it was not a good idea.

Our country should not put its national security as a bargaining chip on the table. National security is important to everyone on both sides of the aisle; it should never be used as a bargaining chip, whether or not we're going to devastate it.

On the other side, the defense would be devastated at the same time Medicare would be devastated. If the supercommittee's recommendations are not approved by at least seven of the 12 and then Congress does not pass them into law, Medicare gets cut and so does the national security get devastated.

So who stands to win and who stands to lose in that scenario? Well, we know that when what is commonly referred to as ObamaCare—I don't even remember the real name—when that got passed, AARP indicated, hey, that's a good idea, even though it had $500 billion in cuts to Medicare. I couldn't believe that some of the groups that endorsed that bill did endorse it because, for one, it had $500 billion in cuts to Medicare. You know, we've got AARP stirring up seniors right now—send in a petition, tell them you don't want any cuts to Medicare, that you're a member of AARP. And I appreciated those petitions very much. Those people that felt Medicare shouldn't have been cut should have been telling that to AARP back when they were thinking that ObamaCare was a good idea. It wasn't then, it's not now, and it won't be if it kicks into effect fully and people start having rationed care.

So, what would take people's minds off the fact that the President's pride and joy, his health care bill, cut $500 billion from Medicare and Republicans didn't support it? didn't think it was a good idea? That's 100 percent a Democratic bill that was ramrodded through with most of the country against it. So the President has to carry that mantle, as do the leaders in charge at that time, the people that were in the majority in the House at that time under Speaker PELOSI as she pushed it through, commenting that we needed to pass it so we could find out what was in it. Well, I had read it. I knew what was in it, and knew it was a disaster waiting to happen. I knew that it hurt seniors badly.

So we come back again to this supercommittee. What do Leader REID and the Senate Democrats—even House Democrats—have to gain if the supercommittee's proposals are not adopted? Well, there will be massive cuts to security, and there will be massive cuts to Medicare. And that will mean, from a political standpoint, that those same people that rammed through ObamaCare against the country's will will then be able to say before next year's election, look what happened.

□ 2050

Republicans caused a massive cut to Medicare. They're the ones to blame. They'll be able to take people's minds off the fact that ObamaCare was a $500 billion cut to Medicare to our seniors that will result in them having rationed care, getting on long lists before they can get treated, like happens in England, like happens in Canada. You get on a list to get your mammogram, get on a list if there's cancer there to have it biopsied or if there's a lump, having it biopsied, get on a list, have therapy of some kind, whether it's surgery, whether it's radiation, chemo, whatever kind of cancer it is. You get on a list.

I mentioned before a man originally from Canada who said his father died because he was on a list to have a bypass surgery for 2 years. If he'd been in the U.S., the son said he'd still be alive. But he was in Canada, and because they have the socialized medicine program basically embraced by ObamaCare, then you are going to, you know, end up on a list. That's what happens when the government's completely in charge of health care. It doesn't have to be like that.

When you look at the amount that the Federal Government, State governments spend on Medicare and Medicaid, divided by the number of households in the country, we've gotten a bunch of different numbers, but it appears that it may be around $25,000 for every household on Medicare or Medicaid. Between $20,000 and $30,000 just to pay for health insurance?

We'd be far better off buying them a high-deductible policy and giving them cash money in an HSA, a health savings account, with a debit card they control. They decide what doctor they go to; they decide what hospital they go to. They decide whether they want this medicine or that medicine. And when they go through, if they go through the amount of the high deductible, that's all the money to cover that's in their health savings account, then their insurance kicks in, and we finally get the insurance companies out of the health management business and back into the health insurance business. Because right now we don't really have any health insurance companies. We've got health management companies.

I want to go back to having health insurance companies. Insurance is when someone pays a small amount monthly, quarterly, semi-annually, annually to ensure against some unforeseen event, either a catastrophic disease or accident. It's unforeseen. Don't know if it's going to happen. Don't know if you're going to run up health expenses to that kind of high mark so

you've got an insurance policy to ensure against that unforeseen event or disease. That's insurance.

If we don't get the insurance companies back in the business of insurance instead of management, they may not be around because there will always be people that want to push something like the President did last year.

Most of us, I think, don't want the government telling us what medication we can have, what doctor we can see, why we can't see a doctor, why we're going to have to pay through the nose, why we'll have to buy an additional insurance policy to cover all the gaping holes that Medicare or Medicaid leave.

It would be nice if people didn't have to buy the supplemental insurance policies. But here again, you know, follow the money. AARP makes hundreds of millions of dollars each year selling their supplemental insurance, so they had a vested interest—who can blame them?—in wanting to push through ObamaCare when it means even more money for their supplemental policies.

What I'm talking about is a situation where seniors can have a choice. You can have your Medicare. If you're on Medicaid, you can have Medicaid; or we'll give you a debit card where you're back in control of your own health care.

Why not? It would be cheaper. It gets back to a real doctor/patient relationship. It gets people back in charge of their own health situations.

Well, the reason is because for many people, it's all about the GRE, the government running everything. The Founders didn't want the government running everything, but once the government has control of everyone's health care, they have a legitimate right to dictate what you can eat, what you can't eat, what you have to do in the way of exercise, what you can't do in the way of physical activity. They've got a right because they're paying for your health care. If they're paying for the health care, they have a right to tell you what you can or can't do.

I do not want to live in a country where the government gets to tell me what I can eat or not eat, do or not do. Government's role is supposed to protect people against evil, against evil people or countries who want to take away their freedoms and liberty. In other words, it's addressed in the United States Constitution as providing for the common defense. That's what we ought to be doing.

And then on the domestic front, our job is to provide a level playing field where everyone has an equal opportunity to pursue happiness. Nobody's guaranteed happiness—that comes in the heart—but everyone would have an equal opportunity to pursue it. That's what we're supposed to do.

We're supposed to be referees. We're not supposed to be the player/referee. What a terrible game to be in where the government's both player and referee.

But I do want to give the President credit any time I can, and he's been running around, even recently again—I believe it was last night I saw him—talking about Congress doing nothing, that that's what Congress wants to do. Well, again, I've got to give him credit. He's half right on that.

The Senate hasn't passed a budget in over 900 days. He's right. It's a do-nothing Senate. They refused to pass any kind of debt ceiling bill until basically the House passed one that was acceptable. We should have forced them to pass their own CR back in March, their continuing resolution; but they were negotiated with, and a bill was crafted that it appeared they could agree to pass in the Senate.

What the country needs to see is what the House stands for, what the majority in the House stands for and what the majority in the Senate stands for, and I'm not sure that people have seen that. But it means the House should pass what a majority in the House believes is best for the country and then stand, unmoved until the Senate passes something. Instead of trying to hit a mark that we think the Senate can hit, we pass what we believe in, as cut, cap and balance passed, and then don't try to keep coming back and hitting a mark the Senate—make them pass something.

And in the rules, the law is very clear. This is all provided for. The Constitution provides for these two parties. It expected there would be times when they'd pass a different bill from us, and it would go to a conference committee and then a compromise is worked out. And then those of us in the majority in the House can say, see what we passed at first, like cut, cap and balance? This is what we believe in.

See what the Senate passed first? See this monstrosity? That's what they believe in.

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So in the next election, when the House can say if you want more of this kind of bill and responsible spending, not continued runaway spending, this is what you do. If you want the continued runaway spending, more and more and more taxes, then go with the Senate.

I think there's some evidence to support that there are people in the opposition party who want to see the supercommittee fail, that want to see the massive cuts to Medicare—not that that would ever be said publicly, but we know that PAT TOOMEY, as he talked about yesterday, JEB HENSARLING talked about, two of our brightest minds on financial issues. We've got some really good quality people on that supercommittee, so-called.

Senator TOOMEY apparently had a framework worked out, and the indications were there were Democrats who were agreeing that it was not a bad setup. There would be some people who would lose some deductions that would, therefore, raise revenue without raising the taxation rate, but, in fact, the taxation rate would be lowered to a rate in the twenties, corporate tax in the twenties, but there would be enough deductions and write-offs that would be eliminated, it was actually going to raise revenue.

One Democrat even said that was a huge breakthrough when that was proposed. It gave a lot of hope that something was going to be worked out.

But then they talked to Democratic leaders. We're not privy to what was said. Next thing you know, there is no agreement. They're not going to agree to a deal. So you can't help but wonder if that's evidence that they really didn't want this bill to pass because if the supercommittee came up with a way to cut $1.2 trillion off the budget over the next 10 years—it's only $120 billion a year—then people next year at election time would really begin to realize just what ObamaCare did in cutting $500 billion off Medicare.

But if there are these massive cuts to Medicare, then Republicans can be blamed before the next election, even though it obviously would have been them standing in the way of passing a bill through the supercommittee.

One of the things that should be a no-brainer but apparently it's a no-starter, that is a zero baseline budget bill. Chairman RYAN has assured me and on television and Speaker BOEHNER has said, we're going to bring that to the floor this year for a vote. It's going to be passed out of the Budget Committee. I guess you can't guarantee that it will be passed, but I sure feel strongly when it's brought up for a vote in the Budget Committee, it will pass. When it's brought here to the floor, it will pass.

That will end this ridiculous automatic increase in Federal budgets that was begun by a very, very liberal Congress back in 1974, the same one that created CBO and started the ridiculous rules that they're bound by that do not let them consider historic reality in scoring a bill but only has to follow a formula that sometimes forces them to come up with a scoring that is completely unreal and not supported by history.

Well, we've got trouble here, and it's not looking good for that getting accomplished as it should. People are playing games and America will suffer.

The Book of Proverbs tells us that where there is no vision, the people perish, and if we don't get people getting a bigger vision not only of where this country has come from but where it could go, then people are going to perish, and it's so unnecessary.

It was interesting meeting again last week with Prime Minister Netanyahu. He was appreciative of House Resolution 271, I provided a copy, which goes through a lot of whereases. We've got lots of cosponsors on this. I hope if anybody is not on, that they'll sure add their name to this on both sides of the aisle.

The whereases include:

Whereas archeological evidence exists confirming Israel's existence as a nation over 3,000 years ago in the area in which it currently exists, despite assertions of its opponents.

It says 3,000 years ago. That was about the time of King David ruling in Hebron and also the City of David. It just turns out archeologically, it's immediately south of the area where the current walled city is. And of course the walled city is over the area which was original Temple Mount and Herodian Temple Mount and then hundreds of years later became of interest to people of the Islamic religion. But it's actually much more than 3,000 years ago.

Nonetheless, the bill says:

Whereas with the dawn of modern Zionism, the national liberation movement of the Jewish people, some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion.

And so that means for people who are really wonderful, big-hearted people like Helen Thomas but are just ignorant of actual history, Jews didn't come from Poland. They were originally in the Promised Land that extended from the Mediterranean to the Euphrates, if you go back and look at the promises made to David.

Whereas in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superseded;

Whereas in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6,000,000 Jewish people in a premeditated act of genocide, the international community recognized that the Jewish state, built by Jewish pioneers must gain its independence from Great Britain;

Whereas the United States was the first nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a ''bond that is much more than a strategic alliance.'';

Whereas the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas President Barack Obama has been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, ''Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon I believe is unacceptable.''

And we know that since President Obama stated it, he absolutely means it, even though he said that the negotiations on health care would be on C–SPAN, would be open for everybody, even though there were comments that he'd be focused on jobs like a laser. Hopefully he really meant this.

Whereas, on October 26, 2005, at a conference in Tehran called ''World Without Zionism'', Iranian President Mahmoud Ahmadinejad stated, ''God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism'';

Whereas the New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for ''this occupying regime [Israel] to be wiped off the map'';

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, ''Like it or not, the Zionist regime [Israel] is heading toward annihilation'';

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, ''I must announce that the Zionist regime [Israel], with a 60-year record of genocide, plunder, invasion, and betrayal is about to die and will soon be erased from the geographical scene'';

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, ''Today, the time for the fall of the satanic power of the United States has come, and the countdown to the annihilation of the emperor of power and wealth has started'';

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long range missile with an approximate range of 1,200 miles;

Whereas Iran continues its pursuit of nuclear weapons;

Whereas Iran has been caught building three secret nuclear facilities since 2002;

Whereas Iran continues its support of international terrorism, has ordered its proxy Hizbullah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nuclear weapon to a terrorist organization in the future;

Whereas Iran has refused to provide the International Atomic Energy Agency with full transparency and access to its nuclear program;

Whereas United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, ''Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy-water-related projects as set out in resolution 1696 (2006), 1737 (2006) and 1747 (2007) nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007) . . .'';

Whereas at July 2009's G–8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs and Iran offered a five-page document lamenting the ''ungodly ways of thinking prevailing in global relations'' and included various subjects, but left out any mention of Iran's own nuclear program which was the true issue in question;

Whereas the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

Whereas the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons; and

Whereas Israeli Prime Minister Netanyahu said in January 2011 that a change of course in Iran will not be possible ''without a credible military option that is put before them by the international community led by the United States'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of the Islamic Republic of Iran for its threats of ''annihilating'' the United States and the State of Israel, for its continued support of international terrorism, and for its incitement of genocide of the Israeli people;

(2) supports using all means of persuading the Government of Iran to stop building and acquiring nuclear weapons;

(3) reaffirms the United States bond with Israel and pledges to continue to work with the Government of Israel and the people of Israel to ensure that their sovereign nation continues to receive critical economic and military assistance, including missile defense capabilities, needed to address the threat of Iran; and

(4) expresses support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force if no other peaceful solution can be found within a reasonable time.

Now there's a bunch of cosponsors on this bill but we need a lot more. We need pressure to bring it to the floor of the House and of the Senate.

Prime Minister Netanyahu is right, sanctions won't do it. Unless Iran knows that the military threat is very real, they're not likely to stop.

People keep talking about sanctions, sanctions. If we just sanction the banks, if we sanction this, if we sanction that. Well, the truth is Russia and China have said they're not going to play that game; they're not going to get involved. And as upset as I have been with Russia and China over some issues, I am grateful that they're honest about this. My concern was Russia and China would say, Okay, we'll have sanctions, knowing that there is no better time to make an absolute fortune than when some sanctions are declared against a country that has something like oil because it means all the other countries that are participating in the sanctions don't get to benefit from any contracts, and, therefore, that means the bigger share for whoever wants to cheat on the sanctions. At least Russia and China have been honest and said, We're not going to do the sanctions. So why in the world are we bothering these days to keep saying sanctions are going to work?

Madam Speaker, it's very clear Iran is a threat to the United States and Israel, and we should not leave it to Israel to defend the United States. We ought to defend ourselves and go after Iran and take care of this problem ourselves.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of family obligations.

Mr. POE of Texas (at the request of Mr. CANTOR) for today on account of other district business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; to the Committee on Natural Resources.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 15, 2011, at 10 a.m. for morning-hour debate.

CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. NO. 112–284)

CONFERENCE REPORT (H. REPT. 112–284)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consolidated and Further Continuing Appropriations Act, 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

SEC. 3. REFERENCES.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012.

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

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $4,550,000: 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, $448,000, 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, $11,177,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $12,841,000.

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, $1,321,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $1,209,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $44,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,650,000: 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, $21,000,000.

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.), $3,592,000, 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, $24,165,000, 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.

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, $3,576,000: 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, $8,065,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,621,000, 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, $158,616,000, 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, $705,599,000, 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)), $4,000,000; 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)), $264,470,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $4,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $825,000; 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 the veterinary medicine loan repayment program under 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 grants and fellowships for food and agricultural sciences education under paragraphs (1), (5), and (6) of section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)), $9,000,000, to remain available until expended; 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 post-secondary education, (7 U.S.C. 3152(j)), $900,000; 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), $4,500,000, 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), $900,000; 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), $750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,450,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,200,000; and for necessary expenses of Research and Education Activities, $10,500,000, of which $2,600,000 for the Research, Education, and Economics Information System and $2,000,000 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.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $475,183,000, 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, $294,000,000; 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 and youth farm safety education and certification extension grants under section 3(d) of the Act, $4,610,000; payments for New Technologies for Agriculture Extension under section 3(d) of the Act, $1,550,000; 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, $7,600,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $3,700,000; 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)), $1,500,000; 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; for grants to youth organizations pursuant to 7 U.S.C. 7630, $750,000; 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, $7,852,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $21,482,000, 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), $14,496,000, including $4,500,000 for the water quality program, $4,000,000 for regional pest management centers, $1,996,000 for the methyl bromide transition program, and $4,000,000 for the organic transition program; $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), $816,534,000, 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 $32,500,000, to remain available until expended, shall be for Animal Health Technical Services; of which $696,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $52,000,000, to remain available until expended, shall be used to support avian health; of which $4,335,000, 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 $55,638,000, to remain available until expended, shall be for tree and wood pests; of which $2,750,000, 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 damage management program for aviation safety; and up to 25 percent of the screwworm program shall remain available until expended: Provided, 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, $3,200,000, 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, $37,750,000: 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 $49,000,000 (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), $1,004,427,000; 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, $1,198,966,000, of which $13,000,000 shall be for the Common Computing Environment and of which not less than $66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems: 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: $1,500,000,000 for unsubsidized guaranteed farm ownership loans and $475,000,000 for farm ownership direct loans; $1,500,000,000 for unsubsidized guaranteed operating loans and $1,050,090,000 for direct operating 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 and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership, $22,800,000 for direct loans; farm operating loans, $26,100,000 for unsubsidized guaranteed operating loans, $59,120,000 for direct operating loans; and Indian highly fractionated land loans, $193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $297,632,000, 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 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, of which $12,500,000 shall be for the Common Computing Environment: 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.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $15,000,000 is provided.

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, of which $4,500,000 shall be for the Common Computing Environment: Provided, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the Rural Development mission area: 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: $900,000,000 shall be for direct loans and $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 multi-family 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 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.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $14,200,000, 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 $1,500,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $2,500,000 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 one-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 multi-family 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

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, $33,136,000, 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.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed 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 direct loans and $105,708,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $5,000,000, to remain available until expended.

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, $24,291,000, to remain available until expended: Provided, That $3,621,000 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.

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, $74,809,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 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.

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)), $17,710,000.

For the cost of direct loans, $6,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $875,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes; and of which $1,750,000 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), $25,050,000, of which $2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $3,000,000 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 $14,000,000, 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), $3,400,000: 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, $513,000,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $66,500,000 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 multi-state 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 not to exceed $3,400,000 shall be for solid waste management grants: 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 $9,500,000 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 energy cost 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 Cost 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.

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 shall 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 loans, 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, $212,014,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $21,000,000, 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 funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section: 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, $6,000,000, 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 of the total amount available, $16,516,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of 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), $6,618,497,000, 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, only the provisions of section 17(h)(10)(B)(iii) shall be effective in fiscal year 2012 (excluding performance bonus payments), for which 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)(i) and section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: 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.), $80,401,722,000, 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 2012 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, $138,500,000: 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, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, 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, $2,500,000, 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, $1,466,000,000, to remain available until expended.

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, $6,820,000; 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 $6,465,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $355,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MC GOVERN-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), $184,000,000, 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.

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; $3,788,336,000: 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 section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12), 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 section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21), 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 amounts 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) $882,747,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $978,705,000 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) $329,136,000 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) $356,909,000 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 $131,639,000 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 $205,472,000 shall be for payments to the General Services Administration for rent; and (10) $222,573,000 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 may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

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, $8,788,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $205,294,000, to remain available until September 30, 2013, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which $55,000,000 shall remain available for information technology investments until September 30, 2014.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,000,000 (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: Provided, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

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. 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 of 1936, 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) of such Act 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. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

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, 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. Notwithstanding any other provision of law, the requirements pursuant to 7 U.S.C. 1736f(e)(1) may be waived for any amounts higher than those specified under this authority for fiscal year 2010.

SEC. 716. (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. 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. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 721. None of the funds made available by this or any other Act may be used to write, prepare, or publish a final rule or an interim final rule in furtherance of, or otherwise to implement, ''Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act'' (75 Fed. Reg. 35338 (June 22, 2010)) unless the combined annual cost to the economy of such rules do not exceed $100,000,000: Provided, That no funds be made available by this or any other Act to publish a final or interim final rule in furtherance of, or otherwise implement, proposed sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, or 201.214 of ''Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act'' (75 Fed. Reg. 35338 (June 22, 2010)): Provided further, That such rules must be published in the Federal Register no later than December 9, 2011: Provided further, That none of the funds made available by this or any other Act may be used to implement such rules until 60 days from the publication date of such rules, and only unless such rules are otherwise in compliance with this section.

SEC. 722. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 723. 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. 724. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 725. Subject to authorization by the Congress, 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 $768,484,000;

(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;

(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 209,000 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 $65,000,000;

(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 $22,000,000;

(11) The Rural Microentrepreneur Assistance Program authorized by section 6022 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2008s);

(12) 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;

(13) 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;

(14) The Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of $17,000,000 in new obligational authority; and

(15) 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. 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 nonindustrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 728. 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. 729. The funds made available in Public Law 111–344 through February 12, 2012 for trade adjustment for farmers are hereby rescinded.

SEC. 730. (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, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (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, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (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, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission 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, the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 731. 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. 732. (a) CLOSURE AND CONVEYANCE OF AGRICULTURAL RESEARCH SERVICE FACILITIES.—The Secretary of Agriculture may close up to 10 facilities of the Agricultural Research Service, as proposed in the budget of the President for fiscal year 2012 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONVEYANCE AUTHORITY.—With respect to an Agricultural Research Service facility to be closed pursuant to subsection (a), the Secretary of Agriculture may convey, with or without consideration, all right, title, and interest of the United States in and to any real property, including improvements and equipment thereon, of the facility to an eligible entity specified in subsection (c). If the Agricultural Research Service facility consists of more than one parcel of real property, the Secretary may convey each parcel separately and to different eligible entities.

(c) ENTITIES.—The following entities are eligible to receive real property under subsection (b):

(1) Land-grant colleges and universities (as defined in section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)).

(2) 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

(3) Hispanic-serving agricultural colleges and universities (as defined in section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(10)).

(d) CONDITIONS ON RECEIPT.—As a condition of the conveyance of real property under subsection (b), the recipient of the property must—

(1) be located in the same State or territory of the United States in which the property is located; and

(2) agree to accept and use the property for agricultural and natural resources research for a minimum of 25 years.

SEC. 733. 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. 734. Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

''(l) FOOD DONATION PROGRAM.—

''(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

''(2) GUIDANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

''(B) UPDATES.—The Secretary shall update such guidance as necessary.

''(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

''(4) DEFINITION.—In this subsection, the term 'eligible local food banks or charitable organizations' means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).''.

SEC. 735. There is hereby appropriated for the ''Emergency Conservation Program'', for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $122,700,000, to remain available until expended: Provided, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the ''Emergency Forest Restoration Program'', for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $28,400,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That there is hereby appropriated for the ''Emergency Watershed Protection Program'', for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $215,900,000, to remain available until expended: Provided further, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. 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. 738. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 739. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 740. 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. 741. Funds made available by this Act under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 742. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

SEC. 743. None of the funds made available by this Act may be used to implement an interim final or final rule regarding nutrition programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that—

(1) requires crediting of tomato paste and puree based on volume;

(2) implements a sodium reduction target beyond Target I, the 2-year target, specified in Notice of Proposed Rulemaking, ''Nutrition Standards in the National School Lunch and School Breakfast Programs'' (FNS–2007–0038, RIN 0584–AD59) until the Secretary certifies that the Department has reviewed and evaluated relevant scientific studies and data relevant to the relationship of sodium reductions to human health; and

(3) establishes any whole grain requirement without defining ''whole grain.''

SEC. 744. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to any project funded under the community facilities programs authorized under such Act if such project is also subject to approval of a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

SEC. 745. 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.

SEC. 746. 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. 747. For 2012 and subsequent fiscal years—

(1) 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 and a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account'';

(2) 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 the ''Rural Community Facilities Program Account'' and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer;

(3) 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 the ''Rural Business Program Account'' and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; and

(4) 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 the ''Rural Water and Waste Disposal Program Account'' and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer.

SEC. 748. In addition to amounts otherwise made available by this Act, there is appropriated to implement the Water Bank Act (16 U.S.C. 1301–1311) $7,500,000, to remain available until expended: Provided, That, notwithstanding section 6 of such Act (16 U.S.C. 1305), agreements entered into with funds provided under this section shall not be renewed: Provided further, That, in utilizing funds provided under this section, the Secretary of Agriculture may waive the percentage limitation in the last sentence of section 11 of such Act (16 U.S.C. 1310) to ensure efficient administration of the program authorized by such Act: Provided further, That flooded agricultural lands, as determined by the Secretary, shall be eligible to be enrolled in the program.

This division 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

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 $294,300 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, $465,000,000, 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, That not less than $48,854,000 shall be for Manufacturing and Services; not less than $42,623,000 shall be for Market Access and Compliance; not less than $67,358,000 shall be for the Import Administration; not less than $269,804,000 shall be for trade promotion and the United States and Foreign Commercial Service; and not less than $26,922,000 shall be for Executive Direction and Administration: Provided further, That not less than $7,000,000 shall be for the Office of China Compliance, and not less than $4,400,000 shall be for the China Countervailing Duty Group: 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.

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 $13,500 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, $101,000,000, to remain available until expended: 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, for the cost of loan guarantees authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721), and for grants and loan guarantees authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $220,000,000, to remain available until expended; of which $5,000,000 shall be for projects to facilitate the relocation, to the United States, of a source of employment located outside the United States; of which up to $5,000,000 shall be for loan guarantees under section 26; and of which up to $5,000,000 shall be for loan guarantees and grants under section 27: Provided, That the costs for loan guarantees, 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 for loan guarantees under such sections 26 and 27 combined are available to subsidize

total loan principal, any part of which is to be guaranteed, not to exceed $70,000,000.

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'' for necessary 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. 5121 et seq.), $200,000,000, 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.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,500,000: 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, $30,339,000.

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, $96,000,000.

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

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 $635,000,000 is appropriated from the general fund and $55,000,000 is derived from available unobligated balances from the Census Working Capital Fund: Provided further, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the ''Office of Inspector General'' account 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: 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 available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS 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 of fees and surcharges assessed and collected by the USPTO under any law 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 such offsetting collections 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 USPTO 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 $900 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 USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the ''Office of Inspector General'' account 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, $567,000,000, 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 Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $128,443,000, to remain available until expended.

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, $55,381,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the 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 National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

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, $3,022,231,000, to remain available until September 30, 2013, except that funds provided for cooperative enforcement 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 $3,139,329,000 provided for in direct obligations under this heading $3,022,231,000 is appropriated from the general fund, $109,098,000 is provided by transfer and $8,000,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $230,738,000, of which $5,000,000 shall not be available until the Administrator provides the Committees on Appropriations of the House of Representatives and the Senate with revised and detailed lifecycle costs of all satellite programs funded under the ''Procurement, Acquisition and Construction'' account: Provided further, That any deviation from the amounts designated for specific activities in the 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, $1,817,094,000, to remain available until September 30, 2014, except that funds provided for construction of facilities shall remain available until expended: Provided, That of the $1,825,094,000 provided for in direct obligations under this heading, $1,817,094,000 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 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 National Oceanic and Atmospheric Administration 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: Provided further, That, within the amounts appropriated, $1,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

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 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 $4,500 for official reception and representation, $57,000,000: Provided, That the Secretary of Commerce shall establish a task force on job repatriation and manufacturing growth and shall produce a report on related incentive strategies and implementation plans.

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.), $26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING RESCISSION)

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.

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. (a) For purposes of this section—

(1) the term ''Under Secretary'' means Under Secretary of Commerce for Oceans and Atmosphere;

(2) the term ''appropriate congressional committees'' means—

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

(B) the Committee on Appropriations and the Committee on Science, Space and Technology of the House of Representatives;

(3) the term ''satellite'' means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration (NOAA);

(4) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NOAA Administrative Order 216–108, Department of Commerce Administrative Order 208–3, and NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(5) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(6) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control;

(7) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000; and

(8) the term ''baseline'' means the program as set following contract award and preliminary design review of the space and ground systems.

(b)(1) NOAA shall not enter into a contract for development of a major program, unless the Under Secretary determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment;

(C) the program complies with all relevant policies, regulations, and directives of NOAA and the Department of Commerce;

(D) the program has demonstrated a high likelihood of accomplishing its intended goals; and

(E) the acquisition of satellites for use in the program represents a good value to accomplishing NOAA's mission.

(2) The Under Secretary shall transmit a report describing the basis for the determination required under paragraph (1) to the appropriate congressional committees at least 30 days before entering into a contract for development under a major program.

(3) The Under Secretary may not delegate the determination requirement under this subsection, except in cases in which the Under Secretary has a conflict of interest.

(c)(1) Annually, at the same time as the President's annual budget submission to the Congress, the Under Secretary shall transmit to the appropriate congressional committees a report that includes the information required by this

section for the satellite development program for which NOAA proposes to expend funds in the subsequent fiscal year. The report under this paragraph shall be known as the Major Program Annual Report.

(2) The first Major Program Annual Report for NOAA's satellite development program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) For the major program for which a Baseline Report has been submitted, subsequent Major Program Annual Reports shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d)(1) The individual identified under subsection (c)(2)(E) shall immediately notify the Under Secretary any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible, the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more.

(2) Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Under Secretary a written notification explaining the reasons for the change in the cost of the program for which notification was provided under paragraph (1).

(3) Not later than 15 days after the Under Secretary receives a written notification under paragraph (2), the Under Secretary shall transmit the notification to the appropriate congressional committees.

(e) Not later than 30 days after receiving a written notification under subsection (d)(2), the Under Secretary shall determine whether the development cost of the program has exceeded the estimate provided in the Baseline Report of the program by 20 percent or more. If the determination is affirmative, the Under Secretary shall—

(1) transmit to the appropriate congressional committees, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost and a detailed explanation for the increase;

(B) a description of actions taken or proposed to be taken in response to the cost increase; and

(C) a description of any impacts the cost increase, or the actions described under subparagraph (B), will have on any other program within NOAA; and

(2) if the Under Secretary intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

(f) NOAA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Under Secretary makes a determination under this subsection. The Under Secretary shall transmit the analysis to the appropriate congressional committees not later than 30 days after its completion.

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 Administrator 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.

(RESCISSION)

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently rescinded, 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. The Department of Commerce shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate, beginning with October 2011 data, on any official travel to China by any employee of the U.S. Department of Commerce, including the purpose of such travel.

SEC. 113. (a) The U.S. Participating Territories of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (''Commission'') 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 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.

(b) 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 (a);

(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.

(c) Subsection (a) shall remain in effect until the earlier of December 31, 2012, or 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.

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, $110,822,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, $20,000,000.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $44,307,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing communications systems supporting Federal law enforcement 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 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.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $305,000,000, 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, $1,580,595,000, 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, $12,833,000.

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, $863,367,000, 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 $9,000 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, $1,960,000,000: Provided, That of the total amount appropriated, not to exceed $7,200 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 each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $223,258,000, 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, $223,258,000 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, $2,000,000.

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, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $11,000,000 is 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, $11,456,000: 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), $20,948,000, 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, $1,174,000,000; of which not to exceed $10,000,000 shall be available for necessary expenses for increased deputy marshals and staff related to border enforcement initiatives, not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 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, $15,000,000, to remain available until expended, of which not to exceed $8,250,000 shall be available for detention upgrades at Federal courthouses to support border enforcement initiatives.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $87,000,000; 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, $527,512,000, 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, $8,036,991,000, of which not to exceed $150,000,000 shall remain available until expended: Provided, That not to exceed $184,500 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, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $80,982,000, 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, $2,025,000,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 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 of the 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, 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, $1,152,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, 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 not to exceed $15,000,000 shall remain available until expended: Provided, That no funds appropriated herein or hereafter 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: Provided further, That, during the current fiscal year and in each fiscal year 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, 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, hereafter, no funds made available by this or any other 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

(INCLUDING TRANSFER OF FUNDS)

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, $6,551,281,000: 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 $5,400 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.

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, $412,500,000, 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) $189,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(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) $50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $23,000,000 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) $41,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $4,250,000 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) $11,500,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) $5,750,000 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) $4,500,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(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, including 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.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

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; $113,000,000, 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) $27,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

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; $1,162,500,000, to remain available until expended as follows—

(1) $470,000,000 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), of which, notwithstanding such subpart 1, $2,000,000 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, $2,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), $4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, $6,000,000 is for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States, and $100,000,000 is for law enforcement and related security costs, including overtime, associated with the two principal 2012 Presidential Candidate Nominating Conventions;

(2) $240,000,000 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) $10,000,000 for a border prosecutor initiative 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) $15,000,000 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;

(6) $35,000,000 for Drug Courts, as authorized by section 1001(a)(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) $3,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(10) $7,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(11) $4,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(12) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322) and related activities;

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

(14) $15,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) $24,000,000 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) $5,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) $5,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(19) $6,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) $12,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(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, including as authorized by section 304 of Public Law 108–405;

(22) $4,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) $38,000,000 for assistance to Indian tribes;

(24) $1,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(25) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(26) $12,500,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79); and

(27) $63,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), of which not to exceed $4,000,000 is for a program to improve State, local, and tribal probation supervision efforts and strategies:

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, $262,500,000, to remain available until expended as follows—

(1) $40,000,000 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) $78,000,000 for youth mentoring grants;

(3) $20,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) $5,000,000 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) $18,000,000 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;

(7) $65,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act;

(8) $1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(9) $2,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

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.

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), 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

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''), $198,500,000, 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) $12,500,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(3) $166,000,000 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, $15,000,000 shall be transferred to the Tribal Resources Grant Program to be used for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: Provided further, That within the amounts appropriated, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701.

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 controls 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. (a) Within 120 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. 214. 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. 215. 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 title under the headings ''Research, Evaluation, and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

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

(2) Up to 2 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.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w–2(e)(1) and (2), 3797q–3) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through 2012 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and State, Tribal, and Local Reentry Courts authorized under part FF of title I of such Act of 1968, and the Prosecution Drug Treatment Alternatives to Prison Program authorized under part CC of such Act.

SEC. 217. 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. 218. 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. 219. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 220. The Attorney General shall identify an independent auditor to evaluate the Gulf Coast Claims Facility.

SEC. 221. Section 1761 of title 18, United States Code, is amended—

(1) by striking ''non-Federal'' in subsection (c)(1);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

''(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, mined or assembled by convicts or prisoners who are participating in any pilot project approved by the FPI Board of Directors, which are currently, or would otherwise be, manufactured, produced, mined, or assembled outside the United States.''.

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 $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,500,000.

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, $5,090,000,000, 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 re-establishing facilities to produce fuel required for radioisotope thermoelectric generators to enable future missions: Provided, That NASA shall implement the recommendations of the most recent National Research Council planetary decadal survey and shall follow the decadal survey's recommended decision rules regarding program implementation, including a strict adherence to the recommendation that NASA include in a balanced program a flagship class mission, which may be executed in cooperation with one or more international partners, if such mission can be appropriately de-scoped and all NASA costs for such mission can be accommodated within the overall funding levels appropriated by Congress: Provided further, That the formulation and development costs (with 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, $569,900,000, 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, $575,000,000, 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, $3,770,800,000, 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 $1,860,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capability not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, $406,000,000 shall be for commercial spaceflight activities, and $304,800,000 shall be for exploration research and development: Provided further, That not to exceed $316,500,000 of funds provided for the heavy lift launch vehicle system may be used for ground operations: Provided further, That $100,000,000 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 not to exceed $58,000,000 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 not be subject to the 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration 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, $4,233,600,000, to remain available until September 30, 2013: Provided, That not to exceed $41,000,000 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 10 percent transfer limitation described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration and shall be treated as a reprogramming under section 505 of this Act: Provided further, That acquisition of the Tracking and Data Relay Satellite-M may be funded incrementally in fiscal year 2012 and thereafter.

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, 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, $138,400,000, to remain available until September 30, 2013, of which $18,400,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

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 $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,995,000,000, to remain available until September 30, 2013, of which $1,000,000 shall be transferred to ''National Aeronautics and Space Administration, Office of Inspector General'' and used by the Inspector General to commission a comprehensive independent assessment of NASA's strategic direction and agency management: Provided, That not less than $39,100,000 shall be available for independent verification and validation activities.

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, $390,000,000, 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, of which $500,000 shall remain available until September 30, 2013.

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.''.

51 U.S.C. 20145(b)(1) is amended by inserting ''(A)'' before ''A person'' and by 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 538 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; $5,719,000,000, 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 $150,900,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: Provided further, That up to $50,000,000 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, $167,055,000, 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 $8,280 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; $299,400,000: 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 $2,500 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 15 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 Government Accountability Office (GAO) 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 GAO 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, $250,000 shall be transferred directly to the Office of Inspector General of GAO 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); nonmonetary awards to private citizens; and $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $360,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 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.

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 $2,250 for official reception and representation expenses, $80,000,000, 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, $348,000,000, of which $322,400,000 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.

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, $51,251,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $111,600 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.) $5,121,000, of which $500,000 shall remain available until September 30, 2013: Provided, That not to exceed $2,250 shall be available for official reception and representation expenses.

TITLE V
GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

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. 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 a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (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 or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments 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; or (8) 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.

SEC. 506. During the current fiscal year and in each fiscal year thereafter, 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. (a) 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.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 508. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of the first quarter of fiscal year 2012, and subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

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. Hereafter, 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 by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire information technology systems unless the respective Secretary or head of agency, in consultation with the Federal Bureau of

Investigation or other appropriate Federal agencies, has assessed any associated risk of cyberespionage or sabotage.

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 respective 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 Web sites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General Web site 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.

(RESCISSIONS)

SEC. 528. (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 accounts in the specified amounts—

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

(2) ''National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction'', $2,750,000; and

(3) ''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 for ''Emergency Steel, Oil, and Gas Guaranteed Loan Program Account'', $700,000 are hereby rescinded.

(d) Of the unobligated balances available to the Department of Justice, 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'', $675,000,000;

(3) ''United States Marshals Service, Salaries and Expenses'', $2,200,000;

(4) ''Drug Enforcement Administration, Salaries and Expenses'', $10,000,000;

(5) ''Federal Prison System, Buildings and Facilities'', $45,000,000;

(6) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $15,000,000;

(7) ''State and Local Law Enforcement Activities, Office of Justice Programs'', $55,000,000; and

(8) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $23,605,000.

(e) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2012 specifying the amount of each rescission made pursuant to subsection (d).

(f) Of the unobligated balances available to the National Aeronautics and Space Administration from prior appropriations, $30,000,000 are hereby rescinded.

SEC. 529. 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.

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, unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed 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. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 539. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP have certified pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate no later than 14 days prior to the activity in question and shall include a description of the purpose of the activity, its major participants, and its location and timing.

SEC. 540. (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. 541. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 542. (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. 543. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 544. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 545. All agencies and departments funded under this Act shall send to the Committees on Appropriations of the House of Representatives and the Senate 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. 546. None of the funds made available by this or any other Act for fiscal year 2012 may be used to implement, administer, or enforce, prior to January 1, 2012, the rule entitled ''Wage Methodology for the Temporary Non-agricultural Employment H–2B Program'' published by the Department of Labor in the Federal Register on January 19, 2011 (76 Fed. Reg. 3452 et seq.).

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

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

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,481,000, of which not to exceed $2,618,000 shall be available for the immediate Office of the Secretary; not to exceed $984,000 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 $10,107,000 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 $2,500,000 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 $2,020,000 shall be available for the Office of Public Affairs; not to exceed $1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,778,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $14,988,000 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, $500,000,000, 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 shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: 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 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 $20,000,000 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 the National Infrastructure Investments program: 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.

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, $9,384,000.

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 $172,000,000 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 majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: 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, $333,000, 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, $589,000.

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

SEC. 103. 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. 104. 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. 105. 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 decisions and actions of each meeting.

(RESCISSION)

SEC. 106. 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.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

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, $9,653,395,000, of which $5,060,694,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,442,738,000 shall be available for air traffic organization activities; not to exceed $1,252,991,000 shall be available for aviation safety activities; not to exceed $16,271,000 shall

be available for commercial space transportation activities; not to exceed $582,117,000 shall be available for finance and management activities; not to exceed $98,858,000 shall be available for human resources program activities; not to exceed $60,134,000 shall be available for NextGen program activities; and not to exceed $200,286,000 shall be available for staff offices: 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: 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 $10,350,000 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, $2,730,731,000, of which $475,000,000 shall remain available until September 30, 2012, and of which $2,255,731,000 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, $167,556,000, 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, $3,435,000,000 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 $3,350,000,000 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. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $412,000,000, 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, of which $16,000,000 shall be derived from the authority provided in section 126 in this Act. 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.

FEDERAL-AID HIGHWAYS

(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 $39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2012: Provided, That within the $39,143,582,670 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, $39,882,582,670 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, $1,662,000,000, to remain available until expended, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That notwithstanding section 125(d)(1) of title 23, United States Code, the Secretary of Transportation may obligate more than $100,000,000 for a single natural disaster event in a State for emergency relief projects arising from damage caused in fiscal year 2011 by Hurricane Irene or the Missouri River basin flooding in the spring of 2011, except for events involving closed hydrologic basins: 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 the amount provided under this heading is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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 2012; 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. The Comptroller General of the United States shall carry out a study to review how the States and public transit authorities have used the authority for States to transfer Federal funds between highway and transit programs. Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress describing the use of the transfer authority by the States, the highway and transit projects funded with these funds, the U.S. Department of Transportation administrative mechanisms to track the use of these transferred funds, and the impact the use of this authority has had on the advancement of highway projects.

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 through December 31, 2031.

''(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 through December 31, 2031.''.

SEC. 126. The Secretary may deduct, on a proportional basis, for administrative expenses of the Federal-aid highway program, a cumulative sum not to exceed $16,000,000 of the sums authorized under the Surface Transportation Extension Act of 2011, part II (Public Law 112–30) for the 14 allocated programs.

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, $247,724,000, 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 $247,724,000, 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 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, $29,000,000 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.

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, of which $105,500,000 shall be for programs authorized under 23 U.S.C. 403, and of which $4,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: Provided further, That within the $105,500,000 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; $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 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).

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, $178,596,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,000,000, 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), $466,000,000, 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, as well as progress against the milestones and target dates of the 2011 performance improvement plan: 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 these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: 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 none of the funds provided in this

Act may be used after March 1, 2012, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: 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), $952,000,000, 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 of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, 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-half 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: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of 1 percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

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 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.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: Provided, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

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, $44,000,000, to remain available until expended: Provided, That $6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $3,500,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $25,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

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 $35,481,000 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 that receive a Full Funding Grant Agreement during calendar year 2012: Provided further, That of the funds appropriated under this heading in Public Law 111–8, $58,500,000 are hereby rescinded.

GRANTS TO THE 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. 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. 165. 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. 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. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2012. Amounts made available under this heading shall be limited to $100,000,000.

SEC. 169. 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. 169A. 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. 169B. 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, $32,259,000, 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, $156,258,000, 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 $22,900,000 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, $980,000 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, $5,500,000, 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, $9,980,000, 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, $3,740,000 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. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. §5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

SEC. 172. Notwithstanding any other provision of law, none of the funds provided in this Act shall 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, $21,360,000, 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, $42,338,000, 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 expenses 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, $109,252,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; and of which $90,679,000 shall be derived from the Pipeline Safety Fund, of which $48,191,000 shall remain available until September 30, 2014: Provided, That not less than $1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

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.

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 the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $79,624,000: 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: Provided further, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the Office of Inspector General.

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. 180. 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. 181. 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. 182. 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. 183. (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.

SEC. 184. 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. 185. 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. 186. 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. 187. 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. 188. 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. 189. 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 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.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 191. (a) MEMBERSHIP.—Section 49106(c)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking ''13 members'' and inserting ''17 members'';

(2) in subparagraph (A) by striking ''5 members'' and inserting ''7 members'';

(3) in subparagraph (B) by striking ''3 members'' and inserting ''4 members''; and

(4) in subparagraph (C) by striking ''2 members'' and inserting ''3 members''.

(b) TERM.—Section 49106(c)(3) of title 49, United States Code, is amended by striking the second sentence and inserting the following: ''Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member's term(s).''.

(c) REMOVAL OF BOARD MEMBERS.—Section 49106(c)(6)(C) of title 49, United States Code, is amended by inserting after the first sentence: ''A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed.''.

(d) APPROVAL OF BOND ISSUES AND ANNUAL BUDGET.—Section 49106(c)(7) of title 49, United States Code, is amended by striking ''Eight votes'' and inserting ''Ten votes''.

SEC. 192. None of the funds shall be used to enforce traffic control device compliance dates on State and local governments for the requirements listed in the Manual on Uniform Traffic Control Devices (MUTCD) to maintain minimum levels of sign retroflectivity and with minimum letter heights for street name signs; require agencies to implement an assessment or management method designed to maintain sign retroflectivity at or above the established minimum levels, except with respect to implementing an assessment or management method for regulatory and warning signs; or require agencies to replace regulatory, warning, post-mounted, street name, and overhead guide signs that are identified using the assessment or management

method as failing to meet the established minimum retroflectivity levels.

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, $537,789,000, of which not to exceed $3,572,000 shall be available for the immediate Office of the Secretary; not to exceed $1,200,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; 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 $47,980,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,000,000 shall be available for the Office of the General Counsel; not to exceed $2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,515,000 shall be available for the Office of Public Affairs; not to exceed $255,436,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $10,475,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed $47,500,000 shall be available for the Office of Field Policy and Management; not to exceed $14,700,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,610,000 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 $5,000,000 shall be available for the Office of Strategic Planning and Management; and not to exceed $41,885,000 shall be available for the Office of the Chief Information Officer: Provided, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: Provided further, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: Provided further, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: Provided further, That the Department shall modify and improve its Resource Estimation and Allocation Program model, or other appropriate staff allocation model as specified in the statement of the managers accompanying this Act: 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, $200,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, $100,000,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $391,500,000, of which at least $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, $22,211,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $72,600,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $7,400,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing and certain other multifamily housing through the voluntary conversion of properties with assistance under section 9 of the United States Housing Act of 1937, (hereinafter, ''the Act''), or the moderate rehabilitation program under section 8(e)(2) of the Act (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance 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 through contracts under section 8(e)(2) of the Act or 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 the initial long-term contract under which converted assistance is made available may allow for rental adjustments only by an operating cost factor established by the Secretary, and shall be subject to the availability of appropriations for each year of such term: Provided further, 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'' or other account from which it was transferred: Provided further, That not more than 60,000 units currently receiving assistance under section 9 or section 8(e)(2) of the Act shall be converted under the authority provided under this heading: Provided further, That tenants of such properties with assistance converted from assistance under section 9 shall, at a minimum, maintain the same rights under such conversion as those provided under sections 6 and 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, in which case the priority for ownership or control shall be provided to a capable public entity, then a capable entity, as determined by the Secretary, 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, and upon expiration of the initial contract and each renewal contract, the Secretary shall offer and the owner of the property shall accept renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year of such renewal: 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: Provided further, That for fiscal years 2012 and 2013, owners of properties assisted under section 101 of the Housing and Urban Development Act of 1965, section 236(f)(2) of the National Housing Act, or section 8(e)(2) (except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the McKinney-Vento Homeless Assistance Act) of the United States Housing Act of 1937 for which an event after October 1, 2006 has caused or results in the termination of rental assistance or affordability restrictions and the issuance of tenant protection vouchers under section 8(o) of the Act, shall be eligible, subject to requirements established by the Secretary, including but not limited to tenant consultation procedures and agreement of the administering public housing agency, for conversion of assistance available for such vouchers to assistance under section 8(o)(13) of the Act, to which the limitation under subsection (B) of section 8(o)(13) of the Act shall not apply and for which the Secretary of Housing and Urban Development may waive or alter the provisions of subparagraphs (C) and (D) of section 8(o)(13) of the Act: Provided further, That with respect to the previous proviso, the Comptroller General of the United States shall conduct a study of the long-term impact of the previous proviso on the ratio of tenant-based vouchers to project-based vouchers.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

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, $14,914,369,000, 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 became 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) $17,242,351,000 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 the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary;

(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 may 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) $1,350,000,000 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 $1,300,000,000 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) $112,018,000 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; and

(7) 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 this heading, 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 INITIATIVE

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 use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: 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 September 30, 2016: 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, $2,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities and $2,000,000 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 $200,000 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: Provided further, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.

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), $6,000,000, 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 $360,000,000: Provided further, That up to $750,000 of this

amount may be used 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.), $332,000,000, 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: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

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, $3,308,090,000, to remain available until September 30, 2014, unless otherwise specified: Provided, That of the total amount provided, not less than $2,948,090,000 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, 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: Provided further, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative (''EDI'') or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $5,952,000, to remain available until September 30, 2013, 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 $240,000,000, 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, 2014: 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 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: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

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, $53,500,000, to remain available until September 30, 2014: Provided, That of the total amount provided under this heading, $13,500,000 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 national organizations 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 $250,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than $1,593,000,000 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 $7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: 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: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

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, $8,939,672,000, 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 became available October 1, 2011), 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 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, $374,627,000 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 $25,000,000 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 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 and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 STAT. 667), 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, $165,000,000 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, $45,000,000, 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 $6,500,000, 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 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $2,500,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2012 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, $207,000,000, to remain available until September 30, 2013, of which up to $71,500,000 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 $19,500,000 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 $155,000,000,000 on or before April 1, 2012, 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), but in no case shall funds made available by this proviso exceed $3,000,000: 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, $46,000,000, 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: Provided, That up to $10,000,000 of that amount shall be for the Healthy Homes Initiative, 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 further, 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 third proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall certify 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 development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $199,035,000, 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, $124,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $50,000,000 to remain available until September 30, 2014: Provided, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

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 and any other required fees and charges) 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 2012, 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. 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. 219. 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. 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. 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 non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: 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 non-entitlement areas that received the commitment.

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. 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 appropriated for any office funded under the heading ''Administration, Operations, and Management'' to any other office funded under such heading: Provided, That no appropriation for any office funded under the heading ''Administration, Operations, and Management'' 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: Provided further, That the Secretary is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any account funded under the general heading ''Program Office Salaries and Expenses'' to any other account funded under such heading: Provided further, That no appropriation for any account funded under the general heading ''Program Office Salaries and Expenses'' 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: Provided further, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading ''Administration, Operations and Management'' and any account funded under the general heading ''Program Office Salaries and Expenses'', but only with the prior written approval of the House and Senate Committees on Appropriations.

SEC. 230. 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. 231. The Comptroller General of the United States shall carry out a study of the effectiveness of the block grant programs administered by the Office of Community Planning and Development of the Department of Housing and Urban Development, including an examination of best practices utilized by program grantees and performance metrics utilized by the Department. Not later than 180 days of enactment of this Act, the Comptroller General shall submit a report to the Congress describing its findings, including such best practices and performance metrics.

SEC. 232. The Secretary shall take actions necessary to improve data quality, data management, and grantee oversight and accountability with respect to programs and activities administered by the Office of Community Planning and Development. The Secretary shall address the problems identified by the Inspector General of the Department in audits and audit reports since 2006, including ongoing audits, with respect to such programs and activities. Not later than 120 days after enactment of this Act, the Secretary shall submit a report to the Congress on progress achieved by the Department with respect to addressing such problems and identifying further improvements that can be made (including improvements relating to information technology) and proposed actions and timelines to carry out such improvements.

SEC. 233. 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. 234. (a) None of the funds made available by this Act for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) may be used by any public housing agency for any amount of salary, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2012.

(b) Subsection (a) shall take effect 120 days after the date of enactment of this Act.

SEC. 235. 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. 236. Of the unobligated balances remaining from funds appropriated under the heading ''Tenant-Based Rental Assistance'' under the ''Full-Year Continuing Appropriations Act, 2011'', $650,000,000 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.

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''.

SEC. 238. 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).

SEC. 239. Of the funds made available for the 'Department of Housing and Urban Development, Community Planning and Development, Community Development Fund', up to $300,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: Provided, 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 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 be considered relevant to the non-disaster formula allocations 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: Provided further, That an additional $100,000,000 shall be available for the same purposes and terms described in this section and shall be 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.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2012''.

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. 307), 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: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION
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, $20,500,000: 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), $102,400,000, 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), $135,300,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, $80,000,000 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 5 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, $3,300,000. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking all that follows ''on'' and inserting ''October 1, 2015''.

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 brownfield as defined in the Small Business Liability Relief and Brownfield 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 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. 416. All agencies and departments funded by 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.

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012''.

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

SEC. 101. The Continuing Appropriations Act, 2012 (Public Law 112–36) is amended by striking the date specified in section 106(3) and inserting ''December 16, 2011''.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAURO,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,
Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUYE,
PATTY MURRAY,
BARBARA A. MIKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the 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, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012; the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012; and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012. The agreement also includes further continuing appropriations for fiscal year 2012.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

The conferees concur with the Senate amendment to the title of the bill.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House Report (H.Rpt. 112–101) and Senate Report (S.Rpt. 112–73) that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: ''Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.''

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $4,550,000 for the Office of the Secretary instead of $4,293,000 as proposed by the House and $4,798,000 as proposed by the Senate.

The conferees appreciate the detailed information provided in the Explanatory Notes and rely on this information when considering budget proposals. As budgetary constraints continue to apply downward pressure on agency resources, it will become increasingly necessary to have budgetary information of the Department in a manner that provides a more complete understanding of all activities occurring within the account totals. For that reason, the conferees direct the Secretary, beginning with presentation of the fiscal year 2013 budget, to provide additional information of Departmental activities measured against a baseline of actual spending for the previous three fiscal years rather than a description only of specific changes from the previous fiscal year with the ultimate goal, over time, of providing to the Committees on Appropriations budgetary estimates as measured against a zero base. The conferees further direct the Department to include an errata sheet in the Explanatory Notes of any proposed budget authority levels that do not conform to the budget appendix. The Explanatory Notes should be assembled with the accounts in the same order as the accounts in the bill unless otherwise approved in advance by the Committees on Appropriations of both Houses of Congress.

The Secretary is directed to provide to the Committees on Appropriations of the House and Senate a report describing plans to implement reductions to salaries and expenses accounts included in this Act.

The conferees direct the Secretary to submit the conference transparency report required by section 14208 of Public Law 110–246 to the Committees on Appropriations of the House and Senate and the Office of Inspector General. In addition, the conferees direct the Secretary to begin submitting this report, and making it publicly available, on a quarterly basis instead of annually. The report shall include the cost of any food or beverages, the cost of any audio-visual services, and a description of the contracting procedures on whether the contracts were awarded on a competitive basis for that conference.

OFFICE OF TRIBAL RELATIONS

The conference agreement provides $448,000 for the Office of Tribal Relations instead of $423,000 as proposed by the House and $473,000 as proposed by the Senate.

HEALTHY FOOD FINANCING INITIATIVE

The conference agreement does not include an appropriation for the Healthy Food Financing Initiative (HFFI). The conferees direct the Department to carefully weigh the benefits between those known results from the expenditure of funds on proven programs in the Rural Development and Marketing and Regulatory Programs mission areas against the unknown results of expenditures on the HFFI. While the HFFI has the laudable goal of ensuring that more people have access to nutritious foods, the initiative has yet to prove that any expenditures made for this initiative have been effective in meeting this goal. The conferees remind the Department that any funding for the HFFI is subject to the reprogramming requirements in this Act, and prior to any reprogramming request; the conferees direct the Department to submit to the Committees on Appropriations of both Houses of Congress a system of metrics to measure the effectiveness and expected results for this initiative. The conferees expect that the Office of Chief Economist will play a key role in the development of such metrics.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $11,177,000 for the Office of the Chief Economist instead of $10,707,000 as proposed by the House and $11,408,000 as proposed by the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides $12,841,000 for the National Appeals Division instead of $12,091,000 as proposed by the House and $13,514,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $8,946,000 for the Office of Budget and Program Analysis as proposed by the Senate instead of $8,004,000 as proposed by the House.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

The conference agreement provides $1,321,000 for the Office of Homeland Security and Emergency Coordination instead of $1,272,000 as proposed by the House and $1,421,000 as proposed by the Senate.

OFFICE OF ADVOCACY AND OUTREACH

The conference agreement provides $1,209,000 for the Office of Advocacy and Outreach as proposed by the House instead of $1,351,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $44,031,000 for the Office of the Chief Information Officer instead of $34,000,000 as proposed by the House and $36,031,000 as proposed by the Senate.

The conference agreement includes $28,000,000 to support cybersecurity requirements of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $5,650,000 for the Office of the Chief Financial Officer instead of $5,310,000 as proposed by the House and $5,935,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The conference agreement provides $848,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate instead of $760,000 as proposed by the House.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $21,000,000 for the Office of Civil Rights instead of $19,288,000 as proposed by the House and $21,558,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $764,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of $683,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $230,416,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of $221,585,000 as proposed by the House. The conference agreement includes $164,470,000 for rental payments, $13,800,000 for Department of Homeland Security building security and $52,146,000 for building operations and maintenance.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $3,592,000 for Hazardous Materials Management instead of $3,393,000 as proposed by the House and $3,792,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $24,165,000 for Departmental Administration instead of $16,510,000 as proposed by the House and $28,165,000 as proposed by the Senate.

The conferees recognize the special management challenges facing the Department in view of serious constraints in fiscal resources, the requirements of a vastly dispersed workforce, and expectations of the public for continuity of vital services. It is clear that recent reductions in discretionary spending and the likely continuation of austere measures in the near term present significant difficulties to those charged with program execution. The conferees fully recognize the need, and expect the Department to achieve the most efficient methods possible to maintain the responsibilities of governance for the benefit of both the customers of USDA and the personnel charged with carrying out the missions of the Department.

The conferees expect that any substantive changes to the functions and organization of USDA follow a thoughtful analysis of implications for budgetary resources, services to customers and employees, and inherent dynamics within the Department that might result. Toward that objective, before moving forward with the implementation of any substantive reorganization, the Department is instructed to conduct a detailed analysis of the savings, efficiencies, timeline, and implications of these changes. In addition, an understanding of the methodology used for determining these factors and some form of demonstration of the results anticipated is required. Any timetable for implementation of the changes suggested obviously will be driven by the fiscal resources available and it may be prudent to give consideration to a tiered implementation as conditions dictate rather than a full scale departmental shift that would be far more complex and potentially expensive. The Secretary is instructed to provide a report, consistent with the guidance outlined above, to the Committees on Appropriations of both Houses of Congress not less than 60 days prior to the implementation of any departmental reorganization. The Secretary is further reminded of the reprogramming instructions set forth elsewhere in this Act for the purpose of any implementation stage of a proposed reorganization.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $3,576,000 for the Office of the Assistant Secretary for Congressional Relations instead of $3,289,000 as proposed by the House and $3,676,000 as proposed by the Senate.

OFFICE OF COMMUNICATIONS

The conference agreement provides $8,065,000 for the Office of Communications instead of $8,058,000 as proposed by the House and $8,105,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $85,621,000 for the Office of Inspector General instead of $80,000,000 as proposed by the House and $84,121,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $39,345,000 for the Office of the General Counsel as proposed by the Senate instead of $35,204,000 as proposed by the House.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $848,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $760,000 as proposed by the House.

The conferees recognize the broad responsibilities in agricultural research, education,

extension and economics that Congress has given to the Department. Given the current budget constraints and the need for continued investment in agricultural research to ensure productivity growth, the conferees expect USDA to fund only the highest priority agricultural research, as authorized by Congress.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $77,723,000 for the Economic Research Service as proposed by the Senate instead of $70,000,000 as proposed by the House. This includes continued funding for the Organic Production and Market Data Initiative.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $158,616,000 for the National Agricultural Statistics Service instead of $149,500,000 as proposed by the House and $152,616,000 as proposed by the Senate. This includes $41,639,000 for the Census of Agriculture.

On October 4, 2011, the National Agricultural Statistics Service announced it was eliminating or reducing the frequency of 14 reports. While it is imperative for all of USDA's agencies and offices to prepare to address potential reductions in funding, the conferees are concerned that the agency made this announcement before a final appropriation was determined. The conferees direct NASS to reconsider its decision to eliminate or reduce the frequency of these reports and to reinstate as many reports as possible. As the agency considers which to reinstate, the conferees direct the agency to prioritize the reports that do not have similar information captured by other NASS surveys and reports or would be otherwise infrequently published. The conferees remind the agency that reducing or eliminating any survey or report is further subject to the reprogramming requirements in this Act.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides $1,094,647,000 for the Agricultural Research Service, Salaries and Expenses, as proposed by the Senate instead of $995,345,000 as proposed by the House.

The conferees do not concur with the President's budget request regarding the termination of extramural research.

The conferees concur with the proposal to close twelve research laboratories at ten locations, as specified in the President's budget request, and direct the agency to provide a report to the Committees on Appropriations of the House and the Senate on the disposition of these facilities by January 20, 2012. The conferees further direct, in concurrence with the budget proposal, that no other research facilities be closed during fiscal year 2012, except in accordance with the reprogramming requirements in this Act.

The conferees are concerned about recent outbreaks of bacterial spot disease in peppers and tomatoes in Midwestern states. The conferees encourage ARS to continue to work with collaborators on research to combat the disease and minimize economic loss to producers. ARS is directed to provide the Committees on Appropriations of the House and the Senate with a report on the status of bacterial spot disease and ongoing research efforts.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $705,599,000 for the National Institute of Food and Agriculture's research and education activities instead of $596,400,000 as proposed by the House and $709,825,000 as proposed by the Senate.

The conferees express their strong support for USDA's agricultural research, extension and education activities. USDA and other notable philanthropic and scientific organizations have highlighted the need for the United States to invest in agricultural research to ensure productivity growth and to develop and refine sound natural resources management practices for U.S. farmers and ranchers and others around the world. However, the conferees are aware of concerns about the focus of USDA's research programs, particularly projects funded through the Agriculture and Food Research Initiative. The conferees strongly encourage USDA to fund only the highest priority agricultural research, as authorized by Congress.

The conference agreement provides $9,000,000 for Graduate Fellowship Grants, Institution Challenge Grants, and the Multicultural Scholars Program, to remain available until expended.

The conferees request that the Department make recommendations regarding the consolidation of funding lines in the National Institute of Food and Agriculture's accounts in the President's budget for fiscal year 2013 and to work with interested individuals and organizations, including the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, on this issue.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Research and Education Activities

[Dollars in Thousands]

Hatch Act	$236,334
McIntire-Stennis Cooperative Forestry	32,934
Evans-Allen Program	50,898
Animal Health and Disease Research	4,000
Special Research Grants:	
Global Change/UV Monitoring	1,300
Potato Research	1,350
Forest Products Research	1,350
Total, Special Research Grants	4,000
Improved Pest Control:	
Expert IPM Decision Support System	153
Integrated Pest Management	2,362
Minor Crop Pest Management (IR–4)	11,913
Pest Management Alternatives	1,402
Total, Improved Pest Control	15,830
Agriculture and Food Research Initiative	264,470
Critical Agricultural Materials Act	1,081
Aquaculture Centers	3,920
Sustainable Agriculture Research and Education	14,471
Payments to the 1994 Institutions	3,335
Supplemental and Alternative Crops	825
Joe Skeen Institute for Rangeland Research	961
Competitive Grants for Policy Research	4,000
Capacity Building for Non Land-Grant Colleges	4,500
Farm Business Management and Benchmarking Program	1,450
Sun Grant Program	2,200
Capacity Building for 1890 Institutions	19,336
Multicultural Scholars, Graduate Fellowship and Institution Challenge Grants	9,000
Hispanic-Serving Institutions Education Grants	9,219
1994 Institutions Research Program	1,801

National Institute of Food and Agriculture Research and Education Activities—Continued

Secondary and 2-year Post-Secondary Program	900
Veterinary Medicine Loan Repayment Program	4,790
Alaska Native and Native Hawaiian-Serving Institutions	3,194
Resident Instruction Grants for Insular Areas	900
Distance Education Grants for Insular Areas	750
Federal Administration:	
Data Information System (REEIS)	2,600
Electronic Grants Administration System	2,000
Other, Federal Administration	5,900
Total, Federal Administration	10,500
Total, Research and Education Activities	$705,599

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $11,880,000 for the Native American Institutions Endowment Fund as proposed by the House and the Senate.

EXTENSION ACTIVITIES

The conference agreement provides $475,183,000 for extension activities instead of $411,200,000 as proposed by the House and $478,179,000 as proposed by the Senate.

The conference agreement provides $4,610,000 for Farm Safety and Youth Farm Safety Education and Certification Programs.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Extension Activities

[Dollars in Thousands]

Smith-Lever, Section 3(b) and (c) Programs	$294,000
Smith-Lever, Section 3(d) Programs:	
Food and Nutrition Education	67,934
Farm Safety and Youth Farm Safety Education Program	4,610
New Technologies for Agricultural Extension	1,550
Pest Management	9,918
Children, Youth and Families at Risk	7,600
Federally Recognized Tribal Extension Program	3,039
Sustainable Agriculture Programs	4,696
Total, Section 3(d)	99,347
Cooperative Extension at 1890 Institutions	42,592
Rural Health and Safety Education	1,500
Facility Improvements at 1890 Institutions	19,730
Renewable Resources Extension Act	3,700
Extension Services at 1994 Institutions	4,312
Food Animal Residue Avoidance Database	1,000
Women and Minorities in STEM Fields	400
Grants to Youth Organizations	750
Federal Administration:	
Ag in the Classroom	552
General Administration	7,300
Total, Federal Administration	7,852
Total, Extension Activities	$475,183

INTEGRATED ACTIVITIES

The conference agreement provides $21,482,000 for integrated activities instead of

$12,400,000 as proposed by the House and $25,948,000 as proposed by the Senate.

The following table reflects the amounts provided by the conference agreement:

National Institute of Food and Agriculture Integrated Activities

[Dollars in Thousands]

Organic Transition Program	$4,000
Regional Pest Management Centers	4,000
Water Quality Program	4,500
Methyl Bromide Transition Program	1,996
Regional Rural Development Centers	998
Food and Agriculture Defense Initiative	5,988
Total, Integrated Activities	$21,482

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

The conference agreement does not provide an appropriation for the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund instead of $10,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $848,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of $760,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

INCLUDING TRANSFERS OF FUNDS

The conference agreement provides $816,534,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $790,000,000 as proposed by the House and $820,110,000 as proposed by the Senate.

The conference agreement provides funding for the animal disease traceability system within the Animal Health Technical Services line item. The conferees remain concerned about the cost of implementing and operating this redesigned program as explained in the animal disease traceability proposed rule (APHIS–2009–0091) and encourage the most cost-effective, least regulatory burdensome system in the final rule. The conferees direct APHIS to submit a report and updates on the status of the system as proposed in the September 28, 2010, Comprehensive Report & Implementation Plan (amended January 28, 2011) by November 30, 2011; April 1, 2012; and by August 1, 2012.

The conferees support APHIS' activities to control plant pests and strongly support efforts to eradicate such pests as the opportunities arise. Toward that purpose, the conferees expect that funding for Specialty Crop Pests will be supplemented with contingency or Commodity Credit Corporation funds for the emergency purpose of eradicating the European Grape Vine Moth.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[Dollars in Thousands]

Program	*Amount*
Safeguarding and International Technical Assistance:	
Animal Health Technical Services	32,500
Aquatic Animal Health	2,261
Avian Health	52,000
Cattle Health	99,000
Equine, Cervid & Small Ruminant Health	22,000
National Veterinary Stockpile	2,750
Swine Health	23,000
Veterinary Biologics	16,457
Veterinary Diagnostics	31,611
Zoonotic Disease Management	9,000
Subtotal, Animal Health	290,579
Agricultural Quarantine Inspection (Appropriated)	27,500
Cotton Pests	17,848
Field Crop & Rangeland Ecosystems Pests	9,068
Pest Detection	27,500
Plant Protection Methods Development	20,600
Specialty Crop Pests	153,950
Tree & Wood Pests	55,638
Subtotal, Plant Health	312,104
Wildlife Damage Management	72,500
Wildlife Services Methods Development	18,000
Subtotal, Wildlife Services	90,500
Animal & Plant Health Regulatory Enforcement	16,275
Biotechnology Regulatory Services	18,135
Subtotal, Regulatory Services	34,410
Contingency Fund	1,000
Emergency Preparedness & Response	17,000
Subtotal, Emergency Management	18,000
Subtotal, Safeguarding and Emergency Preparedness/Response	745,593
Safe Trade and International Technical Assistance:	
Agriculture Import/Export	13,354
Overseas Technical & Trade Operations	20,104
Subtotal, Safe Trade	33,458
Animal Welfare:	
Animal Welfare	27,087
Horse Protection	696
Subtotal, Animal Welfare	27,783
Agency Management:	
APHIS Information Technology Infrastructure	4,335
Physical/Operational Security	5,365
Subtotal, Agency Management	9,700
Total, Direct Appropriation	816,534

BUILDINGS AND FACILITIES

The conference agreement provides $3,200,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House instead of $3,176,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $82,211,000 for the Agricultural Marketing Service as proposed by the Senate instead of $77,800,000 as proposed by the House.

The conferees provide an increase of $300,000 for the Market News Program to expand reporting on organic agricultural products. In addition, AMS is encouraged to continue funding the National Organic Program at the fiscal year 2011 level or above.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation on administrative expenses of $62,101,000 as proposed by the Senate instead of $61,000,000 as proposed by the House.

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

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $20,056,000 for Funds for Strengthening Markets, Income, and Supply as proposed by the House and the Senate.

The following table reflects the status of this fund for fiscal year 2012:

Estimated Total Funds Available and Balance Carried Forward

[Dollars in Thousands]

	Amount
Appropriation (30% of Customs Receipts)	7,947,046
Balances Available for Transfers Less Transfers:	
Food & Nutrition Service	(6,676,207)
Commerce Department	(109,098)
Total, Transfers	(6,785,306)
Unobligated Balance Available, Start of Year	259,953
Unavailable for Obligations (recoveries & offsetting collections)	(73,694)
Transfer of Prior Year Funds to FNS (F&V)	(117,000)
Budget Authority	1,231,000
Unavailable for Obligation	(150,000)
Unavailable for Obligations (F&V Transfer-FNS)	(133,000)
Available for Obligation	948,000
Less Obligations:	
Child Nutrition Programs (Entitlement Commodities)	465,000
12 Percent Commodity Floor	—
Cotton, Soybean, Rice and Sweet Potato Disaster Program	—
State Option Contract	5,000
Removal of Defective Commodities	2,500
Emergency Surplus Removal	—
Disaster Relief	5,000
Additional Fruits, Vegetables, and Nuts Purchases	175,600
Fresh Fruit and Vegetable Program	20,000
Accounting Adjustment	—
Estimated Future Needs	227,113
Total, Commodity Procurement	900,213
Administrative Funds:	
Commodity Purchase Support	27,731
Marketing Agreements and Orders	20,056
Total, Administrative Funds	47,787
Total Obligations	948,000
Unavailable for Obligations (Fruit and Vegetable Transfer to FNS)	133,000
Balances, Collections, and Recoveries Not Available	73,694
Total End of Year Balance	206,694

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides $1,198,000 for Payments to States and Possessions as proposed by the Senate instead of $1,331,000 as proposed by the House.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $37,750,000 for the Grain Inspection, Packers and Stockyards Administration instead of $37,000,000 as proposed by the House and $38,248,000 as proposed by the Senate.

The conference agreement includes language (section 721) that places conditions on the promulgation and implementation of regulations relating to the Grain Inspection, Packers and Stockyards Administration as authorized by Title XI of the Food, Conservation, and Energy Act of 2008 (the Act). Funds are provided to allow the Secretary to continue publication and implementation of a final or interim final rule as provided by the Administrative Procedures Act. The conference agreement further provides that the annual cost to the economy of such rules cannot exceed $100,000,000 and that the items included in the rules must be limited to the specific items described in the Act for which these rules were mandated.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement includes a limitation on inspection and weighing services expenses of $49,000,000 instead of $47,500,000 as proposed by the House and $50,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides $770,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $689,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $1,004,427,000 for the Food Safety and Inspection Service instead of $972,028,000 as proposed by the House and $1,006,503,000 as proposed by the Senate.

The conferees direct FSIS to provide full funding to states for state inspection programs.

The following table reflects the conference agreement:

Food Safety and Inspection Service

[Dollars in Thousands]

Federal	$887,520
State	62,734
International	15,841
Codex Alimentarius	3,752
Public Health Data Communications Infrastructure System	34,580
Total, Food Safety and Inspection Service	$1,004,427

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides $848,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of $760,000 as proposed by the House.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $1,491,549,000 for the Farm Service Agency instead of $1,439,970,000 as proposed by the House and $1,474,511,000 as proposed by the Senate.

The conferees provide that not less than $66,685,000 shall be for Modernize and Innovate the Delivery of Agricultural Systems.

The conferees strongly support the implementation of Modernize and Innovate the Delivery of Agricultural Systems (MIDAS), and encourage the agency to ensure that MIDAS's initial operating capability will be released by October 2012.

The conference agreement provides $13,000,000 for the Common Computing Environment.

The following table reflects the conference agreement:

[Dollars in Thousands]

Salaries and expenses	$1,198,966
Transfer from P.L. 480	2,500
Transfer from Export Loans	355
Transfer from ACIF	289,728
Total, FSA Salaries and expenses	$1,491,549

STATE MEDIATION GRANTS

The conference agreement provides $3,759,000 for State Mediation Grants as proposed by the Senate instead of $3,550,000 as proposed by the House.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The conference agreement provides $3,817,000 for the Grassroots Source Water Protection Program as proposed by the Senate instead of $3,605,000 as proposed by the House.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $100,000 for the Dairy Indemnity Program as proposed by the House and Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The following table reflects the conference agreement:

[Dollars in Thousands]

Farm Ownership Loans:	
Direct	($475,000)
Subsidy	$22,800
Guaranteed	($1,500,000)
Subsidy	0
Farm Operating Loans:	
Direct	($1,050,090)
Subsidy	$59,120
Unsubsidized Guaranteed	($1,500,000)
Subsidy	$26,100
Indian Tribe Land Acquisition Loans	($2,000)
Subsidy	0
Conservation Loans-Guaranteed	($150,000)
Subsidy	0
Indian Highly Fractionated Land	($10,000)
Subsidy	$193
Boll Weevil Eradication	($100,000)
Subsidy	0
ACIF Expenses:	
Salaries and Expenses	$289,728
Administrative Expenses	$7,904

RISK MANAGEMENT AGENCY

The conference agreement provides $74,900,000 for the Risk Management Agency as proposed by the Senate instead of $68,016,000 as proposed by the House.

FEDERAL CROP INSURANCE CORPORATION FUND

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be $3,142,375,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation (estimated to be $14,071,000,000 in the President's fiscal year 2012 Budget Request) as proposed by the House and Senate.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The conference agreement provides a limitation of $5,000,000 for Hazardous Waste Management as proposed by the House and Senate.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides $848,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of $760,000 as proposed by the House.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $828,159,000 for Conservation Operations as proposed by the Senate instead of $770,956,000 as proposed by the House.

The conference agreement provides $9,300,000 for the Snow Survey and Water Forecasting Program; $9,400,000 for the Plant Material Centers; $80,000,000 for the Soil Surveys Program; and $729,459,000 for Conservation Technical Assistance.

The conference agreement provides an increase of $5,000,000 for the Conservation Effects Assessment Project and an increase of $5,000,000 for the Conservation Delivery Streamlining Initiative.

The conference agreement provides $12,500,000 for the Common Computing Environment.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $15,000,000 for the Watershed Rehabilitation Program as proposed by the House instead of $8,000,000 as proposed by the Senate.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $848,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of $760,000 as proposed by the House.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $182,023,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of $161,011,000 as proposed by the House.

The conference agreement provides $4,500,000 for the Common Computing Environment.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total subsidy of $510,991,000 for activities under the Rural Housing Insurance Fund Program Account instead of $472,500,000 as proposed by the House and $512,791,000 as proposed by the Senate. This includes a transfer of $430,800,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $400,000,000 as proposed by the House.

The following table indicates loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Single family direct (sec. 502)	($900,000)
Single family unsubsidized guaranteed	(24,000,000)
Housing repair (sec. 504)	(10,000)
Rental housing (sec. 515)	(64,478)
Multi-family guaranted (sec. 538)	(130,000)
Credit sales of acquired property	(10,000)
Farm labor housing	(20,791)
Self help housing land development	(5,000)
Total, Loan authorizations	($25,140,269)
Loan subsidies:	
Single family direct (sec. 502)	$42,570
Housing repair (sec. 504)	1,421
Rental housing (sec. 515)	22,000
Farm labor housing	7,100
Subtotal, Loan subsidies	73,091
Farm labor housing grants	7,100
Total, loan subsidies and grants	$80,191
Administrative expenses (transfer to RD)	$430,800
Total, Loan subsidies, grants and administrative expenses	$510,991

The conferees recognize that many private lenders have been unable to implement the new annual fee for Section 502 guaranteed loans as required by the Department. Currently, only one major lender has developed the necessary automated systems capacity. Many small rural banks and state housing agencies are precluded from program participation due to their lack of automated systems enhancements. To provide a short-term solution, the conferees provide authority to the Department to increase the guarantee fee, such that subsidy costs are covered while relying on processes that traditional program participants already have in place. However, the conferees are hopeful that participants continue to pursue automated systems changes necessary to implement the annual fee. The conferees direct the Department to complete all necessary systems enhancements as soon as possible.

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $904,653,000 for the Rental Assistance Program as proposed by the Senate instead of $890,000,000 as proposed by the House.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The conference agreement provides $13,000,000 for the Multi-Family Housing Revitalization Account Program as proposed by the Senate instead of $11,000,000 as proposed by the House.

This includes $11,000,000 for vouchers and $2,000,000 for a housing preservation demonstration program.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $30,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate instead of $22,000,000 as proposed by the House.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $33,136,000 for Rural Housing Assistance Grants instead of $32,000,000 as proposed by the House and $34,271,000 as proposed by the Senate.

The following table reflects the grant levels provided by the conference agreement:

[Dollars in Thousands]

Very-low income housing repair grants	$29,500
Housing preservation grants	3,636
Total, grants	$33,136

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $29,291,000 for the Rural Community Facilities Program Account instead of $18,000,000 as proposed by the House and $26,274,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant amounts provided by the conference agreement:

[Dollars in Thousands]

Loan Authorizations:	
CF direct loans	($1,300,000)
CF guaranteed loans	(105,708)
Loan Subsidies and Grants:	
CF guaranteed loans	5,000
CF grants	11,363
Rural Community Development Initiative	3,621
Economic Impact Initiative	5,938
Tribal College Grants	3,369
Total, subsidies and grants	$29,291

The conferees note that USDA Community Facilities loans and grants can assist eligible school districts participating in the National School Lunch and Breakfast Programs with upgrades to school infrastructure in order to assist schools in meeting the new nutrition standards. The conferees encourage the Department to conduct outreach to rural school districts, especially those with more than 50 percent of students eligible for free or reduced-price meals, and consider applications for school food service upgrades through the Rural Community Facilities program.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $74,809,000 for the Rural Business Program Account instead of $64,500,000 as proposed by the House and $79,665,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Business and Industry loan program:	
Guaranteed loan authorization	($822,886)
Guaranteed loan subsidy	45,341
Rural business enterprise grants	24,318
Rural business opportunity grants	2,250
Delta Regional Authority	2,900
Total, subsidy and grants	$74,809

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $10,684,000 for the Rural Development Loan Fund Program Account instead of $8,500,000 as proposed by the House and $11,684,000 as proposed by the Senate.

The conference agreement provides for a transfer of $4,684,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $3,500,000 as proposed by the House.

The following table reflects the loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorization	($17,710)
Loan subsidy	6,000
Administrative expenses (Transfer to RD)	4,684
Total, subsidy and administrative expenses	$10,684

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $33,077,000 for the Rural Economic Development Loans Program Account as proposed by the House and the Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $25,050,000 for Rural Cooperative Development Grants instead of $22,500,000 as proposed by the House and $27,915,000 as proposed by the Senate.

The conferees provide $5,800,000 for cooperative development grants; $2,250,000 for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas program; $3,000,000 for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers; and $14,000,000 for value-added agricultural product market development grants.

RURAL ENERGY FOR AMERICA PROGRAM

The conference agreement provides $3,400,000 for the Rural Energy for America Program instead of $2,300,000 as proposed by the House and $4,500,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Guaranteed loan authorization	($6,491)
Guaranteed loan subsidy	1,700
Grants	1,700
Total, subsidy and grants	$3,400

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $513,000,000 for the Rural Water and Waste Disposal Program Account instead of $500,000,000 as proposed by the House and $509,295,000 as proposed by the Senate.

The following table reflects the loan, subsidy and grant levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Water and waste direct loans	($730,689)
Water and waste guaranteed loans	(62,893)
Subsidies and grants:	
Direct loan subsidy	70,000
Guaranteed loan subsidy	1,000
Water and waste revolving fund	497
Water well system grants	993
Grants for Colonias, Native Americans, Alaskan Native Villages, and the Department of Hawaiian Home Lands	66,500
Water and waste technical assistance grants	19,000
Circuit Rider program	15,000
Solid waste management grants	3,400
High energy cost grants	9,500
Water and waste disposal grants	327,110
Total, subsidies and grants	$513,000

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total subsidy of $36,976,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the Senate instead of $30,000,000 as proposed by the House. The conference agreement provides for an estimated loan level of $7,714,286,000 as proposed by the Senate instead of $7,290,000,000 as proposed by the House.

The conference agreement provides for a transfer of $36,382,000 to the Rural Development Salaries and Expenses account as proposed by the Senate instead of $30,000,000 as proposed by the House.

The conferees direct USDA to provide a report on baseload generation needs in rural America and to work with interested parties and the Office of Management and Budget to conduct a subsidy analysis that incorporates the most up to date data. The conferees direct USDA to provide the report to the Committees on Appropriations of the House and the Senate by February 1, 2012.

The conferees encourage the Department to encourage a diversity of applicants for the guaranteed underwriting program.

The following table indicates loan and subsidy levels provided by the conference agreement:

[Dollars in Thousands]

Loan authorizations:	
Electric:	
Direct, 5 percent	($100,000)
Direct, FFB	(6,500,000)
Guaranteed underwriting	(424,286)
Subtotal	(7,024,286)
Telecommunications:	
Direct, 5 percent	(145,000)

Direct, Treasury rate	(250,000)
Direct, FFB	(295,000)
Subtotal	(690,000)
Total, loan authorizations	($7,714,286)
Loan subsidies:	
Electric:	
Guaranteed underwriting	594
Administrative expenses (transfer to RD)	36,382
Total, Loan subsidies and administrative expenses	$36,976

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides $37,372,000 for the distance learning, telemedicine and broadband program instead of $21,000,000 as proposed by the House and $46,942,000 as proposed by the Senate.

The conference agreement provides $15,000,000 for grants for telemedicine and distance learning services in rural areas. The conference agreement provides $3,000,000 for telemedicine and distance learning grants for health needs in the Mississippi River Delta area and $3,000,000 for grants to noncommercial educational television broadcast stations that serve rural areas.

The conference agreement provides $10,372,000 for grants to finance broadband transmission and Internet services in unserved and underserved rural areas.

The conference agreement provides an estimated loan level of $212,014,000 and $6,000,000 in subsidy for broadband telecommunications.

Funding provided for the broadband program is intended to promote broadband availability in those areas where there is not otherwise a business case for private investment in a broadband network. The conferees encourage RUS to focus expenditures on projects that bring broadband service to currently unserved households.

TITLE IV—DOMESTIC FOOD PROGRAMS

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

The conference agreement provides $770,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate instead of $689,000 as proposed by the House.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $18,151,176,000 for Child Nutrition Programs as proposed by the Senate instead of $18,770,571,000 as proposed by the House.

The conference agreement includes a general provision relating to child nutrition guidelines.

The conference agreement provides the following for Child Nutrition Programs:

Total Obligational Authority

[Dollars in Thousands]

Child Nutrition Programs:	
School lunch program	$10,169,615
School breakfast program	3,313,848
Child and adult care food program	2,831,543
Summer food service program	401,998
Special milk program	13,240
State administrative expenses	279,016
Commodity procurement	1,075,727
Healthier US Schools Challenge	1,500
Team Nutrition	15,016
Food Safety Education	2,510
Coordinated Review	9,763
Computer Support and Processing	9,525

Total Obligational Authority—Continued

CACFP training and technical assistance	3,537
Studies and other activities	19,000
Farm to school tactical team	2,000
CN payment accuracy	2,338
School Breakfast Expansion Grants	1,000
Total	$18,151,176

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

The conference agreement provides $6,618,497,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of $6,048,250,000 as proposed by the House and $6,582,497,000 as proposed by the Senate. The conferees believe that funding for other initiatives within this program should only occur upon determination that participation needs have been met, and the contingency reserve should not be used for these initiatives.

The conferees are interested in Federal and State initiatives to actively manage the costs of the WIC program so that resources provided to support participants are efficiently and effectively utilized. The conferees seek demonstrated efficiencies and strong financial controls in all aspects of the program, including the cost of delivering nutritional and other preventative health services by the States, so that limited funds can be used to provide benefits to all eligible women, infants, and children seeking program services in a given year. The conferees direct the Food and Nutrition Service to provide the Committees with a report on how it will pursue these objectives by January 31, 2012.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The conference agreement provides $80,401,722,000 for the Supplemental Nutrition Assistance Program instead of $71,173,308,000 as proposed by the House and $80,402,722,000 as proposed by the Senate. The conference agreement includes $3,000,000,000 to be made available for a contingency reserve. The conferees note that $3,000,000,000 was also made available in fiscal year 2011 as a contingency reserve and remains available in fiscal year 2012.

The conference agreement provides the following for the Supplemental Nutrition Assistance Program:

Total Obligational Authority

[Dollars in Thousands]

Supplemental Nutrition Assistance Program:	
Benefits	$70,524,648
Contingency Reserve	3,000,000
State Administrative Costs	3,742,000
Nutrition Education and Obesity Prevention Grant Program	388,000
Employment and Training.	397,118
Mandatory Other Program Costs	114,477
Discretionary Other Program Costs	1,000
Nutrition Assistance for Puerto Rico and American Samoa	1,842,835
Food Distribution Program for Indian Reservations	102,746
TEFAP Commodities	260,250
Commonwealth of the Northern Mariana Islands	13,148
Community Food Project	5,000
Program Access	5,000
Financial Management Systems Modernization	3,500
Information Technology Modernization and Support	2,000

Total Obligational Authority—Continued

Total	$80,401,722

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $242,336,000 for the Commodity Assistance Program as proposed by the Senate instead of $197,500,000 as proposed by the House.

The conference agreement includes $176,788,000 for the Commodity Supplemental Food Program.

The conference agreement provides $48,000,000 for administrative funding for the Emergency Food Assistance Program (TEFAP). In addition, the conference agreement grants the Secretary authority to transfer up to an additional 10 percent from TEFAP commodities for this purpose.

The conference agreement provides $16,548,000 for the Farmer's Market Nutrition Program and $1,000,000 for Pacific Island Assistance.

The conferees direct USDA to make an assessment to determine if State agencies are in compliance with 7 CFR Part 251.5(b), and, if not, they are directed to issue guidance to the respective agencies on how they can comply with this regulation. Additionally, the conferees direct USDA to submit a report to the Committees on Appropriations of the House and the Senate on steps the Department might use to measure participation in the Emergency Food Assistance Program by March 16, 2012.

NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides $138,500,000 for Nutrition Programs Administration instead of $125,000,000 as proposed by the House and $140,130,000 as proposed by the Senate.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $176,347,000 for the Foreign Agricultural Service (FAS), Salaries and Expenses, as proposed by the Senate instead of $172,500,000 as proposed by the House.

While the conferees believe that USDA, and its partner USAID, must first focus on addressing immediate emergency needs in places such as the Horn of Africa, the Department must begin to develop plans and corresponding goals aimed at building market-driven institutions and science-based regulatory frameworks that facilitate trade and create an environment conducive to agricultural growth. Therefore, the conferees direct FAS to submit a report within 60 days of enactment of this Act with options for shifting more focus in outyear budgets from long-term or extended emergency food aid programs to programs that support FAS' duties to help developing countries improve their agricultural systems and build trade capacity in order to improve their long-term economic development.

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

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $2,500,000 for administrative expenses for the Food for Peace Title I Direct Credit and Food for Progress Program Account, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses'', instead of $2,385,000 as proposed by the House and $2,666,000 as proposed by the Senate.

FOOD FOR PEACE TITLE II GRANTS

The conference agreement provides $1,466,000,000 for Food For Peace Title II

Grants instead of $1,040,198,000 as proposed by the House and $1,562,000,000 as proposed by the Senate.

The amount provided for this program is more than $200,000,000 less than the amount requested by the President and even further below the levels appropriated in recent years. Flexibility in providing appropriations for humanitarian food assistance has been constrained by the Budget Control Act of 2011 (BCA) which established a firewall between security and non-security discretionary spending. This conference report includes only two programs under the security heading, PL 480 and the McGovern-Dole International Food for Education and Child Nutrition Program, both of which are related to humanitarian food assistance. Because of this inflexibility in shifting discretionary resources due to the requirements of the BCA, the conferees are unable to provide higher levels of funding for these two programs without being in violation of established budget caps. The conferees remain aware of the acute problems relating to global hunger, especially in view of the declared famine in the Horn of Africa, and will continue to monitor conditions there and elsewhere in the world in order to take whatever steps are available, as conditions warrant.

The conference agreement includes language in Section 741 to ensure humanitarian food assistance programs include sufficient monitoring and control mechanisms. The conferees believe that food aid should not be used as a political tool but that recipient nations do have obligations to ensure transparency and cooperation in the distribution of aid to affected populations. Should the U.S. government consider resumption of food assistance to the Democratic People's Republic of Korea, it is expected that assurances will be given to protect the integrity of program execution, including monitoring, and that any remaining issues regarding previous year program delivery be satisfactorily resolved.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $6,820,000 for the Commodity Credit Corporation Export (Loans) Credit Guarantee Program Account as proposed by the House instead of $6,465,000 as proposed by the Senate.

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

The conference agreement provides $184,000,000 for the McGovern-Dole International Food for Education and Child Nutrition Program instead of $180,000,000 as proposed by the House and $188,000,000 as proposed by the Senate.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act, Medical Device and Modernization User Fee Act, Animal Drug User Fee Act, Animal Generic Drug User Fee Act, Tobacco Product User Fee Act, Food Reinspection User Fee Act, and Food Recall User Fee Act collections, of $3,788,336,000 for the salaries and expenses of the Food and Drug Administration instead of $3,654,148,000 as proposed by the House and $3,859,402,000 as proposed by the Senate and provides specific amounts by FDA activity as reflected in the following table:

Food and Drug Administration Salaries & Expenses

[Dollars in Thousands]

Budget Authority:	
Foods	$866,061
Center for Food Safety and Applied Nutrition	264,296
Field Activities	601,765
Human Drugs	477,810
Center for Drug Evaluation and Research	347,817
Field Activities	129,993
Biologics	212,224
Center for Biologics Evaluation and Research	171,711
Field Activities	40,513
Animal Drugs and Feeds	138,021
Center for Veterinary Medicine	84,699
Field Activities	53,322
Devices and Radiological Products	322,672
Center for Devices and Radiological Health	241,475
Field Activities	81,197
National Center for Toxicological Research	60,039
Other Activities/Office of the Commissioner	153,704
White Oak Consolidation	40,386
GSA Rent	65,598
Other Rent and Rent Related	160,506
Subtotal, Budget Authority	2,497,021
User Fees:	
Prescription Drug User Fee Act	702,172
Medical Device User Fee and Modernization Act	57,605
Animal Drug User Fee Act	21,768
Animal Generic Drug User Fee Act	5,706
Tobacco Product User Fees	477,000
Food Reinspection Fees	14,700
Food Recall Fees	12,364
Subtotal, User Fees	1,291,315
Total, FDA Program Level	$3,788,336

The conference agreement includes the following increases: $39,000,000 to begin implementation of the Food Safety Modernization Act; $20,038,000 for advancing medical countermeasures; and $12,962,000 for mandatory rental payments. The conferees also accept FDA's proposed reduction of $22,000,000 due to administrative and contract savings. The conferees direct FDA to provide a report within 30 days of enactment of this Act on how it intends to allocate these increases.

The conferees direct that, within 90 days of the date of enactment of this Act, FDA report on the average number of calendar days that elapsed from the date that drug applications (including any supplements) were submitted to the agency under section 505 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) until the date that the drugs were approved; the average number of calendar days that elapsed from the date that applications for device clearance (including any supplements) under section 510(k) of the FD&C Act or for premarket approval (including any supplements) under section 515 of the FD&C Act were submitted to the agency until the date that the devices were cleared; and the average number of calendar days that elapsed from the date that biological license applications (including any supplements) were submitted to the agency under section 351 of the Public Health Service Act until the date that the biological products were licensed.

The conferees are concerned that FDA has not issued a proposed rule revising the monograph regulating the labeling of over-the-counter cough and cold products for children. The conferees direct the FDA to publish a proposed rule by December 31, 2011, based on the latest scientific evidence for safety and efficacy in pediatric populations.

The conferees recognize that FDA is developing facilities and expertise to study nanotechnology within FDA's Jefferson Laboratory Campus, including the National Center for Toxicological Research, and its consolidated headquarters at White Oak, Maryland. The conferees support FDA in its mission to expand upon current research in nanotechnology and support the eventual development of a Nanotechnology Core Center to meet its mission.

The conferees are aware that FDA currently inspects less than 2 percent of imported seafood. Further, many of these imports may contain substances that are banned in the United States. Therefore, the conferees direct FDA to develop a comprehensive program for imported seafood.

The conferees note that the most recent CDC estimates are that only 20 percent of foodborne illnesses are from 31 known pathogens such as norovirus, salmonella and clostridium. Since 80 percent of illnesses are caused by unknown sources, FDA is encouraged to work with the public and private sectors to gain a better understanding of the causes of illness. FDA's broader understanding of unknown sources should contribute towards the development of new strategies, policies, and foodborne illness prevention methods. While simultaneously seeking answers to unknown sources and plans to address these hazards, FDA has to do a better job of identifying more effective food safety activities that will reduce illnesses, hospitalizations, and deaths associated with the other 20 percent of foodborne illness. Within the funding level for food safety, FDA is directed to develop a clear strategy on how the agency can prioritize intervention methods along the farm to fork continuum to reduce illness once they have discovered the sources for a much greater proportion of unknown agents and to tie the funding levels for food safety to increased levels of activities to both the known and the unknown sources of illness. The conferees direct FDA to include this information in the fiscal year 2013 budget justifications to Congress.

The conferees emphasize the importance of predictability and transparency in the FDA approval process, and urge FDA to remain focused on its core mission of ensuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, fostering the development of medical products to support the counterterrorism effort, and helping to speed innovation of safe and effective products that improve the lives of patients and consumers. The conferees urge FDA to be responsive, timely, and transparent throughout the approval process for all human and veterinary drugs, biological products, medical devices, and medical countermeasures.

BUILDINGS AND FACILITIES

The conference agreement provides $8,788,000 for the Food and Drug Administration Buildings and Facilities as proposed by the House instead of $8,982,000 as proposed by the Senate.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $205,294,000, to remain available until September 30, 2013, for the Commodity Futures Trading Commission instead of $171,930,000 as proposed by the House and $240,000,000 as proposed by the Senate.

Of the total amount provided, the conference agreement includes $55,000,000, to remain available until September 30, 2014, for information technology investments.

The conferees direct the CFTC to submit, within 30 days of enactment, a detailed spending plan for the allocation of the funds made available, displayed by discrete program, project, and activity, including staffing projections, specifying both FTEs and

contractors, and planned investments in information technology.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $61,000,000 on administrative expenses of the Farm Credit Administration instead of $62,000,000 as proposed by the House and the Senate.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.—The conference agreement includes language making funds available for the purchase, replacement and hire of passenger motor vehicles.

Section 702.—The conference agreement includes language regarding transfers of funds to the Working Capital Fund of the Department of Agriculture.

Section 703.—The conference agreement includes language limiting funding provided in the bill to one year unless otherwise specified.

Section 704.—The conference agreement includes language regarding indirect cost rates on cooperative agreements between the Department of Agriculture and nonprofit institutions.

Section 705.—The conference agreement includes language making appropriations to the Department of Agriculture for the cost of direct and guaranteed loans available until expended to disburse certain obligations for certain Rural Development programs.

Section 706.—The conference agreement includes language prohibiting the use of funds to establish an inspection panel at the Department of Agriculture.

Section 707.—The conference agreement includes language regarding the transfer of funds to the Office of the Chief Information Officer and the acquisition of information technology systems.

Section 708.—The conference agreement includes language making funds available until expended to the Department of Agriculture to disburse certain obligations for certain conservation programs.

Section 709.—The conference agreement includes language regarding Rural Utility Service program eligibility.

Section 710.—The conference agreement includes language regarding in-kind support and Department of Agriculture research grants.

Section 711.—The conference agreement includes language regarding Farm Service Agency and Rural Development funds for information technology expenses.

Section 712.—The conference agreement includes language regarding the availability of funds for liquid infant formula.

Section 713.—The conference agreement includes language prohibiting first-class airline travel.

Section 714.—The conference agreement includes language regarding the availability of certain funds of the Commodity Credit Corporation.

Section 715.—The conference agreement includes language regarding non-emergency humanitarian food assistance.

Section 716.—The conference agreement includes language regarding certain farm programs.

Section 717.—The conference agreement includes language regarding direct loans made under the Rural Electrification Act.

Section 718.—The conference agreement includes language regarding the Bill Emerson Humanitarian Trust Act.

Section 719.—The conference agreement includes language regarding funding for advisory committees.

Section 720.—The conference agreement includes language regarding the limitation on indirect costs for grants awarded by the National Institute of Food and Agriculture.

Section 721.—The conference agreement includes language regarding regulations under the Grain Inspection, Packers and Stockyards Administration.

Section 722.—The conference agreement includes language regarding the rescission of funds.

Section 723.—The conference agreement includes language regarding the rescission of unobligated balances.

Section 724.—The conference agreement includes language regarding section 1621 of Public Law 110–246.

Section 725.—The conference agreement includes language regarding strategic rural development planning.

Section 726.—The conference agreement includes language regarding the availability of funds for certain Department of Agriculture programs.

Section 727.—The conference agreement includes language regarding a pilot program for certain forest lands.

Section 728.—The conference agreement includes language regarding user fee proposals without offsets.

Section 729.—The conference agreement includes language regarding the rescission of certain unobligated balances.

Section 730.—The conference agreement includes language regarding the reprogramming of funds.

Section 731.—The conference agreement includes language regarding fees for the guaranteed business and industry loan program.

Section 732.—The conference agreement includes language regarding the conveyance of certain research facilities.

Section 733.—The conference agreement includes language regarding the appropriations hearing process.

Section 734.—The conference agreement includes language regarding food donations and the National School Lunch Program.

Section 735.—The conference agreement includes language regarding the Emergency Conservation Program, the Emergency Watershed Program and the Emergency Forestry Conservation Program.

Section 736.—The conference agreement includes language regarding government-sponsored news stories.

Section 737.—The conference agreement includes language regarding details and assignments of Department of Agriculture employees.

Section 738.—The conference agreement includes language prohibiting grants and loans to a corporation convicted of a felony under Federal law.

Section 739.—The conference agreement includes language prohibiting grants and loans to corporations that have an unpaid Federal tax liability.

Section 740.—The conference agreement includes language regarding certain unobligated balances.

Section 741.—The conference agreement includes language regarding emergency food aid.

Section 742.—The conference agreement includes language regarding the Department of Agriculture's wool and mohair program.

Section 743.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 744.—The conference agreement includes language regarding the Department of Agriculture's Community Facilities program.

Section 745.—The conference agreement includes language regarding eligibility for certain farm programs.

Section 746.—The conference agreement includes language regarding nutrition standards for the school breakfast and lunch programs.

Section 747.—The conference agreement includes language regarding transfers of funds in certain Rural Development programs.

Section 748.—The conference agreement includes language regarding the Water Bank Act.

The conference agreement does not include a provision (House Section 743) regarding an across-the-board reduction to the funding levels in all accounts in titles I through IV. The House funding levels stated in the Statement of Managers do not reflect the impact of this reduction in each of the respective accounts.

The conference agreement does not include a provision (House Section 749) on the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration and Chairman of the Commodity Futures Trading Commission should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments or agencies should be minimized to the extent possible under the law.

The conference agreement does not include a provision (House Section 750) regarding the ''Know Your Farmer, Know Your Food'' initiative. The conferees direct the Department to post on its website prior to any travel primarily related to the ''Know Your Farmer, Know Your Food'' initiative, information including the agenda and the cost of such travel. In addition, within 90 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of the House and Senate a report on the impacts of this initiative over the previous two years, and to include justification for this initiative in the fiscal year 2013 budget explanatory notes.

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS				
Production, Processing, and Marketing				
Office of the Secretary	5,051	5,883	4,550	-501
Office of Tribal Relations	498	1,015	448	-50
Healthy Food Financing Initiative	---	35,000	---	---
Executive Operations:				
Office of Chief Economist	12,008	15,196	11,177	-831
National Appeals Division	14,225	15,254	12,841	-1,384
Office of Budget and Program Analysis	9,417	9,436	8,946	-471
Office of Homeland Security	1,496	4,272	1,321	-175
Office of Advocacy and Outreach	1,422	7,000	1,209	-213
Office of the Chief Information Officer	39,920	63,579	44,031	+4,111
Office of the Chief Financial Officer	6,247	6,566	5,650	-597
Subtotal, Executive Operations	84,735	121,303	85,175	+440
Office of the Assistant Secretary for Civil Rights	893	895	848	-45
Office of Civil Rights	22,692	24,922	21,000	-1,692
Office of the Assistant Secretary for Administration	804	820	764	-40
Agriculture buildings and facilities and rental payments	(246,476)	(255,191)	(230,416)	(-16,060)
Payments to GSA	178,113	164,470	164,470	-13,643
Department of Homeland Security	13,473	13,800	13,800	+327
Building operations and maintenance	54,890	76,921	52,146	-2,744
Hazardous materials management	3,992	5,125	3,592	-400
Departmental Administration	29,647	35,787	24,165	-5,482

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the Assistant Secretary for Congressional Relations	3,869	4,041	3,576	-293
Office of Communications	9,480	9,722	8,065	-1,415
Office of Inspector General	88,548	90,755	85,621	-2,927
Office of the General Counsel	41,416	46,058	39,345	-2,071
Total, Departmental Administration	538,101	636,517	507,565	-30,536
Office of the Under Secretary for Research, Education, and Economics	893	911	848	-45
Economic Research Service	81,814	85,971	77,723	-4,091
National Agricultural Statistics Service	156,447	165,421	158,616	+2,169
Census of Agriculture	(33,139)	(41,639)	(41,639)	(+8,500)
Agricultural Research Service:				
Salaries and expenses	1,133,230	1,137,690	1,094,647	-38,583
National Institute of Food and Agriculture:				
Research and education activities	698,740	708,107	705,599	+6,859
Native American Institutions Endowment Fund	(11,880)	(11,880)	(11,880)	---
Extension activities	479,132	466,788	475,183	-3,949
Integrated activities	36,926	29,874	21,482	-15,444
Hispanic-Serving Agricultural Colleges and Universities Endowment Fund	---	(10,000)	---	---
Total, National Institute of Food and Agriculture	1,214,798	1,204,769	1,202,264	-12,534
Office of the Under Secretary for Marketing and Regulatory Programs	893	911	848	-45

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Animal and Plant Health Inspection Service:				
Salaries and expenses	863,270	832,706	816,534	-46,736
Assistance, goods, or services (user fees) NA	---	(141,000)	---	---
Buildings and facilities	3,529	4,712	3,200	-329
Total, Animal and Plant Health Inspection Service	866,799	837,418	819,734	-47,065
Agricultural Marketing Service:				
Marketing Services	86,538	94,755	82,211	-4,327
Standardization activities (user fees) NA	(65,000)	(66,000)	(66,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,947)	(62,101)	(62,101)	(+1,154)
Funds for strengthening markets, income, and supply (Section 32):				
Permanent, Section 32	1,065,000	1,080,000	1,080,000	+15,000
Marketing agreements and orders (transfer from section 32)	(20,056)	(20,056)	(20,056)	---
Payments to States and Possessions	1,331	2,634	1,198	-133
Total, Agricultural Marketing Service program	1,213,816	1,239,490	1,225,510	+11,694
Grain Inspection, Packers and Stockyards Administration:				
Salaries and expenses	40,261	44,192	37,750	-2,511
Limitation on inspection and weighing services	(47,500)	(50,000)	(49,000)	(+1,500)
Office of the Under Secretary for Food Safety	811	828	770	-41

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Food Safety and Inspection Service	1,006,503	1,011,393	1,004,427	-2,076
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	6,193,419	6,303,410	6,068,601	-124,818
Farm Assistance Programs				
Office of the Under Secretary for Farm and Foreign Agricultural Services	893	911	848	-45
Farm Service Agency:				
Salaries and expenses	1,208,290	1,357,065	1,198,966	-9,324
Equal Credit Opportunity claims (leg. proposal)	---	40,000	---	---
(Transfer from Food for Peace (P.L. 480))	(2,806)	(2,812)	(2,500)	(-306)
(Transfer from export loans)	(354)	(355)	(355)	(+1)
(Transfer from ACIF)	(304,977)	(313,173)	(289,728)	(-15,249)
Subtotal, transfers from program accounts	(308,137)	(316,340)	(292,583)	(-15,554)
Total, Salaries and expenses	(1,516,427)	(1,713,405)	(1,491,549)	(-24,878)
State mediation grants	4,177	4,369	3,759	-418
Grassroot source water protection program	4,241	---	3,817	-424
Dairy indemnity program	876	100	100	-776
Subtotal, Farm Service Agency	1,217,584	1,401,534	1,206,642	-10,942

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Agricultural Credit Insurance Fund (ACIF) Program Account:				
Loan authorizations:				
Farm ownership loans:				
Direct	(475,000)	(475,000)	(475,000)	---
Guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subtotal	(1,975,000)	(1,975,000)	(1,975,000)	---
Farm operating loans:				
Direct	(950,000)	(1,050,090)	(1,050,090)	(+100,090)
Unsubsidized guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subsidized guaranteed	(122,343)	---	---	(-122,343)
Subtotal	(2,572,343)	(2,550,090)	(2,550,090)	(-22,253)
Indian tribe land acquisition loans	(3,940)	(2,000)	(2,000)	(-1,940)
Conservation loans:				
Guaranteed	---	(150,000)	(150,000)	(+150,000)
Indian Highly Fractionated Land Loans	---	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---
Total, Loan authorizations	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Loan subsidies:				
Farm ownership loans:				
Direct	32,804	22,800	22,800	-10,004
Guaranteed	5,689	---	---	-5,689
Subtotal	38,493	22,800	22,800	-15,693

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Farm operating loans:				
Direct	57,425	59,120	59,120	+1,695
Unsubsidized guaranteed	34,880	26,100	26,100	-8,780
Subsidized guaranteed	16,886	---	---	-16,886
Subtotal	109,191	85,220	85,220	-23,971
Indian Highly Fractionated Land Loans	---	193	193	+193
Individual Development Accounts	---	2,500	---	---
Total, Loan subsidies	147,684	110,713	108,213	-39,471
ACIF administrative expenses:				
Salaries and expense (transfer to FSA)	304,977	313,173	289,728	-15,249
Administrative expenses	7,904	7,920	7,904	---
Total, ACIF expenses	312,881	321,093	297,632	-15,249
Total, Agricultural Credit Insurance Fund	460,565	431,806	405,845	-54,720
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Total, Farm Service Agency	1,678,149	1,833,340	1,612,487	-65,662
Risk Management Agency, Administrative and operating expenses	78,842	82,325	74,900	-3,942
Total, Farm Assistance Programs	1,757,884	1,916,576	1,688,235	-69,649

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Corporations				
Federal Crop Insurance Corporation:				
Federal crop insurance corporation fund	7,613,232	3,142,375	3,142,375	-4,470,857
Commodity Credit Corporation Fund:				
Reimbursement for net realized losses	13,925,575	14,071,000	14,071,000	+145,425
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	21,538,807	17,213,375	17,213,375	-4,325,432
Total, Title I, Agricultural Programs	29,490,110	25,433,361	24,970,211	-4,519,899
(By transfer)	(328,193)	(336,396)	(312,639)	(-15,554)
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
(Limitation on administrative expenses)	(113,447)	(117,101)	(116,101)	(+2,654)
TITLE II - CONSERVATION PROGRAMS				
Office of the Under Secretary for Natural Resources and Environment	893	911	848	-45
Natural Resources Conservation Service:				
Conservation operations	870,503	898,647	828,159	-42,344
Watershed rehabilitation program	17,964	---	15,000	-2,964
Total, Natural Resources Conservation Service	888,467	898,647	843,159	-45,308
Total, Title II, Conservation Programs	889,360	899,558	844,007	-45,353

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - RURAL DEVELOPMENT				
Office of the Under Secretary for Rural Development...	893	911	848	-45
Rural Development:				
Rural development expenses:				
Salaries and expenses.....	191,603	234,301	182,023	-9,580
(Transfer from RHIF).....	(453,474)	(411,779)	(430,800)	(-22,674)
(Transfer from RDLFP).....	(4,931)	(4,941)	(4,684)	(-247)
(Transfer from RETLP).....	(38,297)	(39,959)	(36,382)	(-1,915)
Subtotal, Transfers from program accounts.	(496,702)	(456,679)	(471,866)	(-24,836)
Total, Rural development expenses.....	(688,305)	(690,980)	(653,889)	(-34,416)
Rural Housing Service:				
Rural Housing Insurance Fund Program Account:				
Loan authorizations:				
Single family direct (Sec. 502).....	(1,121,406)	(211,416)	(900,000)	(-221,406)
Unsubsidized guaranteed.....	(24,000,000)	(24,000,000)	(24,000,000)	---
Subtotal, Single family.....	(25,121,406)	(24,211,416)	(24,900,000)	(-221,406)
Housing repair (Sec. 504).....	(23,360)	---	(10,000)	(-13,360)
Rental housing (Sec. 515).....	(69,512)	(95,236)	(64,478)	(-5,034)
Site loans (Sec. 524).....	(5,052)	---	---	(-5,052)
Multi-family housing guarantees (Sec. 538)	(30,960)	---	(130,000)	(+99,040)
Multi-family housing credit sales.....	(1,448)	---	---	(-1,448)
Single family housing credit sales.....	(10,000)	---	(10,000)	---
Self-help housing land develop. (Sec. 523)	(4,966)	---	(5,000)	(+34)

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Farm Labor Housing (Sec.514).....	(25,724)	(27,288)	(20,791)	(-4,933)
Total, Loan authorizations.....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Loan subsidies:				
Single family direct (Sec. 502).....	70,060	10,000	42,570	-27,490
Unsubsidized guaranteed.....	---	---	---	---
Housing repair (Sec. 504).....	4,413	---	1,421	-2,992
Rental housing (Sec. 515).....	23,399	32,495	22,000	-1,399
Multi-family housing guarantees (Sec. 538)	2,994	---	---	-2,994
Site development loans (Sec. 524).....	293	---	---	-293
Multi-family housing credit sales.....	555	---	---	-555
Farm labor housing (Sec.514).....	9,853	9,319	7,100	-2,753
Self-help land dev. housing loans (Sec523)	288	---	---	-288
Total, Loan subsidies.....	111,855	51,814	73,091	-38,764
Farm labor housing grants.....	9,854	9,873	7,100	-2,754
RHIF administrative expenses (transfer to RD).	453,474	411,779	430,800	-22,674
Total, Rural Housing Insurance Fund program.	575,183	473,466	510,991	-64,192
(Loan authorization).....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rental assistance program:				
Rental assistance (Sec. 521)	948,704	900,653	900,653	-48,051
New construction (Sec. 515)	2,026	3,000	1,500	-526
New construction (Farm Labor Housing)	2,994	3,000	2,500	-494
Total, Rental assistance program	953,724	906,653	904,653	-49,071
Rural housing voucher program	13,972	16,000	11,000	-2,972
Multi-family housing revitalization program	14,970	---	2,000	-12,970
Multifamily housing preservation revolving loans	998	---	---	-998
Total, Multi-family housing revitalization	29,940	16,000	13,000	-16,940
Mutual and self-help housing grants	36,926	---	30,000	-6,926
Rural housing assistance grants	40,319	11,520	33,136	-7,183
Rural community facilities program account:				
Loan authorizations:				
Community facility:				
Direct	(290,526)	(1,000,000)	(1,300,000)	(+1,009,474)
Guaranteed	(167,747)	---	(105,708)	(-62,039)
Total, Loan authorizations	(458,273)	(1,000,000)	(1,405,708)	(+947,435)
Loan subsidies and grants:				
Commmunity facility:				
Direct	3,856	---	---	-3,856
Guaranteed	6,613	---	5,000	-1,613
Grants	14,970	30,000	11,363	-3,607
Rural community development initiative	4,990	8,400	3,621	-1,369

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Economic impact initiative grants.....	6,986	---	5,938	-1,048
Tribal college grants.....	3,964	---	3,369	-595
Total, RCFP Loan subsidies and grants...	41,379	38,400	29,291	-12,088
Subtotal, grants and payments.....	118,624	49,920	92,427	-26,197
Total, Rural Housing Service.....	1,677,471	1,446,039	1,521,071	-156,400
(Loan authorization).....	(25,750,701)	(25,333,940)	(26,545,977)	(+795,276)
Rural Business-Cooperative Service:				
Rural Business Program Account:				
(Guaranteed business and industry loans).....	(889,111)	(822,900)	(822,886)	(-66,225)
Loan subsidies and grants:				
Guaranteed business and industry subsidy..	44,899	52,500	45,341	+442
Grants:				
Rural business enterprise.....	34,930	29,874	24,318	-10,612
Rural business opportunity.....	2,478	7,483	2,250	-228
Delta regional authority.....	2,973	---	2,900	-73
Total, RBP loan subsidies and grants.....	85,280	89,857	74,809	-10,471
Rural Development Loan Fund Program Account:				
(Loan authorization).....	(19,181)	(36,376)	(17,710)	(-1,471)
Loan subsidy.....	7,385	12,324	6,000	-1,385
Administrative expenses (transfer to RD).....	4,931	4,941	4,684	-247
Total, Rural Development Loan Fund.....	12,316	17,265	10,684	-1,632

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rural Economic Development Loans Program Account:				
(Loan authorization)	(33,077)	(33,077)	(33,077)	---
Limit cushion of credit interest spending	(207,000)	(241,794)	(155,000)	(-52,000)
(Rescission)	-207,000	-241,794	-155,000	+52,000
Rural cooperative development grants:				
Cooperative development	7,908	8,924	5,800	-2,108
Appropriate technology transfer for rural areas	---	2,800	2,250	+2,250
Cooperative research agreement	---	300	---	---
Value-added agricultural product market development	18,829	20,367	14,000	-4,829
Grants to assist minority producers	3,456	3,463	3,000	-456
Total, Rural Cooperative development grants	30,193	35,854	25,050	-5,143
Rural Microenterprise Investment Program Account:				
(Loan authorization)	---	(8,700)	---	---
Loan subsidy	---	2,850	---	---
Grants	---	2,850	---	---
Total, Rural Microenterprise Investment	---	5,700	---	---

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rural Energy for America Program				
(Loan authorization)	(10,785)	(10,645)	(6,491)	(-4,294)
Loan subsidy	2,495	2,788	1,700	-795
Grants	2,495	34,000	1,700	-795
Total, Rural Energy for America Program	4,990	36,788	3,400	-1,590
Total, Rural Business-Cooperative Service	-74,221	-56,330	-41,057	+33,164
(Loan authorization)	(952,154)	(911,698)	(880,164)	(-71,990)
Rural Utilities Service:				
Rural water and waste disposal program account:				
Loan authorizations:				
Direct	(898,263)	(770,000)	(730,689)	(-167,574)
Guaranteed	(75,000)	(12,000)	(62,893)	(-12,107)
Total, Loan authorization	973,263	782,000	793,582	-179,681
Loan subsidies and grants:				
Direct subsidy	76,917	73,788	70,000	-6,917
Guaranteed subsidy	---	190	1,000	+1,000
Water and waste revolving fund	497	497	497	---
Water well system grants	993	993	993	---
Colonias and AK/HI grants	68,600	65,000	66,500	-2,100
Water and waste technical assistance	19,110	19,000	19,000	-110
Circuit rider program	14,700	14,000	15,000	+300
Solid waste management grants	3,434	4,000	3,400	-34
High energy cost grants	11,976	---	9,500	-2,476

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Water and waste disposal grants.....	331,717	311,510	327,110	-4,607
Total, Loan subsidies and grants.....	527,944	488,978	513,000	-14,944
Rural Electrification and Telecommunications Loans Program Account:				
Loan authorizations:				
Electric:				
Direct, 5%.....	(100,000)	(100,000)	(100,000)	---
Direct, FFB.....	(6,500,000)	(6,000,000)	(6,500,000)	---
Guaranteed underwriting.....	(500,000)	---	(424,286)	(-75,714)
Subtotal, Electric.....	(7,100,000)	(6,100,000)	(7,024,286)	(-75,714)
Telecommunications:				
Direct, 5%.....	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate.....	(250,000)	(250,000)	(250,000)	---
Direct, FFB.....	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications.....	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations.....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Loan subsidies:				
Electric:				
Guaranteed underwriting.....	699	---	594	-105

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RETLP administrative expenses (transfer to RD)	38,297	39,959	36,382	-1,915
Total, Rural Electrification and Telecommunications Loans Program Account..	38,996	39,959	36,976	-2,020
(Loan authorization).....	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Distance learning, telemedicine, and broadband program:				
Loan authorizations:				
Broadband telecommunications.....	(400,000)	---	(212,014)	(-187,986)
Total, Loan authorizations.....	(400,000)	---	(212,014)	(-187,986)
Loan subsidies and grants:				
Distance learning and telemedicine:				
Grants.....	32,435	30,000	21,000	-11,435
Broadband telecommunications:				
Direct.....	22,276	---	6,000	-16,276
Grants.....	13,379	17,976	10,372	-3,007
Total, Loan subsidies and grants.....	68,090	47,976	37,372	-30,718
Total, Rural Utilities Service.....	635,030	576,913	587,348	-47,682
(Loan authorization).....	(9,163,263)	(7,572,000)	(8,719,882)	(-443,381)
Total, Title III, Rural Development Programs....	2,430,776	2,201,834	2,250,233	-180,543
(By transfer).....	(496,702)	(456,679)	(471,866)	(-24,836)
(Loan authorization).....	(35,866,118)	(33,817,638)	(36,146,023)	(+279,905)

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - DOMESTIC FOOD PROGRAMS				
Office of the Under Secretary for Food, Nutrition and Consumer Services	811	828	770	-41
Food and Nutrition Service:				
Child nutrition programs	12,042,407	18,770,571	18,150,176	+6,107,769
Competitive grants	---	5,000	---	---
School breakfast program grants	---	10,000	1,000	+1,000
Childhood Hunger challenge grants	---	25,000	---	---
Transfer from section 32	5,277,574	---	---	-5,277,574
.2 Percent (rescission) (discretionary)	-48	---	---	+48
Total, Child nutrition programs	17,319,933	18,810,571	18,151,176	+831,243
Special supplemental nutrition program for women, infants, and children (WIC)	6,734,027	7,390,100	6,618,497	-115,530
Supplemental nutrition assistance program:				
(Food stamp program)	65,206,790	68,173,308	77,401,722	+12,194,932
Reserve	---	5,000,000	3,000,000	+3,000,000
Center for Nutrition Policy and Promotion	---	1,500	---	---
Grants to States and technical assistance	---	9,000	---	---
.2 Percent (rescission) (discretionary)	-97	---	---	+97
Total, Food stamp program	65,206,693	73,183,808	80,401,722	+15,195,029

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Commodity assistance program:				
Commodity supplemental food program	175,697	176,788	176,788	+1,091
Farmers market nutrition program	19,960	20,000	16,548	-3,412
Emergency food assistance program	49,401	50,000	48,000	-1,401
Pacific island and disaster assistance	1,068	1,081	1,000	-68
IT modernization and support	---	1,750	---	---
Total, Commodity assistance program	246,126	249,619	242,336	-3,790
Nutrition programs administration	147,505	170,471	138,500	-9,005
Total, Food and Nutrition Service	89,654,284	99,804,569	105,552,231	+15,897,947
Total, Title IV, Domestic Food Programs	89,655,095	99,805,397	105,553,001	+15,897,906
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS				
Foreign Agricultural Service				
Salaries and expenses	185,628	229,730	176,347	-9,281
(Transfer from export loans)	(6,452)	(6,465)	(6,465)	(+13)
Total, Salaries and expenses	192,080	236,195	182,812	-9,268
Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses				
Farm Service Agency, Salaries and expenses (transfer to FSA)	2,806	2,812	2,500	-306
Food for Peace Title II Grants:				
Expenses	1,497,000	1,690,000	1,466,000	-31,000

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Commodity Credit Corporation Export Loans Program Account (administrative expenses):				
Salaries and expenses (Export Loans):				
General Sales Manager (transfer to FAS).....	6,452	6,465	6,465	+13
Farm Service Agency S&E (transfer to FSA).....	354	355	355	+1
Total, CCC Export Loans Program Account.....	6,806	6,820	6,820	+14
McGovern-Dole international food for education and child nutrition program grants.....	199,101	200,500	184,000	-15,101
Total, Title V, Foreign Assistance and Related Programs.....	1,891,341	2,129,862	1,835,667	-55,674
(By transfer).....	(6,452)	(6,465)	(6,465)	(+13)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration				
Salaries and expenses, direct appropriation.....	2,447,021	2,730,910	2,497,021	+50,000
Prescription drug user fees.....	(667,057)	(856,041)	(702,172)	(+35,115)
Medical device user fees.....	(61,860)	(67,118)	(57,605)	(-4,255)
Animal drug user fees.....	(19,448)	(21,768)	(21,768)	(+2,320)
Generic animal drug user fees	(5,397)	(5,706)	(5,706)	(+309)
Tobacco product user fees	(450,000)	(477,000)	(477,000)	(+27,000)
Food and Feed Export Certification user fees.....	---	(12,364)	(12,364)	(+12,364)
Food Reinspection fees.....	---	(14,700)	(14,700)	(+14,700)

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Voluntary qualified importer program fees.....	---	(36,000)	---	---
Subtotal (including user fees).....	(3,650,783)	(4,221,607)	(3,788,336)	(+137,553)
Mammography user fees.....	(19,318)	(19,318)	(19,318)	---
Export certification user fees.....	(10,400)	(10,400)	(11,667)	(+1,267)
Voluntary qualified importer program fees.....	---	---	(71,066)	(+71,066)
Subtotal, FDA (with user fees).....	(3,680,501)	(4,251,325)	(3,890,387)	(+209,886)
FDA New User Fees (Leg. proposals):				
Generic drug review user fees	---	(40,122)	---	---
Reinspection fees.....	---	(14,108)	---	---
International express courier import fees.....	---	(5,338)	---	---
Subtotal, FDA new user fees (Leg Proposals)	---	(59,568)	---	---
Buildings and facilities.....	9,980	13,055	8,788	-1,192
Total, FDA (w/user fees, including proposals)...	(3,690,481)	(4,323,948)	(3,899,175)	(+208,694)
Total, FDA (w/enacted user fees only).....	(3,690,481)	(4,264,380)	(3,899,175)	(+208,694)
Total, FDA (excluding user fees).....	2,457,001	2,743,965	2,505,809	+48,808

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INDEPENDENT AGENCIES				
Commodity Futures Trading Commission 1/	202,270	308,000	205,294	+3,024
Financial regulation user fees (leg proposal)	---	(117,000)	---	---
Farm Credit Administration (limitation on administrative expenses)	(59,400)	(62,000)	(61,000)	(+1,600)
Total, Title VI, Related Agencies and Food and Drug Administration	2,659,271	3,051,965	2,711,103	+51,832
TITLE VII - GENERAL PROVISIONS				
Limit fruit and vegetable program (Sec.718)	-117,000	-114,478	-133,000	-16,000
Section 32 (rescission) (Sec.718)	---	---	-150,000	-150,000
Forestry Incentives program (Sec.722) (rescission)	---	---	-6,017	-6,017
Great Plains Conservation (Sec.722) (rescission)	---	---	-547	-547
Supplemental Nutrition Assistance Program Employment and Training (rescission) (Sec.723)	-15,000	---	-11,000	+4,000
Limit Conservation stewardship (Sec.728(1))	-39,000	-2,000	-76,516	-37,516
Limit Dam Rehab (Sec.728(2))	-165,000	-165,000	-165,000	---
Limit Environmental Quality Incentives program (Sec.728(3))	-350,000	-342,000	-350,000	---
Limit Farmland Protection program (Sec.728(4))	---	---	-50,000	-50,000
Limit Grasslands reserve (Sec.728(5))	---	-50,000	-30,000	-30,000
Limit Wetlands reserve (Sec.728(6))	-119,000	-9,000	-200,000	-81,000
Limit Wildlife habitat incentives (Sec.728(7))	---	-12,000	-35,000	-35,000
Limit Voluntary Public Access program (Sec.728(8))	---	---	-17,000	-17,000
Limit Biomass Crop Assistance program (Sec.728(9))	-134,000	---	-28,000	+106,000
Limit Bioenergy Program for Advanced Biofuels (Sec.728(10))	---	---	-40,000	-40,000

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Limit Renewable Energy for America (Sec.728(11))	---	---	-48,000	-48,000
Limit Microenterprise investment program (Sec.728(12))	---	---	-3,000	-3,000
Limit Crop Insurance Good Performance (Sec.728(13))	-25,000	---	-25,000	---
Limit Agriculture management assistance (section 1524) (Sec.728(14))	---	-5,000	-5,000	-5,000
Hardwood Trees (Reforestation Pilot Program)	639	---	600	-39
Geographic Disadvantaged farmers	1,996	---	1,996	---
Agricultural Research Service, Buildings and and facilities (rescission)	-229,582	-223,749	---	+229,582
Broadband loan balances (rescission)	-39,000	---	---	+39,000
NIFA, Buildings and Facilities (rescission)	-1,037	-1,037	-2,490	-1,453
Wildlife Habitat Incentives unobligated (rescission)	---	-10,188	---	---
Water Bank Act unobligated (rescission)	---	-745	---	---
NRCS expired accounts (rescission)	-13,937	---	---	+13,937
Outreach for socially disadvantaged farmers (rescission)	-2,137	---	---	+2,137
Rural community advancement program (rescission)	-993	---	---	+993
Agriculture Marketing Services (rescission)	-717	---	---	+717
Common Computing Environment (rescission)	-3,111	---	---	+3,111
Animal and Plant Health Inspection Service (APHIS) Buildings and Facilities (rescission)	-629	---	---	+629
Agriculture Buildings and Facilities (rescission)	-45,000	---	---	+45,000
Animal and Plant Health Inspection Service (APHIS) (rescission)	-10,887	---	---	+10,887
Broadband grants (rescission)	-25,000	---	---	+25,000
Export credit (rescission)	-331,000	---	---	+331,000
Trade Adjustment Assistance for for Farmers (Sec.729) (rescission)	---	---	-90,000	-90,000
Limit Emergency Food Assistance program (Sec.730)	---	---	---	---
OAO (rescission)	---	---	-4,000	-4,000

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Ocean freight (rescission)	---	---	-3,235	-3,235
P.L. 480 Title I (rescission)	---	---	-2,336	-2,336
Foreign Currency Program (rescission)	---	---	-273	-273
Export credit (rescission)	---	---	-20,237	-20,237
Water Bank	---	---	7,500	+7,500
Emergency Conservation Program (Disaster Relief)	---	---	122,700	+122,700
Emergency Forest Restoration (Disaster Relief)	---	---	28,400	+28,400
Emergency Watershed Protection (Disaster Relief)	---	---	215,900	+215,900
Total, Title VII, General provisions	-1,664,395	-935,197	-1,118,555	+545,840
Grand total 1/	125,351,558	132,586,780	137,045,667	+11,694,109
Appropriations	(126,276,588)	(133,064,293)	(137,123,802)	(+10,847,214)
Rescissions	(-925,030)	(-477,513)	(-445,135)	(+479,895)
Disaster relief 2/	---	---	(367,000)	(+367,000)
(By transfer)	(831,347)	(799,540)	(790,970)	(-40,377)
(Loan authorization)	(40,517,401)	(38,564,728)	(40,933,113)	(+415,712)
(Limitation on administrative expenses)	(172,847)	(179,101)	(177,101)	(+4,254)

1/ Includes CFTC funding for FY2011
provided in Financial Services and General
Government Appropriations Act
2/ Budget Control Act 2011 (Sec.251(b)(2)(D)/PL111-25)

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-RELATED AGENCIES APPROPRIATIONS ACT 2012
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Title I - Agricultural programs	29,490,110	25,433,361	24,970,211	-4,519,899
Mandatory	(22,604,683)	(18,293,475)	(18,293,475)	(-4,311,208)
Discretionary	(6,885,427)	(7,139,886)	(6,676,736)	(-208,691)
Title II - Conservation programs (discretionary)	889,360	899,558	844,007	-45,353
Title III - Rural development (discretionary)	2,430,776	2,201,834	2,250,233	-180,543
Title IV - Domestic food programs	89,655,095	99,805,397	105,553,001	+15,897,906
Mandatory	(82,526,771)	(91,943,879)	(98,551,898)	(+16,025,127)
Discretionary	(7,128,324)	(7,861,518)	(7,001,103)	(-127,221)
Title V - Foreign assistance and related programs (discretionary)	1,891,341	2,129,862	1,835,667	-55,674
Title VI - Related agencies and Food and Drug Administration (discretionary)	2,659,271	3,051,965	2,711,103	+51,832
Title VII - General provisions (discretionary)	-1,664,395	-935,197	-1,118,555	+545,840
Total 1/	125,351,558	132,586,780	137,045,667	+11,694,109

1/ Includes CFTC funding for FY2011 provided in Financial Services and General Government Appropriations Act

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

The committee of conference approves report language included in House Report 112–169 or Senate Report 112–78 that is not changed by the conference. The statement of managers, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees expect that each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2012, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2012. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in the statement accompanying this conference agreement, or in the accompanying reports of the House or Senate and not changed by the conference, shall be construed as the position of the conference and shall not be subject to reductions or reprogramming without prior approval of the Committees. The conferees further expect any department or agency funded in this Act which plans a reduction-in-force to notify by letter the Appropriations Committees of the House and Senate 30 days in advance of the date of any such planned personnel action.

The conferees note that when a department or agency submits a reprogramming or transfer request to the Appropriations Committees of the House and Senate and does not receive identical responses by the House and Senate, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the difference between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved.

In compliance with section 538 of this Act, the conferees direct the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation to submit spending plans, signed by the respective department or agency head, for the Committees' review within 45 days of enactment of this Act.

TITLE I

DEPARTMENT OF COMMERCE

Reporting requirements.—Unless specifically noted in the following narrative, the conferees adopt by reference all House and Senate language regarding reports requested throughout Title I. These reports shall be submitted to the Committees on Appropriations within 120 days of enactment of this Act.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $465,000,000 in total resources for the programs of the International Trade Administration (ITA). This amount is offset by $9,439,000 in estimated fee collections, resulting in a direct appropriation of $455,561,000.

Travel reports.—The conferees do not adopt House language regarding quarterly reports on ITA employee travel to China. Additional direction on this matter is included in the Departmental Management heading. Instead, per section 112 of this Act, the conferees direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011 data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The conference agreement includes $101,000,000 for the Bureau of Industry and Security.

ECONOMIC DEVELOPMENT ADMINISTRATION

The conference agreement includes $457,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA).

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $420,000,000 for Economic Development Assistance Programs, including $200,000,000 for disaster assistance in response to natural disaster declarations during fiscal year 2011. Of the amounts provided for non-disaster programs, funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

Public Works	$111,640,000
Planning	29,000,000
Technical Assistance	12,000,000
Research and Evaluation	1,500,000
Trade Adjustment Assistance	15,800,000
Economic Adjustment Assistance	50,060,000
Total	$220,000,000

Repatriation grants.—The conference agreement includes funds as proposed by the House for EDA to use its programs as a source for working with U.S. companies to bring their services, manufacturing, and/or research and development activities back to economically distressed regions in the United States.

Technical Assistance.—The conference agreement does not adopt House report language directing that EDA provide a review of the University Center program. Instead, the conferees direct the Secretary of Commerce to commission an independent review of the University Center program within 60 days of enactment of this Act. This review shall gather information requested in both House and Senate reports with respect to an evaluation of the University Center program.

Trade Adjustment Assistance.—The conferees note that funds provided under this activity are for manufacturing firms negatively impacted by import competition.

Economic Adjustment Assistance (EAA).—The conference agreement includes funding for new loan guarantee programs as authorized under sections 26 and 27 of the America COMPETES Act (P.L. 111–358). The America COMPETES Act includes a number of safeguards with respect to these programs and the conferees expect EDA to rigorously abide by the requirements outlined in this legislation under 15 U.S.C. 3721 and 15 U.S.C. 3722. Specifically, the Secretary, in consultation with the Office of Management and Budget, shall implement accountability measures that strongly protect the financial interest of the United States. Finally, the conferees encourage EDA to use a portion of the funds provided in this Act for programs authorized under section 27 of the America COMPETES Act for science parks. The conferees do not adopt the Senate's separate account line for Regional Innovation Partnerships and instead encourage EDA to support such activities from within the EAA program. In addition, the conference agreement includes up to $1,000,000 to support innovative, energy efficient grant programs for small businesses. The conferees remind EDA to ensure that award decisions are made at the regional level rather than at headquarters, that award decisions reflect geographic equity and that rural areas are among those chosen when awarding EDA funding.

Base realignment and closure.—The conference agreement does not adopt Senate language regarding base realignment and closure matters.

SALARIES AND EXPENSES

The conference agreement includes $37,500,000 for EDA salaries and expenses.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $30,339,000 for the Minority Business Development Agency.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes $96,000,000 for the Economics and Statistics Administration.

BUREAU OF THE CENSUS

The conference agreement includes $888,336,000 in direct appropriations for the Bureau of the Census plus $55,000,000 from the Census Working Capital fund for a total program level of $943,336,000.

SALARIES AND EXPENSES

The conference agreement includes $253,336,000 for the salaries and expenses of the Bureau of the Census.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes a total of $690,000,000 for periodic censuses and programs, including $635,000,000 in direct appropriations and $55,000,000 from available Census Working Capital Fund balances.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $45,568,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA).

Spectrum interference issues.—The conferees adopt by reference House report language regarding the Global Positioning System and direct NTIA to report to the Committees on Appropriations within 60 days of enactment of this Act.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes language making recoveries and unobligated balances of funds previously appropriated available for the administration of open grants.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes language making available to the United States Patent and Trademark Office (PTO) the full amount of fiscal year 2012 fee collections.

The conferees note that PTO has revised its fee estimates downward twice since September 1, 2011, and now estimates that it will collect $2,516,000,000 or $190,313,000 less than the President's request of $2,706,313,000. The conference agreement appropriates all PTO fees in accordance with section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (P. L. 112–29) and includes language making available to the PTO any excess fee collections above the amount appropriated, subject to section 505 reporting requirements in this Act. The conference agreement does not include a general provision carried in previous years prohibiting funds to issue patents on claims directed to or encompassing a human organism. This language is no longer necessary as a similar permanent prohibition was enacted in the Leahy-Smith America Invents Act.

National security concerns.—The conferees adopt by reference House report language regarding the need to update security procedures for patent applications that have national security implications and direct PTO to report to the Committees on Appropriations within 60 days of enactment of this Act regarding practices currently used by third parties to safeguard sensitive patent applications. This report shall provide a framework for suggested improvements for security standards used in the private sector.

Establishment of satellite offices.—The conferees encourage PTO to establish satellite offices in areas that are advantageous to both PTO and its customers.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement includes $750,824,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $567,000,000 for NIST's scientific and technical core programs, including $10,000,000 for a Cybersecurity Center of Excellence and $16,500,000 for the National Strategy for Trusted Identities in Cyberspace. The conferees do not adopt Senate language regarding specific direction pertaining to greenhouse gas measurements but do encourage NIST to pursue research in this area.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $128,443,000 for the Hollings Manufacturing Extension Partnership Program.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes $55,381,000 for NIST construction. The conferees do not adopt House language designating funds for ongoing construction projects but expect NIST to continue to submit quarterly reports on the status of all construction projects as directed by the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement includes a total of $4,893,675,000 in discretionary funds for the National Oceanic and Atmospheric Administration (NOAA). The conference agreement does not establish a NOAA Climate Service as proposed by the Senate.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a total program level of $3,139,329,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA. This total funding level includes: $3,022,231,000 in direct appropriations; a transfer of $109,098,000 from balances in the ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'' account; and $8,000,000 derived from recoveries of prior year obligations.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

National Ocean Service.—The conference agreement includes $465,662,000 for National Ocean Service operations, research, and facilities. The conferees adopt by reference Senate report language regarding Integrated Ocean and Coastal Mapping but clarify that NOAA must ensure that proprietary and/or commercially-important fisheries data is kept confidential or is used only in aggregate datasets.

Response and Restoration.—The conferees adopt by reference House report language regarding the funds NOAA expects to receive from BP in response to the Deepwater Horizon oil spill in the Gulf of Mexico and direct NOAA to submit a spending plan to the Committees on Appropriations within 90 days of enactment of this Act. The conferees adopt by reference House report language regarding the Gulf of Mexico Disaster Response Center and direct NOAA to provide a report to the Committees on Appropriations within 60 days of enactment of this Act.

NATIONAL OCEAN SERVICE

Operations, Research, and Facilities

[In thousands of dollars]

Program	Conference
Navigation Services:	
Mapping and Charting:	
Mapping and Charting Base	$49,700
Hydrographic Research and Technology Development	7,305
Electronic Navigational Charts	6,088
Shoreline Mapping	2,310
Address Survey Backlog/Contracts	28,973
Subtotal, Mapping and Charting	94,376
Geodesy:	
Geodesy	26,647
National Height Modernization	2,495
Subtotal, Geodesy	29,142
Tide and Current Data:	
Tide and Current Data	27,530
Subtotal, Tide and Current Data	27,530
Total, Navigation Services	151,048
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program:	
Integrated Ocean Observing System (IOOS)	31,055
NOAA IOOS	6,595
Coastal Services Center	37,099
Coral Reef Program	26,746
Subtotal, Ocean Assessment Program	101,495
Response and Restoration:	
Response and Restoration Base	21,531
Estuary Restoration Program	1,000
Marine Debris	5,000
Subtotal, Response and Restoration	27,531
National Centers for Coastal Ocean Science (NCCOS):	
National Centers for Coastal Ocean Science	36,000

NATIONAL OCEAN SERVICE—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Competitive Research	11,061
Subtotal, NCCOS	47,061
Total, Ocean Resources Conservation and Assessment	176,087
Ocean and Coastal Management:	
Coastal Management:	
CZM Grants	66,146
CZM and Stewardship	8,000
Regional Ocean Partnership Grants	3,500
National Estuarine Research Reserve System	22,281
Marine Protected Areas	2,000
Marine Sanctuary Program	47,600
Total, Ocean and Coastal Management	149,527
Undistributed Reduction	(11,000)
Total, National Ocean Service—ORF	$465,662

National Marine Fisheries Service (NMFS).—The conference agreement includes $794,210,000 for NMFS operations, research, and facilities.

Fisheries Research and Management.—The conference agreement does not include Senate report language specifying that priority shall be given to international Regional Fishery Management Organizations but instead notes that resources are provided for NMFS to update stock assessments and conduct surveys in fisheries around the U.S. The conferees encourage NMFS to engage the American lobster industry in conducting research and surveys.

Infectious Salmon Anemia.—Not later than six months after enactment of this Act, the National Aquatic Animal Health Task Force shall submit to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Natural Resources and the House and Senate Committees on Appropriations a report assessing the risk Infectious Salmon Anemia poses to wild Pacific salmon and the coastal economies which rely on these fish. For this report, the Task Force shall establish Infectious Salmon Anemia research objectives, in collaboration 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.

National Research Council review.—The conferees do not adopt House report language regarding a National Research Council review but instead direct NOAA to report to the Committees on Appropriations and the appropriate authorizing committees within 60 days of enactment of this Act regarding appropriate efforts to address the concerns outlined in the letter referenced in the House report.

NATIONAL MARINE FISHERIES SERVICE

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Protected Species Research and Management:	
Protected Species Research and Management Programs Base	$39,850
Species Recovery Grants	2,797
Marine Mammals	49,653
Marine Turtles	12,887
Other Protected Species (Marine Fish, Plants, and Invertebrates)	7,038
Atlantic Salmon	5,660
Pacific Salmon	58,566
Subtotal, Protected Species Research and Management	176,451
Fisheries Research and Management:	
Fisheries Research and Management Programs	179,000
National Catch Share Program	28,000
Expand Annual Stock Assessments / Improve Data Collection	63,764
Economics and Social Sciences Research	7,657
Salmon Management Activities	37,451
Regional Councils and Fisheries Commissions	31,855
Fisheries Statistics	23,224
Fish Information Networks	22,087
Survey and Monitoring Projects	21,779
Fisheries Oceanography	2,147
American Fisheries Act	3,888
Interjurisdictional Fisheries Grants	1,157
National Standard 8	1,000
Reduce Fishing Impacts on Essential Fish Habitat	374
Reducing Bycatch	3,428

NATIONAL MARINE FISHERIES SERVICE—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Product Quality and Safety	6,212
Subtotal, Fisheries Research and Management	433,023
Enforcement and Observers / Training:	
Enforcement	66,825
Observers / Training	41,074
Subtotal, Enforcement and Observers / Training	107,899
Habitat Conservation and Restoration:	
Sustainable Habitat Management	20,958
Fisheries Habitat Restoration	22,229
Subtotal, Habitat Conservation and Restoration	43,187
Other Activities Supporting Fisheries:	
Antarctic Research	1,645
Aquaculture	5,593
Climate Regimes and Ecosystem Productivity	1,747
Computer Hardware and Software	1,796
Cooperative Research	11,000
Information Analyses and Dissemination	15,377
Marine Resources Monitoring, Assessment and Prediction Program	504
National Environmental Policy Act	6,467
NMFS Facilities Maintenance	3,293
Regional Studies	10,228
Subtotal, Other Activities Supporting Fisheries	57,650
Undistributed Reduction	(24,000)
Total, National Marine Fisheries Service—ORF	$794,210

Oceanic and Atmospheric Research.—The conference agreement includes $376,575,000 for Oceanic and Atmospheric Research operations, research, and facilities.

OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Climate Research:	
Laboratories and Cooperative Institutes	$53,483
Climate Data and Information	10,439
Competitive Research Program	120,000
Climate Operations	911
Total, Climate Research	184,833
Weather and Air Quality Research:	
Laboratories and Cooperative Institutes	
Laboratories and Cooperative Institutes	54,505
U.S. Weather Research Program	4,273
Tornado Severe Storm Research / Phased Array Radar	10,037
Total, Weather and Air Quality Research	68,815
Ocean, Coastal, and Great Lakes Research:	
Laboratories and Cooperative Institutes	
Laboratories and Cooperative Institutes	24,246
National Sea Grant College Program Base	63,000
Ocean Exploration and Research	26,200
Integrated Ocean Acidification	6,359
Total, Ocean, Coastal, and Great Lakes Research	119,805
Info Tech R&D:	
High Performance Computing Initiatives	9,122
Total, Info Tech R&D	9,122
Undistributed Reduction	(6,000)
Total, Office of Oceanic and Atmospheric Research—ORF	$376,575

National Weather Service (NWS).—The conference agreement includes $903,098,000 for NWS operations, research, and facilities. Within NOAA, the conference agreement prioritizes funding for these core life and safety programs.

NWS Operations.—NOAA shall enter into a contract with an independent organization with experience in assessing Federal agencies for the purposes of evaluating efficiencies that can be made to NWS operations. This review shall include consultations with emergency managers and other user groups as well as NWS employees. Any recommended efficiencies should not result in any degradation of service to the communities served by local forecast offices and River Forecast Centers, nor should such recommendations place the safety of the public at greater risk. This review shall not be undertaken until the National Academy of Sciences completes its review of the NWS modernization, which will include recommendations on the NWS workforce and composition and how NWS can improve current partnerships with Federal and non-Federal partners and incorporate new technologies for improved services. The findings and recommendations of the National Academy of Sciences review should inform this new independent assessment.

National mesonet strategy and operations.—The conferees modify Senate language regarding a national mesonet strategy and operations and instead encourage NOAA to convene a peer-reviewed study to create a national mesonet program plan within NOAA with recommendations for implementation as appropriate. The conference agreement includes $12,000,000 for the competitive procurement of data to continue the National Mesonet Program, but does not provide specific funding amounts for mesonet activities as directed by the Senate. Instead, the conferees encourage NOAA to support proposals that can improve forecasting of severe weather within local NWS field offices and can achieve effective collaboration among disparate network operators to promote NOAA's objective of a weather ready nation. NOAA is encouraged to continue competitive programs in this area and to include funding for these activities in subsequent budget requests as appropriate.

Flood forecasts.—The conference agreement does not adopt Senate language directing NOAA to enter into formal agreements with river commissions but does provide increased funding for flood forecasts and encourages NOAA to collaborate with river commissions to continue efforts to ensure that critical data is coordinated and used to provide accurate and timely flood forecasts.

NATIONAL WEATHER SERVICE

Operations, Research, and Facilities

[In thousands of dollars]

Program	Conference
Local Warnings and Forecasts:	
Local Warnings and Forecasts	$641,343
Air Quality Forecasting	5,445
Data Buoys	1,683
Sustain Cooperative Observer Network	1,871
National Mesonet Network	12,000
NOAA Profiler Network	4,841
Strengthen U.S. Tsunami Warning Network	23,541
Pacific Island Compact	3,715
Subtotal, Local Warnings and Forecasts	694,439
Operations and Research:	
Advanced Hydrological Prediction Services	8,199
Aviation Weather	21,538
WFO Maintenance	7,446
Weather Radio Transmitters	2,297
Central Forecast Guidance	80,771
Subtotal, Operations and Research	120,251
Total, Local Warnings and Forecasts, Operations and Research	814,690
Systems Operation and Maintenance:	
NEXRAD	46,748
Automated Surface Observing Systems	11,302
Advanced Weather Interactive Processing System	39,846
NWS Telecommunication Gateway / CIP	5,512
Total, Systems Operation and Maintenance	103,408
Undistributed Reduction	(15,000)
Total, National Weather Service—ORF	$903,098

National Environmental Satellite, Data and Information Service.—The conference agreement includes $180,323,000 for National Environmental Satellite, Data and Information Service (NESDIS) operations, research and facilities. The conferees provide $68,750,000 for Data Centers and Information Services, of which $7,000,000 shall be for Regional Climate Services and $4,600,000 is for the National Coastal Data Development Center.

Satellite outyear cost estimates.—The conferees include new bill language limiting an amount of Operations, Research, and Facilities funding until the NOAA Administrator provides the Committees on Appropriations with revised and detailed lifecycle costs of all satellite programs.

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

Operations, Research, and Facilities

[In thousands of dollars]

Program	Conference
Environmental Satellite Observing Systems	
Satellite Command and Control	$39,970
NOAA Satellite Operations Facility Operations	7,944
Subtotal, Satellite Command and Control	47,914
Product Processing and Distribution	
Product Processing and Distribution	36,041

NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE—Continued

Operations, Research, and Facilities
[In thousands of dollars]

Program	Conference
Subtotal, Product Processing and Distribution	36,041
Product Development, Readiness and Application	
Product Development, Readiness and Application	20,771
Product Development, Readiness and Application (Ocean Remote Sensing)	4,023
Joint Center / Accelerate Use of Satellites	3,358
Subtotal, Product Development, Readiness and Application	28,152
Commercial Remote Sensing Licensing and Enforcement	1,308
Office of Space Commercialization	653
Group on Earth Observations	505
Total, Environmental Satellite Observing Systems	114,573
Data Centers and Information Services	68,750
Undistributed Reduction	(3,000)
Total, NESDIS—ORF	$180,323

Program Support.—The conference agreement includes $419,461,000 for Program Support.

NOAA facilities.—The conferees support the requested level for ''NOAA Construction'' proposed within the NOAA ''Procurement, Acquisition and Construction'' account but instead provide this funding within the NOAA Facilities line as this request is for salaries and expenses (S&E) costs and not construction. NOAA shall request future S&E funding associated with construction within the ''Operations, Research, and Facilities'' account. The conferees clarify Senate report language regarding the NOAA Pacific Regional Center in that the conferees understand that NOAA is in the process of building an accompanying child development facility at the NOAA Pacific Regional Center using previously appropriated funds.

PROGRAM SUPPORT

Operations, Research, and Facilities
(In thousands of dollars)

Program	Conference
Corporate Services	
Under Secretary and Associate Offices Base	27,474
Facilities	24,500
NOAA-Wide Corporate Services and Agency Management Base	115,561
DOC Accounting System	10,200
Payment to the DOC Working Capital Fund	41,944
IT Security	11,059
Total, Corporate Services	230,738
NOAA Education Programs	
Competitive Educational Grants and Programs	31,540
Competitive Educational Grants	(8,040)
Ocean Education Partnerships	***(2,500)***
Geographic Literacy	***(2,000)***
Education Partnership Program—Minority Serving Institutions	(14,300)
BWET	(7,200)
Subtotal, Corporate Services and Education	262,278
Marine and Aviation Operations and Maintenance	
Marine Services	
Marine Data Acquisition	129,740
Fleet Planning and Maintenance	
Fleet Planning and Maintenance	22,035
Subtotal, Fleet Planning and Maintenance	22,035
Subtotal, Marine Operations and Maintenance	151,775
Aviation Operations	
Aircraft Services	29,358
Subtotal, Aviation Operations	29,358
Subtotal, Marine and Aviation Operations and Maintenance—ORF	181,133
Undistributed Reduction	(23,950)
Total, Program Support—ORF	$419,461

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes a total program level of $1,825,094,000 in direct obligations under this heading, of which $1,817,094,000 is appropriated from the general fund and $8,000,000 is derived from recoveries of prior year obligations. The following narrative description and table identifies the

specific activities and funding levels included in this Act:

Joint Polar Satellite System (JPSS).—The conferees adopt by reference all House and Senate report language regarding JPSS with the exception of Senate report language regarding a lifecycle cost cap. Instead, the conferees direct NOAA to provide outyear funding estimates for this program prior to submission of the fiscal year 2013 budget request. The conferees note that new bill language is included in NOAA's Operations, Research, and Facilities account which limits the amount of funds that NOAA may obligate pending submission of a revised spend plan for JPSS and NOAA's other satellite programs. Further, the conferees direct NOAA to outline a framework for developing a compensation policy that would enable NOAA to be reimbursed as appropriate for the use of specialized data products derived from NOAA satellite imagery and data.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

[In thousands of dollars]

Program	Conference
National Ocean Service	
CELCP Acquisition	
Coastal and Estuarine Land Conservation Program	$5,000
Subtotal, NOS Acquisition	5,000
NERRS Construction	
National Estuarine Research Reserve Construction (NERRS)	1,690
Subtotal, NERRS Construction	1,690
Marine Sanctuaries Construction	
Marine Sanctuaries Base	5,495
Subtotal, Marine Sanctuary Construction	5,495
Subtotal, NOS Construction	7,185
Total, National Ocean Service—PAC	12,185
Oceanic and Atmospheric Research	
Systems Acquisition	
Research Supercomputing/CCRI	10,358
Subtotal, OAR Systems Acquisition	10,358
Total, Oceanic and Atmospheric Research—PAC	10,358
National Weather Service	
Systems Acquisition	
ASOS	1,635
AWIPS	24,364
NEXRAD	5,819
NWSTG Legacy Replacement	1,195
Radiosonde Network Replacement	4,014
Weather and Climate Supercomputing	40,169
Cooperative Observer Network Modernization (NERON)	3,727
Complete and Sustain NOAA Weather Radio	5,594
NOAA Profiler Conversion	5,480
Subtotal, NWS Systems Acquisition	91,997
Construction	
WFO Construction	3,150
NWS WFO Construction	3,150
Total, National Weather Service—PAC	95,147
National Environmental Satellite, Data, and Information Service	
Systems Acquisition	
Geostationary Systems—N	33,967
Geostationary Systems—R	617,390
Polar Orbiting Systems—POES	34,632
JASON–3	20,000
Joint Polar Satellite System (formerly NPOESS)	924,014
DSCOVR	30,100
EOS and Advanced Polar Data Processing	990
CIP—single point of failure	2,772
Comprehensive Large Array Data Stewardship System (CLASS)	6,476
NPOESS Preparatory Data Exploitation	4,455
Restoration of Climate Sensors	28,880
Subtotal, NESDIS Systems Acquisition	1,703,676
Construction	
Satellite CDA Facility	2,228
Subtotal, NESDIS Construction	2,228
Total, National Environmental Satellite, Data, and Information Service—PAC	1,705,904
Office of Marine and Aviation Operations	
OMAO—Fleet Replacement	

PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

Program	Conference
Fleet Capital Improvements and Tech Infusion	11,100
New Vessel Construction	1,400
Subtotal, OMAO Fleet Replacement	12,500
Total, Office of Marine and Aviation Operations—PAC	12,500
Undistributed Reduction	(11,000)
GRAND TOTAL, PAC	$1,825,094

PACIFIC COASTAL SALMON RECOVERY

The conference agreement includes $65,000,000 for Pacific Coastal Salmon Recovery.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $350,000 for the Fishermen's Contingency Fund.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement includes language under this heading limiting obligations of direct loans to $24,000,000 for Individual Fishing Quota loans and $59,000,000 for traditional direct loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $57,000,000 for Departmental Management salaries and expenses.

Cybersecurity.—The conferees adopt House and Senate report language regarding establishment of a cybersecurity center and expect that each bureau will contribute a prorated amount as directed by the House and that a portion of funds realized from data center consolidation will be used in the effort as directed by the Senate.

Cyber-espionage.—The conferees adopt by reference House report language regarding certification of information technology systems but include this reporting requirement as a new general provision in title V of this Act. The Secretary shall report to the Committees on Appropriations on all such determinations, and the process used to arrive at such determinations, on a quarterly basis beginning 30 days following the second quarter of fiscal year 2012.

Travel reports.—In lieu of the House report language regarding travel of ITA employees the conferees instead expand this language as a Department-wide general provision in this title and direct the Secretary to provide monthly reports to the Committees on Appropriations, beginning with October 1, 2011, data, including separate breakouts of funding by bureau, the number of trips, and purposes of travel to China. The conferees expect the first such monthly report to be provided within 30 days of enactment of this Act and within 30 days of the end of each subsequent month.

Cooperatives.—The conferees adopt by reference House report language regarding cooperatives and clarify that the language shall be interpreted as referring to business cooperatives.

RENOVATION AND MODERNIZATION

The conference agreement includes $5,000,000 for continuing renovation activities at the Herbert C. Hoover Building.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $26,946,000 for the Office of Inspector General. The conferees adopt Senate language transferring $1,000,000 each from the Bureau of the Census, the PTO and the NOAA PAC account for audits and reviews of these programs.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING RESCISSION)

The conferees adopt the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials, designated by the Secretary, that such payments are considered to be in the public interest.

Section 102 makes appropriations for Department salaries and expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requires 15 days advance notification to the Committees on Appropriations for certain actions.

Section 104 provides that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall be subject to the reprogramming limitations set forth in this Act.

Section 105 updates Congressional notification requirements for NOAA satellite programs.

Section 106 provides for reimbursement for services within Department of Commerce buildings.

Section 107 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 108 provides the Administrator with the authority to avail NOAA of needed resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

(RESCISSION)

Section 109 rescinds all balances in the Coastal Zone Management Fund.

Section 110 establishes a fisheries enforcement asset forfeiture fund.

Section 111 establishes a sanctuaries enforcement asset forfeiture fund.

Section 112 establishes a reporting requirement requiring Commerce to provide a monthly report on any official travel to China by any Commerce employee.

Section 113 includes a provision regarding the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $110,822,000 for General Administration, Salaries and Expenses.

Terrorism.—The conferees are concerned that the lack of a current policy on terrorist detention may be a disincentive to the capture and interrogation of terrorist suspects, thereby depriving the Department of Justice (DOJ) and other agencies of critical intelligence that could inform and improve counterterrorism efforts. The conferees note that the Attorney General co-chaired the Special Interagency Task Force on Detainee Disposition that was tasked with reviewing policies for the detention of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations. The conferees direct the Department, in consultation with other appropriate Federal agencies, to provide to the Committees on Appropriations, not later than 120 days after the enactment of this Act, an unclassified report on U.S. detention policy, including the legal basis for such policy, as it applies to current and future terrorism detainees. If appropriate, such report may be accompanied by a classified annex.

Prison Rape Elimination Act (PREA).—The conferees affirm language in the House report directing the Department to publish, as soon as possible, a final rule adopting national standards for the detection, prevention, reduction and punishment of prison rape, as mandated by the PREA. Upon adoption of the national standards, the Committees on Appropriations will further examine how the Department will continue efforts to provide assistance in the form of training, technical assistance and implementation grants to assist State, local and tribal jurisdictions in achieving compliance with PREA national standards.

With respect to auditing PREA compliance, the conferees strongly encourage the Department to follow the recommendations of the PREA Commission for the reasons outlined in the House report. In addition, the conferees concur with the Commission's proposed standard requiring correctional facilities to make use of cost-effective and appropriate monitoring technologies.

Obscenity enforcement.—The conferees note the concern expressed in the House report regarding the Department's incorporation of the responsibilities of the Obscenity Prosecution Task Force into the Child Exploitation and Obscenity Section of the Criminal Division. The conferees support the work of the Department in investigating and prosecuting major producers and distributors of hardcore adult pornography that meets the test for obscenity, as defined by the Supreme Court, and expect that the responsibilities that had been assigned to the Task Force will not be diminished by this reorganization. The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act on its adult obscenity investigation and prosecution workload statistics and accomplishments, including a comparison of workload statistics and accomplishments during the existence of the Obscenity Prosecution Task Force, and in the period of time following its incorporation into the Child Exploitation and Obscenity Section of the Criminal Division.

Gulf Cost Claims Facility (GCCF).—The conference agreement includes language under section 220 requiring that the Department identify an independent auditor to carry out an evaluation of the GCCF. This evaluation should include assessments of matters such as the claims determination methodologies employed by the GCCF and the qualifications of its personnel. The conferees encourage the Department to consult with the Government Accountability Office (GAO) in identifying an auditor.

International Organized Crime (IOC) strategy.—The conferees support the Department's goal of disrupting and dismantling international criminal organizations that pose the greatest threat to the United States. Given current and anticipated future budget constraints, however, it will be difficult for the Department to set aside funding to expand and enhance the IOC Intelligence and Operations Center (IOC–2), the Organized Crime Council Program Support Office, and IOC resources from other Justice components without impacting staffing levels. If the IOC initiative continues to be a priority in future requests, the Department should develop a strategy for funding this program somewhere other than the executive leadership budget.

Tribal consultation.—The conferees are aware that the Department continues to develop its formal strategy on how to enhance public safety in Indian country. Not later than 120 days after the enactment of this Act, the Attorney General shall provide the Committees on Appropriations a report on how DOJ will use the tribal consultation process to further streamline and coordinate programs and funding opportunities for Native Americans, both within DOJ and with relevant programs of the Department of the Interior.

Violence against law enforcement personnel.—The conferees are concerned about spikes in ambush-style assaults that have taken the lives of law enforcement officers in recent months. The conference agreement includes funds under the State and Local Law Enforcement Assistance account for the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR), a program designed to improve officer resilience and survivability. The conferees encourage the Department to make available this type of training for Federal law enforcement officers to further enhance the ability of these officers to anticipate and survive a violent encounter.

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding available under this heading, by decision unit and office.

NATIONAL DRUG INTELLIGENCE CENTER

The conference agreement includes $20,000,000 for the National Drug Intelligence Center (NDIC). The conferees expect that the funds provided will be used only for necessary expenses related to the closing of the NDIC and the reassignment of functions performed at NDIC to other entities if the continuation of such functions is determined to be necessary by the Attorney General. The conferees direct the Department to submit to the Committees on Appropriations, not later than 120 days after the enactment of this Act, a detailed report of its plans regarding the closure of NDIC. The Department should give priority to solutions that minimize the cost to the Government and disruptions to critical counterdrug and intelligence activities.

JUSTICE INFORMATION SHARING TECHNOLOGY

The conference agreement includes $44,307,000 for Justice Information Sharing Technology.

Cybersecurity.—The conferees encourage the Department to prioritize, within the funds provided, efforts to defend proactively against and respond to cyber threats and attacks against DOJ's networks.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The conference agreement includes $87,000,000 for Tactical Law Enforcement Wireless Communications.

The conferees expect DOJ to utilize full and open contracting procedures to the greatest extent possible as it endeavors to migrate from its legacy wideband systems to a standards-based mobile radio system. If the Department determines that it is necessary to award a sole source contract related to this migration, the Department shall report to the Committees on Appropriations on the justification for such action.

The conferees direct the Department to submit a report not later than 120 days after the enactment of this Act to the Committees on Appropriations on the Department's plan for moving forward with the Integrated Wireless Network (IWN) initiative. This plan should identify alternative funding sources and funding options for the provision, deployment, maintenance and operation of a wireless network that addresses security vulnerabilities, improves system reliability, and achieves interoperability with other law enforcement and emergency responder radio infrastructure systems.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $305,000,000 for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney.

Legal Orientation Program (LOP).—The conferees expect that EOIR will continue its highly successful LOP. Apprehended individuals benefit from better information about immigration removal proceedings, and U.S. taxpayers benefit from reduced detention costs resulting from a more efficient legal process. The conferees encourage EOIR to dedicate funds to the LOP, as necessary and available, to ensure the continuation of this program. In addition, the conferees expect EOIR to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP. The conferees direct EOIR to submit a report to the Committees on Appropriations providing such data, as well as an estimate of the cost savings generated by the LOP, not later than 120 days after the enactment of this Act.

Immigration and border initiatives.—If additional funds are needed to support EOIR's role in immigration and border initiatives, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

DETENTION TRUSTEE

The conference agreement includes $1,580,595,000 for the Office of the Federal Detention Trustee (OFDT).

The conferees are aware that OFDT's resource needs are directly impacted by law enforcement and prosecutorial priorities, such as increases in immigration enforcement by the Department of Homeland Security and efforts to combat drug and gun smuggling along the Southwest Border. However, the conferees remain concerned about the Department's ability to anticipate the true funding needs for this account. The conferees expect OFDT to keep the Committees on Appropriations apprised of changes in average daily population forecasts so that resource requirements for fiscal year 2012 and beyond can be verified and refined, particularly with regard to the impacts of law enforcement initiatives on the Southwest Border. The conferees direct OFDT to resume providing quarterly reports to the Committees on Appropriations, which shall include the actual number of individuals in the detention system, the projected number of individuals in the detention system and the annualized associated costs.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $84,199,000 for the Office of Inspector General (OIG).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $12,833,000 for the salaries and expenses of the United States Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $863,367,000 for General Legal Activities.

Human trafficking.—The conferees direct the Department to maintain funding for the Human Trafficking and Slavery Prosecution Unit (HTSPU) in the Civil Rights Division at not less than the fiscal year 2011 funding level to continue efforts to fight human trafficking and slavery.

Human rights crimes.—The conferees remain concerned about the large number of suspected human rights violators from foreign countries who have found safe haven in the United States, and direct the Criminal Division to continue its efforts to investigate and prosecute perpetrators of serious human rights crimes, including genocide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, the conferees direct the Department to provide not less than the fiscal year 2011 funding level for attorneys, analysts, and support personnel in the Criminal Division to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement includes a reimbursement of $7,833,000 for DOJ expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement includes $159,587,000 for the Antitrust Division. This appropriation is offset by $108,000,000 in premerger filing fee collections, resulting in a direct appropriation of $51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,960,000,000 for the Executive Office for United States Attorneys (EOUSA) and the 94 United States Attorneys' offices.

Human trafficking.—The conference agreement includes language directing each U.S. Attorney to establish or participate in a U.S. Attorney-led human trafficking task force. In instances where it may be preferable, due to geographical or other considerations, to operate joint human trafficking task forces, joint task forces representing no more than two U.S. Attorneys' offices will satisfy the requirement.

The conferees direct such task forces to engage law enforcement, elected leadership, civic and faith-based groups and to convene quarterly, working-level meetings where Federal, State and local law enforcement are represented. Task force meetings should focus specifically on combating human trafficking, with an emphasis on undertaking

proactive investigations. Such investigations shall include, for example, the investigation of persons or entities facilitating trafficking in persons through the use of classified advertising on the Internet. The conferees also direct the Department to submit an annual report to the Committees on Appropriations regarding the work of these task forces. This report shall detail the range of efforts by the task forces, and include information on the use of classified advertising on the Internet to facilitate trafficking and a description of policies and task force actions that respond to such practices.

The conferees further direct the EOUSA, in consultation with each U.S. Attorney, to designate a point of contact in each U.S. Attorney's office who shall serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act.

In addition, the conferees adopt language in the House report directing the Department to undertake outreach efforts in the form of public notices, such as newspaper advertisements, in ethnic communities in the U.S., the home countries of which represent the top ten countries with regard to the prevalence of human trafficking activities and to report to the Committees on Appropriations regarding such outreach efforts.

Intellectual property rights (IPR) enforcement.—The conferees expect the Department to continue to make IPR enforcement an investigative and prosecutorial priority for Federal prosecutors. The conferees direct the Department to provide to the Committees on Appropriations a report on the activities of its Assistant U.S. Attorneys dedicated to investigating intellectual property crimes pursuant to and authorized under section 402 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403).

Adam Walsh Act implementation.—The conferees expect the EOUSA to continue to focus on investigations and prosecutions related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248). The conference agreement includes not less than $41,000,000 for these purposes in fiscal year 2012.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement includes $223,258,000 for the United States Trustee Program (USTP). The appropriation is fully offset by fee collections.

Debtor audits.—The conferees expect the USTP to make debtor audits a priority and delineate, in the Department's fiscal year 2012 spending plan, the allocation of funds for debtor audits.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement includes $2,000,000 for the Foreign Claims Settlement Commission.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $270,000,000 for Fees and Expenses of Witnesses.

Expert witnesses.—Within funds provided, the conference agreement includes the requested $92,000,000 to respond to the increased need for expert witnesses among the litigating divisions and the U.S. Attorneys' offices. The conferees expect that no funds will be expended for expert witness services from any DOJ accounts except Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement includes $11,456,000 for the Community Relations Service.

ASSETS FORFEITURE FUND

The conference agreement includes $20,948,000 for the Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement includes $1,174,000,000 for the salaries and expenses of the United States Marshals Service (USMS).

Spending plan.—The conferees expect that the USMS will include in its fiscal year 2012 spending plan a strategy for how it will approach mandatory protective services, as well as how it will respond to critical law enforcement requirements and congressional mandates to address violent crime reduction, enforce the Adam Walsh Act and combat Southwest Border violence. To help remedy possible funding shortfalls, the conferees encourage the USMS to continue exploring and utilizing new technological capabilities in order to further ensure the fair and efficient administration of justice. If additional funds are needed to support the USMS' Adam Walsh Act enforcement mission, the conferees urge the Department to submit a reprogramming request in fiscal year 2012 that would reallocate funds from lower priority programs to meet such needs.

CONSTRUCTION

The conference agreement includes $15,000,000 for construction and related expenses in space controlled, occupied or utilized by the USMS for prisoner holding and related support.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The conference agreement includes $87,000,000 for the salaries and expenses of the National Security Division.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $527,512,000 for the Organized Crime and Drug Enforcement Task Forces (OCDETF).

Southwest Border.—The conferees expect OCDETF to prioritize the continuation of support for Assistant U.S. Attorney positions and collocated Strike Forces in the Southwest Border region, and to submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act showing the current and planned distribution of personnel, by bureau, to each of the collocated Strike Forces.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $8,036,991,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI). The conference agreement incorporates language in the House report on analytic career path training, the Safe Streets/Safe Trails Task Force program, the continuation of positions for Southwest Border law enforcement, the nationwide file inventory program, and the continuation of positions for the investigation of white collar and financial crime.

Computer intrusions.—In recognition of the FBI's unique cyber-related authorities and expertise, the conference agreement includes at least the full request, an increase of $18,628,000 and 42 positions, including 14 special agents, above the fiscal year 2011 enacted level to further the Bureau's investigatory, intelligence gathering and technological capabilities to address malicious cyber intrusions and protect critical infrastructure in the United States from cyber attacks. The conferees direct the FBI to produce an annual national cyber threat assessment, in both classified and unclassified versions, and submit such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

National security.—The conference agreement includes program increases totaling $48,870,000 as described in the House report. The conferees direct the FBI to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act detailing the research activities conducted under the auspices of the High-value Detainee Interrogation Group, the results of such research, and any recommendations for the development of new techniques.

Electronic surveillance.—The conference agreement incorporates language in the House report related to increases provided to improve lawful electronic surveillance capabilities. The conference agreement does not include language in the Senate report directing a percentage of these funds to be used for Special Surveillance Groups.

Render Safe.—The conference agreement includes a program increase of $40,000,000 and 13 positions to support the acquisition and refurbishment of two aircraft to carry out the Render Safe mission. The conferees note that the Senate had approved the use of previously appropriated funding for this same purpose. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on the plan for Render Safe procurement.

Trafficking in persons.—The conferees agree that, within the funding provided, the FBI shall increase activities related to the investigation of severe forms of trafficking in persons. The FBI shall submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on agent utilization and overall staff resources dedicated to trafficking investigations in fiscal years 2010, 2011 and 2012. In addition, the conferees expect the FBI to share trafficking case information on an ongoing basis with other law enforcement agencies and task forces working similar cases. The conferees agree that funds shall be used for conducting investigations into trafficking and slavery and providing victim witness coordinators on an emergency basis when needed.

IPR enforcement.—The conferees agree that the FBI shall continue to prioritize the investigation of IPR cases and coordinate with IPR units at the U.S. Attorneys and the Criminal Division. The FBI shall submit a report, not later than 120 days after the enactment of this Act, on agent utilization and overall staff resources dedicated to investigating intellectual property cases, and an accounting of the agents placed in specific field offices since fiscal year 2010.

DNA programs.—The conferees encourage the FBI to undertake activities to facilitate familial DNA searches of the Combined DNA Index System database of convicted offenders and work with the National DNA Index System (NDIS) Procedures Board to consider the establishment of procedures allowing familial searches only for serious violent and sexual crimes where other investigative leads have been exhausted. The procedures should provide appropriate protections for the privacy rights of those in the NDIS database.

Sentinel.—The conferees continue to monitor closely Sentinel, the FBI's information and investigation case management system, and remain understandably concerned about Sentinel's development. The FBI shall adhere to the language included in the House report regarding the expectation that the FBI will continue all necessary periodic oversight reviews in accordance with recommendations of the Inspector General, and in the Senate report regarding the prohibition on spending anything in excess of $451,000,000 on Sentinel without first providing notification to the Committees on Appropriations and developing a work breakdown structure. In addition, the conference

agreement includes language under section 213 requiring the Attorney General to submit to the Committees on Appropriations a report containing a cost and schedule estimate for the final operating capability of the Sentinel program, and a detailed list of the functionalities included in the final operating capability. The FBI shall submit this report concurrently to the Department's OIG for review and comment.

Criminal alien identification.—The conferees direct the FBI to submit a report to the Committees on Appropriations, not later than 120 days after the enactment of this Act, detailing the FBI's participation in Federal interagency information sharing efforts to identify criminal aliens.

Cyber training for field agents.—The conferees agree that, within funds provided, the FBI shall expand training for FBI cyber agents involved in national security intrusions cases. Such training should focus on increasing the number of agents qualified to understand current techniques and tactics used by those engaged in illicit cyber activities, and respond to shortfalls identified by the DOJ OIG.

Criminal Justice Information Services Division.—The conference agreement includes the full requested amount of appropriated funds and user fees for the Criminal Justice Information Services Division.

Human rights violations.—The conferees direct the FBI to increase efforts to investigate and support DOJ's criminal prosecution of serious human rights crimes committed by foreign nationals who are in the United States.

Liaison partnerships.—The conferees support the FBI's policy prohibiting any formal non-investigative cooperation with unindicted co-conspirators in terrorism cases. The conferees expect the FBI to insist on full compliance with this policy by FBI field offices and to report to the Committees on Appropriations regarding any violation of the policy.

CONSTRUCTION

The conference agreement includes $80,982,000 for FBI Construction.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $2,025,000,000 for the salaries and expenses of the Drug Enforcement Administration (DEA). In addition, the DEA expects to derive $322,000,000 from fees deposited in the Diversion Control Fund to carry out the Diversion Control Program. The conference agreement does not include language in the House report on synthetic drugs.

Afghanistan operations.—The conference agreement incorporates language in the House report regarding DEA's Afghanistan operations. The conferees direct the DEA to report to the Committees on Appropriations, not later than 30 days after enactment of this Act, on DEA's planned presence and operations activities in Afghanistan, expected transfers of funding from other Departments or agencies, and DEA's direct appropriations requirements for such activities.

Field staffing.—The conference agreement incorporates language in the House report concerning a reporting requirement on personnel vacancy rates. The conferees agree that the DEA shall provide such report to the Committees on Appropriations not later than 120 days after the enactment of this Act.

CONSTRUCTION

The conference agreement includes $10,000,000 for DEA Construction. The conferees expect this funding level to support an expansion of the El Paso Intelligence Center facility to accommodate approximately 100 additional staff.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement includes $1,152,000,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The conference agreement also includes language permanently prohibiting the Department from consolidating or centralizing the records of the acquisition and disposition of firearms maintained by firearms dealers and permanently prohibiting the Department from electronically retrieving information provided to the Attorney General by firearms dealers that have gone out of business.

Operation Fast and Furious.—The conferees are concerned by allegations that ATF mismanaged a U.S.-Mexico border operation known as Fast and Furious, and expect that the Department's OIG, to which the investigation of this matter has been referred by the Attorney General, will fulfill its oversight duties by conducting a thorough investigation. The conferees expect the Department and ATF to cooperate fully with all oversight investigations into Operation Fast and Furious—whether by the OIG, an independent, government-appointed investigator, or Congress—by promptly and thoroughly responding to all requests for information regarding this matter.

Furthermore, the conferees are aware that the Attorney General has instructed, and subsequently reiterated, that Department law enforcement personnel are not knowingly to allow any firearms to be illegally transported into Mexico for any reason. Finally, the conferees note that Operation Fast and Furious is but a small part of ATF's extensive operations along the Southwest Border and should not detract from ATF's efforts to protect Americans from illegal firearms trafficking, gun violence, and parallel drug and human trafficking across the U.S.-Mexico border and into the Nation's interior.

United States-Mexico firearms trafficking.—Beginning in fiscal year 2012 and thereafter, the ATF shall provide the Committees on Appropriations with annual data on the total number of firearms recovered by the Government of Mexico, and of those, the number for which an ATF trace is attempted, the number successfully traced and the number determined to be manufactured in or imported into the United States prior to being recovered in Mexico.

National Integrated Ballistic Information Network (NIBIN).—The conferees continue to support the NIBIN, including the significant investment made by State and local law enforcement partners to build the current NIBIN database. The conferees believe that ATF should move expeditiously to ensure that ballistic imaging technology is routinely refreshed, upgraded and deployed to State and local law enforcement. The conferees urge ATF to prioritize the upgrading and replacement of aging ballistic imaging equipment in its fiscal year 2012 operating plan and in future budget requests. ATF should ensure upgrades and replacements maximize and protect the resources invested by State and local law enforcement.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $6,551,281,000 for the salaries and expenses of the Federal Prison System.

Activations and expansions.—The conference agreement includes funds for the commencement or completion of activation of new prison facilities constructed by the Bureau of Prisons (BOP). The conferees expect BOP to make adherence to the activation schedule for these prisons, as detailed in BOP's fiscal year 2012 budget submission, a top priority, and to immediately notify the Committees on Appropriations of any changes to this schedule. In addition, as part of the Department's fiscal year 2012 spending plan, BOP shall include the allocation of funds by decision unit.

Radicalization in Federal prisons.—The conference agreement incorporates language in the House report regarding radicalization in Federal prisons and the conferees instruct the Department to take the necessary actions to eliminate prisoner access to radicalizing material. The conferees further direct the Department to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on its maintenance of a central registry of acceptable materials and the processes employed to ensure that potentially radicalizing materials are not included.

Work in prisons.—The conferees affirm the language in the House report expressing the belief that increasing work opportunities for Federal prisoners is an important priority. Statistics from BOP indicate that inmates who participate in work programs are 24 percent less likely to offend again, 14 percent more likely to find work outside of prison and 23 percent less likely to have misconduct issues in prison. The conferees direct the Department to report to the Committees on Appropriations not later than 120 days after the enactment of this Act on actions taken and planned to increase meaningful work opportunities available to inmates.

Sentence reduction opportunities.—The conferees are concerned that the current upward trend in the prison inmate population is unsustainable and, if left unchecked, will eventually engulf the Department's budgetary resources. The conferees encourage BOP to work with the authorizing committees on proposals that reduce both recidivism and appropriations requirements.

Employee retaliation.—The conferees are concerned that BOP employees were cited recently by the Equal Employment Opportunity Commission (EEOC) as having the highest and most widespread fear of retaliation compared to the rest of the Federal workforce. The conferees expect BOP to certify to the Committees on Appropriations that it has implemented and met the recommendations included in the EEOC's November 2010 Final Program Evaluation Report for the Federal Bureau of Prisons, and submit concurrently a report on its compliance with the recommendations to the Department's OIG for review and comment.

BUILDINGS AND FACILITIES

The conference agreement includes $90,000,000 for the construction, acquisition, modernization, maintenance and repair of prison and detention facilities housing Federal inmates.

Status of construction reports.—The conferees direct BOP to resume providing to the Committees on Appropriations, not later than 30 days after the enactment of this Act, the most recent monthly status of construction report and to notify the Committees on Appropriations of any deviations from the construction and activation schedule identified in that report, including detailed explanations of the causes of delays and actions proposed to address them.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The conference agreement includes a limitation on administrative expenses of $2,700,000 for Federal Prison Industries, Incorporated.

Federal Prison Industries (FPI).—In addition to its function as a reentry tool, the conferees believe that FPI, if allowed to enter

into partnerships with private businesses, could bring some lost manufacturing back into the United States while providing inmates with opportunities to learn skills that will be marketable after release. Therefore, the conference agreement includes language under section 221 of this Act to allow FPI to carry out pilot projects to produce items that are currently manufactured outside of the United States.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the conference agreement includes $2,227,300,000 for State and local law enforcement and crime prevention programs.

Salaries and expenses.—The Omnibus Appropriations Act, 2009 (P.L. 111–8) established a common salaries and expenses appropriation to provide for the cost of all management and administration activities of the Department's grant offices. The establishment of this account was in response to inadequate agency budgeting mechanisms for management and administration activities and a lack of transparency about the actual costs of those activities. Since fiscal year 2009, the grant offices have made important and marked progress in this regard.

During fiscal year 2012, the conferees direct the Department to support management and administration expenses with program funding subject to the submission of details related to planned management and administration expenses, by program, as part of the Department's fiscal year 2012 spending plan. In addition, the spending plan should include planned expenses for training and technical assistance, research and statistics activities, interagency agreements, cooperative agreements and peer review, along with any additional general category of expense other than grants. The conferees encourage grant offices to minimize administrative spending in order to maximize the amount of funding that can be used for grants or training and technical assistance.

As part of the budget submission for future fiscal years, the Department is directed to detail the actual costs for each grant office in each of the categories noted above for the prior fiscal year, by program, along with estimates of planned expenditures for each grant office in each of these categories, by program, for the current year and the budget year. In addition, the Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) are directed to report to the Committees on Appropriations on their formal definitions of management and administration costs or on the detailed guidance that governs decisions about the types of costs that should be considered management and administration costs.

Workload analysis.—The conferees are aware that OVW, OJP and COPS have each initiated a workload analysis to ensure that their respective staffing levels and mix of personnel accurately reflect workload and requirements. The conferees direct each office to provide a report to the GAO and the Committees on Appropriations not later than 120 days after the enactment of this Act describing its updated staffing model based on the results of its workload analysis. In addition, the conferees direct GAO to examine each office's staffing model and report to the Committees on Appropriations, not later than 6 months after the date the offices submit their reports, with an evaluation of the models, and recommendations (as warranted), on how each office's staffing model could be further improved.

Non-compliant grantees.—The conference agreement incorporates language from the Senate report noting that OJP, COPS and OVW appear to be using different sanctions and remedies for grantees that are determined to be out of compliance with grant requirements. The conferees expect the Department to work to consolidate rules and procedures across the three offices in order to produce the most consistent compliance enforcement process possible.

Evidence-based programs.—The conferees strongly urge OJP, COPS and OVW to ensure that, to the greatest extent practicable, competitive grants are used for evidence-based programs and activities.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The conference agreement includes $412,500,000 for OVW. These funds are distributed as follows:

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[In thousands of dollars]

Program	Conference
STOP Grants	$189,000
Transitional Housing Assistance	25,000
Research and Evaluation on Violence against Women	3,000
Grants to Encourage Arrest Policies	50,000
Homicide Reduction Initiative	(4,000)
Sexual Assault Victims Services	23,000
Rural Domestic Violence and Child Abuse Enforcement	34,000
Violence on College Campuses	9,000
Civil Legal Assistance	41,000
Elder Abuse Grant Program	4,250
Safe Havens Program	11,500
Education and Training for Disabled Female Victims	5,750
Court Training and Improvements Program	4,500
Research on Violence against Indian Women	1,000
Consolidated Youth-oriented Program	10,000
National Resource Center on Workplace Responses	1,000
Indian Country—Sexual Assault Clearinghouse	500
TOTAL, Violence Against Women Prevention and Prosecution Programs	$412,500

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

The conference agreement includes $113,000,000 for the Research, Evaluation, and Statistics account, formerly known as the Justice Assistance account. These funds are distributed as follows:

RESEARCH, EVALUATION, AND STATISTICS

[In thousands of dollars]

Program	Conference
Bureau of Justice Statistics	$45,000
National Crime Victimization Survey (NCVS)	(26,000)
Redesign Work for the NCVS	(10,000)
Indian Country Statistics	(500)
National Institute of Justice	40,000
Transfer to NIST/OLES for DNA/Forensics	(5,000)
Evaluation Clearinghouse (What Works Repository)	1,000
Regional information sharing activities	27,000
TOTAL, Research, Evaluation, and Statistics	$113,000

Spending plans.—The conferees direct the Department to include in its spending plan for fiscal year 2012 a plan for the use of all funding administered by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), including funding provided for domestic radicalization research under the State and Local Law Enforcement Assistance account. The conferees expect NIJ to carry out new initiatives proposed for fiscal year 2012 to the extent possible within the funds provided, including initiatives in the following areas: maximizing the value of forensic evidence; establishing the effectiveness of criminal justice diversion methods and strategies; eliminating rape kit backlogs (pilots); conducting Indian country crime and victimization research; improving prescription drug monitoring; improving inmate reentry; improving risk-based decision-making in the criminal justice system; and establishing a better understanding of the risk-based factors leading to domestic radicalization and related acts of violence/terrorism, among others.

Evaluation Clearinghouse.—The conferees adopt the language in the Senate report regarding funding for an Evaluation Clearinghouse/What Works Repository.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $1,162,500,000 for State and Local Law Enforcement Assistance programs. These funds are distributed as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[in thousands of dollars]

Program	Conference
Byrne Memorial Justice Assistance Grants	$470,000
Domestic Radicalization Research	(4,000)
Criminal Justice Reform and Recidivism Reduction	(6,000)
Presidential Nominating Convention Security	(100,000)
State and Local Anti-terrorism Training	(2,000)
State and Local Assistance Help Desk and Diagnostic Center	(4,000)
VALOR Initiative	(2,000)
State Criminal Alien Assistance Program	240,000
Border Prosecutor Initiative	10,000
Byrne Competitive Grants	15,000
Missing Alzheimer's Patients Grants	1,000
Victims of Trafficking Grants	10,500
Drug Courts	35,000
Prescription Drug Monitoring	7,000
Prison Rape Prevention and Prosecution	12,500
Residential Substance Abuse Treatment	10,000
Capital Litigation and Wrongful Conviction Review	3,000
Mentally Ill Offender Act	9,000
Tribal Assistance	38,000
Economic, High-tech and Cybercrime Prevention	7,000
CASA—Special Advocates	4,500
Bulletproof Vests	24,000
Transfer to NIST/OLES	(1,500)
National Instant Criminal Background Check System	5,000
Criminal Records Upgrade	6,000
Second Chance Act/Offender Reentry	63,000
Smart Probation	(4,000)
John R. Justice Grant Program	4,000
Paul Coverdell Forensic Science	12,000
Adam Walsh Act Implementation	20,000
Children Exposed to Violence Initiative	10,000
Byrne Criminal Justice Innovation Program	15,000
Violent Gang and Gun Crime Reduction	5,000
National Sex Offender Public Web Site	1,000
DNA Initiative	125,000
Debbie Smith DNA Backlog Grants	(117,000)
Post-Conviction DNA Testing Grants	(4,000)
Sexual Assault Forensic Exam Program Grants	(4,000)
TOTAL, State and Local Law Enforcement Assistance	$1,162,500

Presidential nominating conventions.—The conference agreement includes $100,000,000 to address extraordinary local law enforcement costs related to the 2012 presidential nominating conventions. The conferees note that the Department failed to request any funding for this activity, and expect that future budget requests will address known resource requirements associated with convention security. The conferees expect that the funds included in this agreement will be used solely for extraordinary law enforcement expenses incurred with respect to local law enforcement's role in providing security for these events. The conferees expect the Department to develop clear guidelines to govern allowable expenses, and all payments or reimbursements shall be reviewed and approved by the Department, as well as audited by the OIG, to ensure efficiency and accountability. Finally, the conferees expect that planning committees for the nominating conventions will assist in addressing security needs to the greatest extent possible from other funding sources.

Human trafficking.—The conference agreement includes $10,500,000 for human trafficking task force activities and services for U.S. citizens, permanent residents and foreign nationals who are victims of trafficking. The conferees expect that the human trafficking task forces funded by the Department will continue to bring together Federal, State and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding, including with respect to amounts allocated to assist foreign national victims, and provide to the Committees on Appropriations a plan for the use of these funds as part of the Department's fiscal year 2012 spending plan. The plan should be guided by the best information available on the regions of the United States with the highest incidence of trafficking.

Reentry.—The conferees urge OJP to assist in the development of State reentry councils in order to foster State-level advancements in reentry and recidivism reduction.

Second Chance Act.—The conferees direct the Department to submit, as part of its spending plan for fiscal year 2012 a plan for the allocation of funds appropriated for Second Chance Act programs.

Sex offender location, arrest and prosecution/Adam Walsh Act implementation.—The conference agreement includes $20,000,000 to support the administration's proposal to help States, Indian tribes and territories come into compliance with the Sex Offender Registration and Notification Act (SORNA), as well as provide for sex offender management and treatment. These grants will provide critical support to the comprehensive, nationwide effort to locate, register, monitor, apprehend, prosecute and manage child sexual predators and exploiters that was envisioned by SORNA.

DNA backlog/crime lab improvements.—The conferees continue Congress' strong support for DNA backlog reduction and crime lab improvements by recommending $125,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within the funding provided, the conference

agreement includes $4,000,000 each for Post-Conviction DNA Testing grants, and Sexual Assault Forensic Exam Program grants. The conferees expect that OJP will make funding for DNA analysis and capacity enhancement a priority to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The conferees direct the Department to submit both a spending plan with respect to funds appropriated for DNA-related programs, and a report on the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program, as part of the Department's spending plan for fiscal year 2012.

In addition, the conferees direct the GAO to examine the use of funds awarded for DNA analysis and capacity enhancement in the past five years that were awarded to any entity other than to a State or local public DNA laboratory. GAO's examination should include an evaluation of the methodology employed in creating the solicitations and the process for awarding these funds; the extent to which DOJ has assessed whether the results of the awards are making a measurable impact with respect to reducing backlogs and increasing capacity; and how the objectives of the solicitations have been fulfilled. The study should also include an analysis of how NIJ inventories and compiles grant data and results, including a breakdown of the funds provided to non-government DNA laboratories on an annual basis, and a description of the contribution of NIJ toward increasing capacity and reducing backlogs for government DNA laboratories. Lastly, the study should detail the proportion of DNA funding annually provided to State and local laboratories, non-government entities, NIJ's DNA program office, and other uses by NIJ such as overhead, travel and conferences.

National technical assistance and training.—The conferees affirm language in the Senate report encouraging the Department to continue its efforts to assist States in the development and use of criminal justice information systems that accelerate the automation of identification processes for fingerprints and other criminal justice data, and which improve the compatibility of State and local law enforcement systems with the FBI's Integrated Automated Fingerprint Identification System.

National Motor Vehicle Title Information System (NMVTIS).—The conference agreement incorporates language in the Senate report on the use of NMVTIS as an effective tool to prevent the fraudulent use of vehicle title documents, investigate vehicle thefts and thwart terrorist financing activities.

Tribal assistance.—The conference agreement includes $38,000,000 for tribal grant programs. The conferees expect OJP to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that help improve public safety in tribal communities, such as grants for detention facilities under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), civil and criminal legal assistance as authorized by title I of Public Law 106–559, tribal courts, and alcohol and substance abuse reduction assistance programs. The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a plan for the use of these funds that has been informed by such consultation. The conferees note that the conference agreement includes additional grant funding for tribal law enforcement programs through COPS and OVW.

Direct legal representation of crime victims.—The conference agreement incorporates language in the Senate report directing the Office for Victims of Crime to submit a report to the Committees on Appropriations within 60 days of notifying States of their Victims of Crime Act victim assistance formula allocation for fiscal year 2012.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $262,500,000 for Juvenile Justice programs. These funds are distributed as follows:

JUVENILE JUSTICE PROGRAMS

[In thousands of dollars]

Program	Conference
Part B—State Formula Grants	$40,000
Youth Mentoring Grants	78,000
Title V—Delinquency Prevention Incentive Grants	20,000
Tribal Youth	(10,000)
Gang and Youth Violence Education and Prevention	(5,000)
Alcohol Prevention	(5,000)
Victims of Child Abuse Programs	18,000
Juvenile Accountability Block Grants	30,000
Community-Based Violence Prevention Initiatives	8,000
Missing and Exploited Children Programs	65,000
Training for Judicial Personnel	1,500
National Forum on Youth Violence Prevention	2,000
TOTAL, Juvenile Justice Programs	$262,500

Youth mentoring grants.—The conferees direct OJP to submit, as part of the Department's spending plan for fiscal year 2012, a report detailing the criteria and methodology that will be used to award youth mentoring grants and a spending plan for youth mentoring funds. The conferees expect that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants.

Missing and exploited children/Internet Crimes Against Children (ICAC).—The conference agreement includes $65,000,000 for missing and exploited children programs, including funds for the ICAC task force program, to continue to expand efforts to protect the Nation's children, focusing on the areas of locating missing children, and addressing the growing wave of child sexual exploitation facilitated by the Internet. The conferees direct OJP to provide a spending plan for the use of these funds as part of the Department's spending plan for fiscal year 2012. The conferees are aware that one way OJP addresses the proliferation of Internet crimes against children is through ICAC task forces. With regard to ICAC task forces, the conferees encourage the Department to fund programs with proven training results and low administrative costs.

Victims of Child Abuse Act.—The conference agreement includes $18,000,000 for the various programs authorized under the Victims of Child Abuse Act (Public Law 101–647). Within the funds provided, $5,000,000 shall be used to fund Regional Children's Advocacy Centers Programs.

PUBLIC SAFETY OFFICER BENEFITS

The conference agreement includes $78,300,000 for the Public Safety Officer Benefits program for fiscal year 2012. Within the funds provided, $62,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. In addition, $16,300,000 is provided for disability benefits for public safety officers permanently and totally disabled as a result of a catastrophic injury and for education benefits for the spouses and children of officers killed in the line of duty or permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

The conference agreement includes $198,500,000 for COPS programs, as follows:

COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

Program	Conference
Transfer to DEA for Methamphetamine Lab Cleanups	12,500
Tribal Resources Grant Program	20,000
COPS Hiring Grants	166,000
Transfer to Tribal Resources Grant Program	(15,000)
Community Policing Development/Training and Technical Assistance	(10,000)

COMMUNITY ORIENTED POLICING SERVICES—Continued

[In thousands of dollars]

Program	Conference
TOTAL, Community Oriented Policing Services	$198,500

Tribal Resources Grant Program (TRGP).—The conference agreement provides a total of $35,000,000 in funding targeted entirely to tribal communities through the TRGP. Within the TRGP, $20,000,000 is provided through direct appropriations and $15,000,000 is provided by transfer from the COPS Hiring program. The conferees note that all funds available to the TRGP may be used for equipment and hiring or training of tribal law enforcement.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes the obligation of the Director of the Bureau of Prisons to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes the conference agreement's requirements and procedures for transfer proposals.

Section 206 authorizes the Attorney General to extend an ongoing Personnel Management Demonstration Project.

Section 207 extends specified authorities to the ATF for undercover operations.

Section 208 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the BOP as appropriately secure.

Section 209 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious or educational purposes.

Section 210 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 212 prohibits the use of funds for A–76 competitions for work performed by employees of the BOP or FPI, Inc.

Section 213 requires a cost and schedule report on the Sentinel program.

Section 214 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 215 permits up to 3 percent of grant and reimbursement program funds made available to OJP to be used for training and technical assistance; permits up to 2 percent of grant funds made available to that office to be used for criminal justice research, evaluation and statistics by NIJ and BJS; and directs that of such amounts transferred to NIJ and BJS, $1,300,000 shall be transferred to the BOP.

Section 216 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, tribal and local reentry courts; and drug treatment programs.

Section 217 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 218 permits the use of appropriated funds for travel and healthcare of personnel serving abroad.

Section 219 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 220 requires the Attorney General to identify an auditor to evaluate the GCCF.

Section 221 allows Federal Prison Industries to participate in the Prison Industries Enhancement Certification program and allows FPI to carry out pilot projects to produce items that are no longer produced in the United States.

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes $4,500,000 for the Office of Science and Technology Policy (OSTP).

Cooperation with China.—In fiscal year 2011, OSTP, acting on guidance from the Department of Justice and the Office of White House Counsel, engaged in bilateral activities with the Chinese government that the Government Accountability Office (GAO) found to be prohibited by section 1340 of the Department of Defense and Full Year Continuing Appropriations Act, 2011 (P.L. 112–10). Section 1340 was enacted due to congressional concern that our scientific cooperation with the Chinese government was failing to sufficiently take into account the risks posed by such activities. These risks include the transfer of sensitive technology, data and other information that could adversely impact our national security or disadvantage American companies relative to their Chinese counterparts.

The conference agreement contains language restricting any OSTP activities that would carry the risk of such transfers to China while allowing (subject to certification and notification requirements) other activities to proceed. This should enable OSTP to engage in beneficial collaborative endeavors, such as public health planning or disaster response activities, while providing greater protection for U.S. economic and national security interests.

Science, Technology, Engineering and Math (STEM) education.—The conferees support OSTP's recent efforts to improve and better coordinate Federal STEM education programs and to develop a government-wide STEM education strategic plan. The conferees encourage OSTP to include in the strategic plan goals relating to the improved dissemination of STEM education research and best practices.

Neuroscience.—The conferees believe there is a potential in the near future for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery. Such advances will require enhanced tools to better understand the working of the brain, enhanced data and data infrastructure, and expanded interdisciplinary and large-scale research efforts. Neuroscience research is supported by the National Institutes of Health, the National Science Foundation (NSF), the Department of Veterans Affairs, the Department of Defense and other Federal agencies. The conferees encourage OSTP to establish, through the National Science and Technology Council (NSTC), an interagency working group to coordinate Federal investments in neuroscience research. The interagency working group should help focus and enhance Federal efforts toward: developing future clinical treatments for traumatic and acquired brain injuries; better understanding cognition and learning, and applying that understanding to improving education and learning; and improving our understanding of and developing better therapies for Alzheimer's disease, childhood developmental disorders and other neurological conditions.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement includes $17,800,000,000 for the National Aeronautics and Space Administration (NASA).

Fiscal oversight.—In order to promote strong fiscal oversight, the Committees on Appropriations have been pursuing with NASA a number of crosscutting issues, including cost estimation and control, financial management, acquisition reform and grants management. The conferees direct NASA to stay engaged in these ongoing efforts and to comply with all related reporting requirements and directives on these topics that were contained in the House and Senate reports.

Budget structure.—Funds have been allocated according to an account and program structure that generally conforms to the structure proposed in the budget request. After several consecutive years of major structural modifications, however, the conferees expect that NASA will refrain from proposing additional account changes unless directed to do so by the Committees.

The conferees' table of recommendations for NASA is delineated below. Additional detail may be found under the relevant account headings.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[In thousands of dollars]

Program	Conference
Science:	
Earth Science	$1,765,700
Planetary Science	1,500,400
Astrophysics	672,000
James Webb Space Telescope	529,600
Heliophysics	622,300
Total, Science	5,090,000
Aeronautics	569,900
Space Technology	575,000
Exploration:	
Human Exploration Capabilities	3,060,000
Orion Multi-Purpose Crew Vehicle	(1,200,000)
Space Launch System	(1,860,000)
Commercial Crew	406,000
Exploration Research and Development	304,800
Total, Exploration	3,770,800
Space Operations:	
Space Shuttle	573,000
International Space Station	2,830,000
Space and Flight Support	830,600
21st Century Launch Complex	(168,000)
Total, Space Operations	4,233,600
Education:	
Aerospace Research and Career Development	58,400
NASA Space Grant	(40,000)
EPSCoR	(18,400)
STEM Education and Accountability	80,000
Minority University Research Education Program	(30,000)
STEM Education and Accountability Projects	(40,000)
Informal STEM Education	(10,000)
Total, Education	138,400
Cross Agency Support	2,995,000
Construction and Environmental Compliance and Restoration	390,000
Inspector General	37,300
Total, NASA	$17,800,000

SCIENCE

The conference agreement includes $5,090,000,000 for Science.

Program, project and activity level funding designations.—The conferees have not included a detailed, line-item funding table for the Science Mission Directorate. Instead, the conference table provides totals for Earth Science, Planetary Science, Astrophysics, the James Webb Space Telescope and Heliophysics. Using these totals, as well as any additional funding direction provided below, NASA should develop a budget plan for each division that incorporates any necessary reductions and submit these proposals as part of the spending plan required by section 538 of this Act. In proposing reductions, NASA should take care to protect, to the extent possible, high priority missions of the decadal surveys, as well as missions with near-term launch readiness dates. In addition, NASA should be careful to propose a funding portfolio that maintains an essential balance between actual spaceflight projects and the critical mission-enabling activities (research and data analysis, data application, etc.) that support and enhance the value of those projects.

Earth Science.—The conference agreement adopts, by reference, language from the Senate report on carbon monitoring systems and the Deformation, Ecosystem Structure and Dynamics of Ice mission.

Planetary Science.—The conference agreement includes no less than $581,700,000 for Mars Exploration. Within the amount provided, NASA shall continue working to define, plan and execute future Mars missions and continue seeking and taking advantage of opportunities for international cooperation on such missions.

The conference agreement also includes $43,000,000 for outer planets flagship missions. The conferees understand that required descoping studies for planetary flagship missions are at or near completion and direct that those studies be submitted to the Committees on Appropriations as soon as possible. NASA is also directed to continue working on a detailed definition of an appropriately descoped flagship mission, consistent with the findings of the most recent planetary science decadal survey.

Astrophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Hubble Space Telescope and the Explorer Program.

The Wide Field Infrared Survey Telescope (WFIRST) was identified as the first priority of the most recent astronomy and astrophysics decadal survey. NASA should build on the work of the Joint Dark Energy Mission project and pursue WFIRST to the extent that foreseeable budget resources can accommodate this mission.

James Webb Space Telescope (JWST).—According to the recent JWST budget replan, the program's lifecycle cost estimate is now $8,835,000,000 (with formulation and development costs totaling $8,000,000,000). This represents an increase of $1,208,000,000 over the previous lifecycle cost estimate, including an increase of $156,000,000 above the budget request for fiscal year 2012. In order to accommodate that increase in this agreement, the conferees received input from the administration and made reductions to the requested levels for Earth and planetary science, astrophysics and the agency's budget for institutional management. Although the amounts provided for these other science activities still constitute an increase over the fiscal year 2011 levels, the conferees note that keeping JWST on schedule from fiscal year 2013 through the planned launch in fiscal year 2018 will require NASA to identify another $1,052,000,000 over previous JWST estimates while simultaneously working to meet the deficit reduction requirements of the Budget Control Act of 2011 (P.L. 112–25). As a result, outyear work throughout the agency may need to be reconsidered. The conferees expect the Administration to come forward with a realistic long-term budget

plan that conforms to anticipated resources as part of its fiscal year 2013 budget request.

To provide additional assurances that JWST's management and funding problems are under control, the conference agreement includes language strictly limiting JWST formulation and development costs to the current estimate of $8,000,000,000 and requiring any increase above that amount to be treated according to procedures established for projects in 30 percent breach of their lifecycle cost estimates.

In addition, the conferees direct the GAO to continually assess the program and to report to the Committees on Appropriations on key issues relating to program and risk management; achievement of cost and schedule goals; and program technical status. For its first report, the conferees direct the Comptroller General to assess: (1) the risks and technological challenges faced by JWST; (2) the adequacy of NASA's revised JWST cost estimate based on GAO's cost assessment best practices; and (3) the extent to which NASA has provided adequate resources for and is performing oversight of the JWST project to better ensure mission success. The first report should be provided to the Committees no later than December 1, 2012, with reports continuing on an annual basis thereafter. Periodic updates should also be provided to the Committees upon request or whenever a significant new finding has been made. NASA is directed to cooperate fully and to provide timely access to analyses, data, applications, databases, portals, reviews, milestone decision meetings, and contractor and agency personnel.

Heliophysics.—The conference agreement adopts, by reference, language from the Senate report regarding the Explorer Program, Magnetospheric Multiscale Mission and Solar Probe Plus.

Flagship management.—The conferees believe that flagship missions are an important component of a balanced science mission portfolio but are concerned by NASA's history of problematic management of these projects. Without substantial improvements in cost estimation, requirements definition, cost discipline and other practices, management problems will persist and, ultimately, erode support for NASA's pursuit of these missions. NASA has many sources of expertise, both internal and external, on which to draw for ideas about how to address its problems in flagship management, and the conferees urge NASA to do so. In particular, the conferees encourage NASA to look at lessons learned from reviews of the challenges of prior flagship projects; identify those lessons that address universal management issues; and implement those lessons in flagship projects across the Directorate.

AERONAUTICS

The conference agreement includes $569,900,000 for Aeronautics.

SPACE TECHNOLOGY

The conference agreement includes $575,000,000 for Space Technology. All funds under this heading should be prioritized toward the continuation of ongoing programs and activities.

Exploration Technology Development.—Within amounts provided, no less than $190,000,000 shall be dedicated to Exploration Technology Development, which directly supports the achievement of human exploration goals.

Satellite servicing.—The conference agreement provides no less than $25,000,000 for satellite servicing activities. This funding will contribute to the planned competitive satellite servicing demonstration mission and shall be managed by the Human Exploration and Operations (HEO) Mission Directorate.

EXPLORATION

The conference agreement includes $3,770,800,000 for Exploration.

Orion Multipurpose Crew Vehicle (MPCV).—The conference agreement provides $1,200,000,000 for the Orion MPCV. The MPCV is intended both to be launched on the heavy lift rocket system in furtherance of NASA's beyond Earth orbit (BEO) exploration goals and to provide an alternative means of cargo and crew delivery to the International Space Station (ISS) in the event that commercial or partner-supplied vehicles are unable to perform those functions. The MPCV will begin uncrewed and crewed flight operations in conjunction with the Space Launch System (SLS) within the next decade, but the conferees understand that NASA may want to pursue an earlier MPCV flight test utilizing a commercially available launch vehicle. The conferees have no objection to necessary and useful testing as long as the costs of procuring the launch vehicle and executing the test flight can be accommodated within the MPCV budget. Within the larger MPCV program, components should be procured via fixed price contracts wherever possible in order to improve cost control and maximize the impact of all available dollars.

Space Launch System.—The conference agreement provides $1,860,000,000 for the SLS, which is a sustained, evolvable heavy lift vehicle utilizing a common core. While this evolvable approach will enable NASA to achieve the earliest possible initial flight capability by using a 70 ton SLS configuration, only the 130 ton configuration will allow NASA to achieve its BEO exploration goals. Consequently, NASA is directed to ensure that all work done on the early configurations of the evolvable vehicle is in service of the eventual BEO capability. Similarly, NASA is reminded of its legal obligation to design the system from inception to the 130 ton standard and to proceed with simultaneous development of the core and upper stages. Wherever possible, SLS components should be procured via fixed price contracts in order to improve cost control and maximize the impact of all available dollars.

The conferees note the need for additional clarity on the amount of money being allocated to the development of each major component of the SLS. In order to address this need, NASA is directed to provide quarterly reports to the Committees on Appropriations showing anticipated and actual SLS obligations and outlays by major component (core stage, upper stage, engines, boosters, avionics/instrumentation). NASA is further directed to work with the Committees to refine the content and format of these reports.

Adjustments to MPCV and SLS funding.—Funds provided in this Act for MPCV and SLS are intended for the actual design and development of the vehicles themselves. Therefore, the conferees direct that the charging of related expenses to these program lines be kept to a minimum. Any funds deducted from the total to pay for civil service labor, headquarters program support, program integration, mission operations, extravehicular activities or other related expenses must be separately delineated both in the spending plan submitted pursuant to section 538 of this Act and in all future requests. The conference agreement provides a statutory set-aside for SLS ground operations; therefore, no additional charges to SLS funding for this purpose is permitted. All activities funded with the ground operations set-aside shall primarily serve the SLS program.

The conferees note that the recently completed Independent Cost Assessment (ICA) for the exploration program utilized a different budgetary structure than NASA's fiscal year 2011 operating plan or its fiscal year 2012 budget request. In the ICA, funds were divided into three separate streams: MPCV; SLS, exclusive of any ground operations; and 21st Century Ground Systems, which incorporates all SLS ground operations as well as exploration-related ground systems and infrastructure activities from the 21st Century Launch Complex program. The conferees appreciate that this structure makes a clearer distinction between SLS vehicle development work and ground operations and that it unites all exploration-related ground systems spending in a single account (while leaving ground operations and infrastructure in support of multi-user programs within the 21st Century Launch Complex appropriation). NASA is directed to submit its fiscal year 2013 budget request and all future requests using the structure laid out in the ICA. To assist in the transition to this new structure, the fiscal year 2013 request should include a crosswalk between the new and old structures.

Cost caps.—The conferees believe the human exploration programs should be managed under strict cost caps based on NASA's analysis and the recently completed ICA. Within 60 days of the enactment of this Act, NASA shall report to the Committees on Appropriations on planned milestones; expected performance and configurations; planned ground and flight testing programs; and deliverables for SLS, MPCV and ground systems. As part of this report, NASA shall recommend separate cost caps for the SLS, MPCV and associated ground systems (consistent with the funding streams as identified in the ICA) through fiscal year 2017 and shall manage each program to remain within those caps.

Exploration destinations and goals.—The conferees believe that NASA needs to better articulate a set of specific, scientifically meritorious exploration goals to focus its program and provide a common vision for future achievements. Consequently, the conferees direct NASA to develop and report to the Committees on Appropriations a set of science-based exploration goals; a target destination or destinations that will enable the achievement of those goals; a schedule for the proposed attainment of these goals; and a plan for any proposed collaboration with international partners. Proposed international collaboration should enhance NASA's exploration plans rather than replace capabilities NASA is developing with current funds. This report shall be submitted no later than 180 days after the enactment of this Act.

Commercial crew funding.—While significant unanswered questions remain about the long-term viability of the commercial space market, the conferees agree with NASA that the support of domestic aerospace jobs and the provision of redundant access to the ISS are worthy goals. Consequently, the conference agreement provides $406,000,000 for the commercial crew development program. The agreement withholds $100,000,000 of these funds pending the completion of specified acquisitions milestones in the human exploration program. The conferees expect, however, that the timely completion of these milestones will result in the prompt release of all withheld funds without any negative impact on the commercial crew program.

Commercial crew management.—All of the commercial crew management and acquisition plans submitted by NASA to date have been predicated on receiving funding far in excess of the authorized level. The conferees are concerned that NASA has not devoted sufficient time to developing a detailed management plan for alternate scenarios. NASA is directed to work expeditiously to alter its management and acquisition strategy for the program as necessary to make the best use of available resources and to define the most cost effective path to the achievement of a commercial crew capability. NASA is encouraged to consider, as part of an altered

strategy, an accelerated down-select process that would concentrate and maximize the impact of each appropriated dollar.

The conferees understand that NASA has several mechanisms in place to ensure that the risk associated with commercial crew development activities is not carried solely by the government. Consistent with normal procurement practices, NASA evaluates through responsibility and commitment assessments the financial stability of potential contractors. In addition, NASA will structure awards to ensure that payments are made only after the achievement of specified performance milestones and to protect the government's ability to retain and use data derived from an award in the event that the contractor defaults or otherwise chooses to discontinue participation in the program. These practices limit the financial exposure of the government and maximize the value of all payments made.

Commercial safety requirements.—The conferees are pleased by NASA's commitment to hold all human-rated launch vehicles and crew systems, including those developed via both the commercial crew program and the Human Exploration Capabilities program, to the same safety requirements regarding the potential loss of crew (LOC) or loss of mission (LOM). The conferees direct NASA to ensure that any tailoring of specific safety standards and procedures going forward does not affect this uniform application of LOC/LOM requirements.

Apollo heritage sites.—Future human and robotic exploration of the Moon poses a threat to the preservation of historically and scientifically significant sites there, including the locations of the first and last Apollo lunar landings. The conferees support NASA's efforts to establish guidelines for the protection of Apollo ''heritage sites'' and direct NASA to keep the Committees on Appropriations informed of further progress in this area.

SPACE OPERATIONS

The conference agreement includes $4,233,600,000 for Space Operations.

Space Shuttle.—The conference agreement provides a total of $573,000,000 for the Space Shuttle program, including $470,000,000 to cover NASA's liability pursuant to the termination of the pension plan under the Space Program Operations Contract (SPOC). The conferees have derived their numbers from the most recently available actuarial estimate of SPOC liability needs, as provided by NASA. The government is legally obligated to make these payments. If the final calculated pension shortfall differs from this amount, NASA may address the difference by either adding to or deducting from remaining Space Shuttle transition and retirement funds.

The conference agreement adopts, by reference, language in the House report requiring NASA to undertake specified actions relating to the transition of the Shuttle workforce and to provide status reports on the progress of its Space Shuttle orbiter disposition efforts.

International Space Station (ISS).—The conferees support the decision to extend ISS research and operations through 2020. In support of the ISS program, the conference agreement provides $2,830,000,000 for ISS operations, research and cargo supply.

Satellite servicing.—The conference agreement includes $50,000,000 from Space Operations to continue satellite servicing activities. These funds are in addition to $25,000,000 for satellite servicing in the Space Technology account. The HEO Mission Directorate shall continue to be responsible for the overall direction and management of all agency satellite servicing activities, which are undertaken as a joint project of the HEO, Space Technology and Science mission directorates. Satellite servicing activities shall include mission architecture design, robotic system development, autonomous rendezvous and capture sensor testing, fluid transfer demonstrations and spacecraft design.

Funds are to be used to continue work on a competitive project to develop, in collaboration with a U.S. commercial partner, a satellite servicing mission capable of operating in geosynchronous Earth orbit. The goal for such a mission is to achieve an on-orbit servicing of an observatory-class government satellite by 2016. Any U.S. commercial partner should be willing to invest its own resources in this mission, as it is intended to foster the creation of an ongoing commercial capability that could meet the needs of NASA, other Federal agencies, the commercial satellite sector and the scientific community.

21st Century Launch Complex.—The conference agreement adopts, by reference, language from the Senate report regarding the 21st Century Launch Complex program. As noted under the Exploration heading, the conferees intend to confine the 21st Century Launch Complex appropriation to multi-user projects beginning in fiscal year 2013. Any 21st Century funds that support the ground operations and infrastructure of the human exploration program will be included in the new 21st Century Ground Systems funding stream in future years.

Tracking and Data Relay Satellite-M (TDRS–M).—NASA has authority to fund research and development programs and projects on an incremental basis. However, the conferees understand that TDRS–M, unlike prior TDRS System projects, does not qualify as research and development. In order to remain consistent with historical precedent on TDRS funding, therefore, the conferees have provided bill language permitting NASA to treat TDRS–M as a research and development project for the purposes of incremental funding for the duration of the project.

Launch site infrastructure.—NASA is directed to facilitate the efficient and beneficial re-purposing of vacant or underutilized facilities, equipment and other property at NASA-owned launch sites. To accomplish this re-purposing, NASA is directed to employ all authorities granted by Congress and to involve, to the extent practical, field-level personnel in the decision making.

EDUCATION

The conference agreement includes $138,400,000 for Education.

Portfolio structure and funding levels.—The conferees have constructed an education portfolio that strikes a balance between NASA's desire to restructure and streamline elements of the portfolio with the need to provide sufficient support to successful existing programs such as Space Grant, the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Minority University Research and Education Program. The conferees direct NASA to consider this balance when developing future education budget requests. The conferees also note the existence of significant educational resources built into the mission directorate budgets and encourage NASA to take all necessary steps to ensure that these educational activities are well integrated with the programs funded under this heading.

Informal Education.—The conferees have provided $10,000,000 for a competitive grant program to fund informal education programs that develop STEM education activities, including exhibits, at qualifying institutions as described in section 616 of the NASA Authorization Act of 2005 (P.L. 109–155), and/or at NASA Visitors Centers. In selecting grants, NASA shall prioritize projects according to their links to NASA's missions.

CROSS AGENCY SUPPORT

The conference agreement includes $2,995,000,000 for Cross Agency Support (CAS).

Civil service labor.—NASA's CAS request included funding for nearly 700 programmatic FTE that had not yet been allocated to a mission directorate. Since the time of the budget submission, NASA has provided updated data showing the appropriate distribution of these FTE. The conference agreement reflects this updated distribution by reallocating both the FTE and associated funding out of the CAS account.

Background investigations.—All members of the NASA workforce, including both civil servants and contractors, should be appropriately and regularly screened to validate their right to access NASA physical or virtual resources. The conferees support the implementation of all necessary security procedures to achieve this goal.

Employee Performance Communications System (EPCS).—The conference agreement adopts, by reference, language in the Senate report requiring a GAO assessment of specified elements of the implementation of the EPCS.

Cybersecurity.—The conference agreement adopts, by reference, language from the House report regarding authorities of the Chief Information Officer to address cybersecurity vulnerabilities.

Independent Verification and Validation (IV&V).—The conference agreement adopts, by reference, language from the Senate report regarding IV&V.

Budget justifications.—The conferees understand that NASA is undertaking changes to the format and content of its annual budget justifications. The Committees on Appropriations should be involved in the discussion about what changes are necessary in order to ensure that the end product is as useful as possible for the conduct of the Committees' work. Consequently, NASA is directed to work jointly with the Committees to define the scope and content of needed changes and to implement those changes in all future budget justifications.

Comprehensive independent assessment.—NASA has a broad mandate to execute a balanced space program that includes science, technology development, aeronautics research, human spaceflight and education. NASA regularly receives management and programmatic recommendations from GAO, the Office of Inspector General (OIG) and various commissions and other entities, as well as outside advice on scientific and technical priorities from the National Academies. While each of these reviews is useful on its own, they are generally targeted to a specific issue or program and therefore do not provide a comprehensive assessment of NASA's activities. The conferees believe that such an agency-wide assessment will provide a means to evaluate whether NASA's overall strategic direction remains viable and whether agency management is optimized to support that direction. Accordingly, the conference agreement recommendation includes $1,000,000, to be provided by transfer to the OIG, to commission a comprehensive independent assessment of NASA's strategic direction and agency management.

The assessment should consider the relevance and feasibility of NASA's strategic goals; the appropriateness of the budgetary balance between NASA's various programs; and the adequacy of NASA's internal policies, procedures, controls and organizational

structures that support and prioritize its mission activities. Any recommendations made pursuant to the assessment should be predicated on the assumption that NASA's outyear budget profile will be constrained due to continuing deficit reduction efforts. Such recommendations should also take into account the need for a common, unifying vision for NASA's strategic direction that encompasses NASA's varied missions. A report summarizing the conclusions of the assessment and any relevant recommendations shall be provided to the Congress and the President no later than 120 days after the enactment of this Act.

To conduct this assessment, the Inspector General shall choose an organization that will convene individuals with recognized relevant expertise and whose collective credentials sufficiently cover the entire range of NASA's mission activities, including space and Earth science; aeronautics; advanced technology development; space exploration; spaceflight operations and support; STEM education; and/or management of any of these activities. In order to promote objectivity, the Inspector General shall define and implement any conflict of interest protocols deemed necessary, but, at a minimum, the selected individuals shall not be currently employed or retained by NASA or any outside entity that competes for or receives NASA funding.

Working Capital Fund (WCF).—NASA's WCF was initially authorized in fiscal year 2003. In fiscal year 2012, NASA has expanded its use of the WCF to cover activities such as major agency-wide information technology services. The conferees are concerned that such an expansion of the uses of the WCF without adequate advance notification through the normal budget process undermines the oversight role of the Committees on Appropriations. Accordingly, the conferees direct that NASA, as part of its annual congressional budget justification, detail any expected WCF activity for the coming fiscal year, including the source and amount of expected WCF transfers, all expected uses of the Fund, and any balances on hand or expected to remain at the end of the fiscal year. NASA shall also provide quarterly to the Committees an accounting of that quarter's expenditures along with the amount of any unobligated balances in the Fund.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $390,000,000 for Construction and Environmental Compliance and Restoration (CECR).

Integrated facilities master planning.—The conference agreement adopts, by reference, language from the House report directing the submission of an integrated facilities master plan.

Hangar 1, Moffett Field.—The conference agreement adopts, by reference, language from the House report regarding Hangar 1 at Moffett Field.

Mission-related construction.—NASA continues to request funds for construction of facilities within both the Space Operations and the Exploration accounts. This is an inefficient practice which requires significant post-enactment transfers of funds between accounts. The conference agreement permits such transfers in specified amounts from Space Operations and Exploration in fiscal year 2012, but NASA is directed to ensure that all construction funds in future years are requested solely within the CECR account.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $37,300,000 for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the following administrative provisions for NASA:

The agreement includes a provision that makes funds for announced prizes available without fiscal year limitation until the prize is claimed or the offer is withdrawn.

The agreement includes a provision that establishes terms and conditions for the transfer of funds.

The agreement includes a provision that allows the transfer of balances under previous appropriations account structures to the new appropriations account structure.

The agreement includes a provision related to the expenditure of interest earned from balances in the Endeavor Teacher Fellowship Trust Fund.

The agreement includes a provision permitting NASA to accept in-kind consideration as part of the Enhanced Use Lease program under specified circumstances. NASA is directed to include in its annual budget justification a description of any in-kind consideration accepted and an estimate of the market value of that consideration.

The agreement includes a provision that subjects the NASA spending plan and specified changes to that spending plan to reprogramming procedures under section 505 of this Act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The conference agreement includes $5,719,000,000 for Research and Related Activities (R&RA).

Research priorities.—The conferees appreciate NSF's commitment to reviewing its portfolio of programs and proposing reductions or terminations where appropriate. Such proposals provide a more fiscally sustainable way to support new or expanded programs. Accordingly, the conference agreement incorporates all of NSF's R&RA termination and reduction proposals except for the requested reduction to the radio astronomy program.

By accepting NSF's proposal to eliminate funding for the Deep Underground Science and Engineering Laboratory (DUSEL), the conference agreement completes a multiyear phase-out of NSF involvement in this project. NSF is directed to report to the Committees on Appropriations about future efforts or commitments, if any, to collaborate with the Department of Energy on a deep underground lab.

Advanced manufacturing.—The conference agreement adopts, by reference, language in the House report regarding advanced manufacturing.

Neuroscience.—NSF is uniquely positioned to advance the non-medical aspects of cognitive sciences and neurosciences, particularly through interdisciplinary science, computational models, visualization techniques, innovative technologies, and the underlying data and data infrastructure needed to transform our understanding of these areas, and the conferees encourage NSF to sustain and expand its investments in these areas. In addition, to better focus the agency's efforts and guide future budget submissions, NSF is encouraged to establish a cognitive sciences and neurosciences crosscutting theme. The conferees note that language is included under the OSTP heading encouraging OSTP to establish a NSTC working group to coordinate Federal investments in neuroscience research.

Giant Segmented Mirror Telescope (GSMT).—The direction in this section is provided in lieu of any language in the Senate report relating to the GSMT program. NSF has decided to proceed with the selection of a viable GSMT project, consistent with the National Research Council's (NRC) 2010 astronomy and astrophysics decadal survey recommendations. The conferees expect that this selection will be made expeditiously and utilize a fully competitive process, with a solicitation issued no later than the end of calendar year 2011 and a result announced no later than July 31, 2012.

Cybersecurity research.—The conference agreement adopts, by reference, language from the Senate report regarding cybersecurity research.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The conference agreement includes $167,055,000 for Major Research Equipment and Facilities Construction (MREFC).

Project priorities.—With the MREFC funding provided either directly or via potential transfer from the R&RA account, NSF will be able to achieve significant progress on its current portfolio of construction projects, but some prioritization of funds will still be necessary. The conferees expect that NSF will dedicate funds first to the completion of projects that are already in the final stages of construction, with remaining funds allocated to projects in earlier phases of development.

Project funding profiles.—NSF should promptly review its current portfolio of MREFC projects and their outyear funding profiles to ensure they are consistent with fiscal year 2011 and 2012 appropriations. If adjustments to the portfolio in either of those fiscal years will necessitate a revision of the outyear funding profiles for any current or planned project, NSF is directed to immediately report the revised profiles to the Committees on Appropriations and to include the new profiles in the fiscal year 2013 budget request.

Construction funding management.—The conferees remain concerned about how NSF and its grantees are defining, estimating and managing construction funding, particularly contingency funds. Stronger management and oversight of these funds could result in improved project efficiencies and, ultimately, cost savings. NSF is directed to report to the Committees on Appropriations on the steps it is taking to impose tighter controls on the drawdown and use of contingencies, as well as steps intended to incentivize grantees to complete construction under budget, for projects managed through the MREFC appropriation and for other large facility projects. This report should be submitted no later than 90 days after the enactment of this Act.

EDUCATION AND HUMAN RESOURCES

The conference agreement includes $829,000,000 for Education and Human Resources (EHR).

Program changes.—In parallel with terminations and reductions proposed in the R&RA account, NSF has proposed a number of program reductions or terminations within EHR. For the most part, these cuts were proposed not due to any dissatisfaction with the programs in question but rather because NSF would prefer to implement new initiatives. The conferees have no objection to this approach, with the exception of the proposed reductions to the Robert Noyce Scholarship Program and the Math and Science Partnership program. The conferees do not believe that those cuts are warranted solely to make room for new activities.

Broadening Participation at the Core.—The conference agreement adopts, by reference, language from the House report regarding funding levels for the existing Broadening Participation at the Core programs.

Best practices in K–12 STEM education.—NSF is encouraged to find more effective mechanisms for disseminating the results of its education research to the K–12 STEM

education community. Such mechanisms could include partnerships with nonprofits and professional associations, webinars, newsletters and workshops, drawing when possible on the resources of existing networks.

In particular, NSF is directed to ensure that the NRC report entitled *Successful K–12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering, and Mathematics* is widely distributed within the educational and scientific communities. In addition, NSF is directed to begin work to identify methods for tracking and evaluating the implementation of the recommendations in the NRC's report. NSF and its collaborators should provide an evaluation plan to the Committees on Appropriations within 12 months of the enactment of this Act that describes these methods and recommends the necessary steps that should be taken by NSF and other Federal agencies to implement that plan. Within the amounts available in this account, up to $500,000 should be used for the formulation of the evaluation plan.

Hispanic Serving Institutions.—The conference agreement adopts, by reference, language from the House report on Hispanic Serving Institutions.

Federal Cyber Service: Scholarships for Service.—The conferees adopt the Senate recommendation to expand the Federal Cyber Service: Scholarships for Service program. The agreement provides $45,000,000 for this program, which is $20,000,000 above the requested level.

AGENCY OPERATIONS AND AWARD MANAGEMENT

The conference agreement includes $299,400,000 for Agency Operations and Award Management.

OFFICE OF THE NATIONAL SCIENCE BOARD

The conference agreement includes $4,440,000 for the National Science Board.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $14,200,000 for the OIG.

ADMINISTRATIVE PROVISION

The conference agreement includes a provision that establishes terms and conditions for the transfer of funds.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $9,193,000 for the Commission on Civil Rights.

Improving oversight.—For fiscal year 2012, the conference agreement establishes an inspector general (IG) function for the Commission on Civil Rights and provides that the function will be carried out by the individual holding the position of IG at the Government Accountability Office (GAO). The IG is tasked with the duties and responsibilities specified in the Inspector General Act of 1978, including conducting audits and reviews of Commission programs, finances and personnel. The conference agreement provides funding for these operations, in the amount of $250,000, by direct transfer to the Office of Inspector General of the GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $360,000,000 for the Equal Employment Opportunity Commission (EEOC). The conference agreement directs that $29,500,000 shall be available for payments to State and local enforcement agencies to ensure that the EEOC provides adequate resources to its State and local partners.

Backlog reduction.—In order to advance EEOC's backlog reduction goals, the conferees expect the EEOC to prioritize efforts both to address the inventory of private sector charges, such as through hiring or backfilling positions of frontline mission critical staff, and to examine new ways to address the backlog and increase productivity.

To assist in the monitoring of EEOC's hiring progress, the conferees direct the EEOC to continue submitting quarterly staffing reports, consistent with the direction provided in the statement accompanying Public Law 111–117.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $80,000,000 for the International Trade Commission (ITC).

The conferees adopt by reference House report language regarding internal control, financial management and information technology security weaknesses and direct the ITC to submit a report to the Committees on Appropriations not later than 120 days after enactment of this Act.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $348,000,000 for the Legal Services Corporation (LSC).

Pro bono legal services.—The conferees are pleased that LSC launched a pro bono task force in 2011 and urge the LSC to implement the recommendations of this task force as it continues to work with LSC-funded programs to adopt measures aimed at increasing the involvement of private attorneys in the delivery of legal services to its clients.

Legal aid fellowships.—The conferees understand that LSC is considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. The conferees direct LSC to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committees on Appropriations with the results of that study not later than 120 days after the enactment of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Unauthorized uses of funds.—The conferees encourage the Inspector General of the LSC to conduct annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions on engaging in political activities or any of the other restrictions by which LSC grantees are required to abide. The conferees also recommend the removal of funds from any LSC grantee determined by the Inspector General to have engaged in political activity.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $3,025,000 for the Marine Mammal Commission.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $51,251,000 for the Office of the U.S. Trade Representative (USTR). The conferees expect that funds provided will be used to vigorously enforce existing trade agreements.

Monitoring and enforcement.—The conferees direct the USTR, from funds provided in this Act, to hire no less than four additional staff for the office of the Assistant USTR for Monitoring and Enforcement. These staff, who shall be fluent in Chinese, shall monitor and enforce China's compliance with its WTO obligations and assist in early stage identification and review of Chinese measures arising out of its Five Year Plans.

Responsiveness.—The conferees note that the USTR Office of Legislative Affairs does not respond in a timely manner to requests for information from the Committees on Appropriations. Indifference shown by USTR Legislative Affairs in providing yearly budget justifications or in responding to information requests hampers the ability of the Congress to evaluate proposals and conduct oversight. Accordingly, the conferees direct the USTR to submit its detailed fiscal year 2013 budget request to the Committees on Appropriations not later than two days after the President's fiscal year 2013 budget request is submitted.

Critical vacancies.—The conferees adopt by reference House report language regarding a report on critical vacancies and direct the USTR to provide a report to the Committees on Appropriations not later than 60 days after enactment of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement includes $5,121,000 for the State Justice Institute.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

The conference agreement includes the following general provisions:

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts 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 existing Executive Order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (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 employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) 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 existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 permanently prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October 1993.

Section 507 provides that if it is determined that any person intentionally affixes a ''Made in America'' label to any product that was not made in America, that person shall not be eligible to receive any contract or subcontract with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced or assembled in the United States or its territories or possessions.

Section 508 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 509 provides that 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 in the Act shall be absorbed with the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 510 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 511 permanently prohibits funds from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of $705,000,000 until the following fiscal year. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 513 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 514 prohibits the transfer of funds in the Act to any department, agency or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 515 provides that funds provided for E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Section 516 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crimes.

Section 517 requires certain timetables of audits performed by Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 518 prohibits funds for information technology acquisitions unless the acquiring department or agency has assessed the risk of cyber-espionage or sabotage. Each department or agency covered under section 518 shall submit a quarterly report to the Committees on Appropriations of the House and the Senate describing assessments made pursuant to this section and any associated findings or determinations of risk.

Section 519 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 520 prohibits the use of funds in this Act to require certain export licenses.

Section 521 prohibits the use of funds in this Act to deny certain import applications regarding ''curios or relics'' firearms, parts, or ammunition.

Section 522 prohibits the use of funds to include certain language in trade agreements.

Section 523 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 524 requires congressional notification for any project within the Departments of Commerce or Justice, the National Science Foundation or the National Aeronautics and Space Administration totaling more than $75,000,000 that has cost increases of at least 10 percent.

Section 525 deems funds for intelligence or intelligence-related activities as authorized by the Congress until the enactment of the Intelligence Authorization Act for fiscal year 2012.

Section 526 requires the departments and agencies funded in this Act to establish and maintain on the homepages of their Internet websites direct links to the Internet websites of their Offices of Inspectors General, and a mechanism by which individuals may anonymously report cases of waste, fraud or abuse.

Section 527 prohibits contracts or grant awards in excess of $5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

(RESCISSIONS)

Section 528 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act. With respect to rescissions of unobligated balances from the Office on Violence Against Women, the Office of Justice Programs and the Office of Community Oriented Policing Services, the conferees expect that rescissions will be from grant deobligations and recoveries.

Section 529 prohibits the use of funds in this Act in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws.

Section 530 prohibits the use of funds in this Act for the purchase of first class or premium air travel.

Section 531 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 532 includes language regarding detainees held at Guantanamo Bay.

Section 533 includes language regarding facilities for housing detainees held at Guantanamo Bay.

Section 534 prohibits the distribution of funds contained in this Act to the Association of Community Organizations for Reform Now or its subsidiaries.

Section 535 includes language regarding the purchase of light bulbs.

Section 536 requires any department, agency or instrumentality of the United States Government receiving funds appropriated under this Act to track and report on undisbursed balances in expired grant accounts.

Section 537 prohibits the use of funds to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Section 538 requires the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation to submit spending plans.

Section 539 prohibits the use of funds by the National Aeronautics and Space Administration or the Office of Science and Technology Policy to engage in bilateral activities with China or a Chinese-owned company unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 540 specifies reporting requirements for certain conferences held by any department, agency, board or commission funded by this Act.

Section 541 prohibits funds made available by this Act from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 542 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 543 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 544 prohibits funds made available by this Act from being used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the government.

Section 545 specifies reporting requirements regarding vehicle fleets for all agencies and departments funded by this Act.

Section 546 prohibits any funds from being used to implement, administer, or enforce the ''Wage Methodology for the Temporary Non-agricultural Employment H–2B Program'' prior to January 1, 2012, to allow time for Congress to address this rulemaking. In making prevailing wage determinations for the H–2B nonimmigrant visa program for employment prior to January 1, 2012, the conferees direct the Secretary of Labor to continue to apply the rule entitled ''Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes'' published by the Department of Labor on December 19, 2008 (73 Fed. Reg. 78020 et seq.).

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF COMMERCE				
International Trade Administration				
Operations and administration	450,106	526,091	465,000	+14,894
Offsetting fee collections	-9,439	-9,439	-9,439	---
Direct appropriation	440,667	516,652	455,561	+14,894
Bureau of Industry and Security				
Operations and administration	68,862	79,845	69,721	+859
Defense function	31,279	31,342	31,279	---
Total, Bureau of Industry and Security	100,141	111,187	101,000	+859
Economic Development Administration				
Economic Development Assistance Programs	245,508	284,300	220,000	-25,508
Disaster relief category	---	---	200,000	+200,000
Subtotal	245,508	284,300	420,000	+174,492
Salaries and expenses	37,924	40,631	37,500	-424
Total, Economic Development Administration	283,432	324,931	457,500	+174,068

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Minority Business Development Agency				
Minority Business Development	30,339	32,322	30,339	---
Economic and Statistical Analysis				
Salaries and expenses	97,060	112,937	96,000	-1,060
Bureau of the Census				
Salaries and expenses	258,506	272,054	253,336	-5,170
Periodic censuses and programs	891,214	752,711	635,000	-256,214
Total, Bureau of the Census	1,149,720	1,024,765	888,336	-261,384
National Telecommunications and Information Administration				
Salaries and expenses	40,568	55,827	45,568	+5,000
Public Telecommunications Facilities, Planning and Construction	1,000	---	---	-1,000
Total, National Telecommunications and Information Administration	41,568	55,827	45,568	+4,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
United States Patent and Trademark Office				
Salaries and expenses, current year fee funding	2,090,000	2,678,000	2,678,000	+588,000
Offsetting fee collections	-2,090,000	-2,678,000	-2,678,000	-588,000
Total, United States Patent and Trademark Office	---	---	---	---
National Institute of Standards and Technology				
Scientific and Technical Research and Services	506,984	678,943	567,000	+60,016
(Transfer out)	(-9,000)	(-9,000)	(-9,000)	---
Industrial Technology Services	173,253	237,622	128,443	-44,810
Manufacturing extension partnerships	(128,443)	(142,616)	(128,443)	---
Technology innovation program	(44,810)	(74,973)	---	(-44,810)
Baldrige performance excellence program	---	(7,727)	---	---
Advanced manufacturing technology consortia	---	(12,306)	---	---
Construction of research facilities	69,860	84,565	55,381	-14,479
Working Capital Fund (by transfer)	(9,000)	(9,000)	(9,000)	---
Total, National Institute of Standards and Technology	750,097	1,001,130	750,824	+727

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Oceanic and Atmospheric Administration				
Operations, Research, and Facilities	3,179,511	3,377,607	3,022,231	-157,280
(by transfer)	(90,239)	(66,200)	(109,098)	(+18,859)
Promote and Develop Fund (transfer out)	(-90,239)	(-66,200)	(-109,098)	(-18,859)
Coastal zone management transfer	3,000	---	---	-3,000
Subtotal	3,182,511	3,377,607	3,022,231	-160,280
Procurement, Acquisition and Construction	1,332,682	2,052,777	1,817,094	+484,412
Pacific Coastal Salmon Recovery	79,840	65,000	65,000	-14,840
Fishermen's Contingency Fund	---	350	350	+350
Coastal Zone Management Fund	-1,000	---	---	+1,000
Fisheries Finance Program Account	-6,000	-10,000	-11,000	-5,000
Fisheries Enforcement Asset Forfeiture Fund	---	8,000	8,000	+8,000
Offsetting receipts	---	-8,000	-8,000	-8,000
Sanctuaries Enforcement Asset Forfeiture Fund	---	1,000	1,000	+1,000
Offsetting receipts	---	-1,000	-1,000	-1,000
Total, National Oceanic and Atmospheric Administration	4,588,033	5,485,734	4,893,675	+305,642
Departmental Management				
Salaries and expenses	57,884	64,871	57,000	-884
Renovation and Modernization	14,970	16,150	5,000	-9,970

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General	26,946	33,520	26,946	---
Enterprise cybersecurity monitoring and operations	---	22,612	---	---
Total, Departmental Management	99,800	137,153	88,946	-10,854
Total, title I, Department of Commerce	7,580,857	8,802,638	7,807,749	+226,892
Appropriations	(7,580,857)	(8,802,638)	(7,607,749)	(+26,892)
Disaster relief category	---	---	(200,000)	(+200,000)
(by transfer)	(99,239)	(75,200)	(118,098)	(+18,859)
(transfer out)	(-99,239)	(-75,200)	(-118,098)	(-18,859)
TITLE II - DEPARTMENT OF JUSTICE				
General Administration				
Salaries and expenses	118,251	134,225	110,822	-7,429
National Drug Intelligence Center	33,955	25,000	20,000	-13,955
Justice Information Sharing Technology	60,164	54,307	44,307	-15,857
Tactical Law Enforcement Wireless Communications	99,800	102,751	87,000	-12,800
Total, General Administration	312,170	316,283	262,129	-50,041
Administrative review and appeals	300,084	332,583	305,000	+4,916
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation	296,084	328,583	301,000	+4,916

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Detention Trustee	1,515,626	1,595,360	1,580,595	+64,969
Office of Inspector General	84,199	85,057	84,199	---
United States Parole Commission				
Salaries and expenses	12,833	13,213	12,833	---
Legal Activities				
Salaries and expenses, general legal activities	863,367	955,391	863,367	---
Vaccine Injury Compensation Trust Fund	7,833	7,833	7,833	---
Salaries and expenses, Antitrust Division	162,844	166,221	159,587	-3,257
Offsetting fee collections - current year	-96,000	-108,000	-108,000	-12,000
Direct appropriation	66,844	58,221	51,587	-15,257
Salaries and expenses, United States Attorneys	1,930,135	1,995,149	1,960,000	+29,865
United States Trustee System Fund	218,811	234,115	223,258	+4,447
Offsetting fee collections	-214,250	-234,115	-223,258	-9,008
Direct appropriation	4,561	---	---	-4,561
Salaries and expenses, Foreign Claims Settlement Commission	2,113	2,124	2,000	-113

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Fees and expenses of witnesses	270,000	270,000	270,000	---
Salaries and expenses, Community Relations Service	11,456	12,967	11,456	---
Assets Forfeiture Fund	20,948	20,990	20,948	---
Total, Legal Activities	3,177,257	3,322,675	3,187,191	+9,934
United States Marshals Service				
Salaries and expenses	1,123,511	1,243,570	1,174,000	+50,489
Construction	16,592	15,625	15,000	-1,592
Total, United States Marshals Service	1,140,103	1,259,195	1,189,000	+48,897
National Security Division				
Salaries and expenses	87,762	87,882	87,000	-762
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement	527,512	540,966	527,512	---
Federal Bureau of Investigation				
Salaries and expenses	3,385,216	3,358,000	3,376,000	-9,216
Overseas contingency operations (emergency)	101,066	---	---	-101,066
Counterintelligence and national security	4,332,873	4,636,991	4,660,991	+328,118
Subtotal	7,819,155	7,994,991	8,036,991	+217,836

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Construction	107,095	80,982	80,982	-26,113
Total, Federal Bureau of Investigation	7,926,250	8,075,973	8,117,973	+191,723
Drug Enforcement Administration				
Salaries and expenses	2,305,947	2,354,114	2,347,000	+41,053
Diversion control fund	-290,304	-322,000	-322,000	-31,696
Subtotal	2,015,643	2,032,114	2,025,000	+9,357
Construction	---	10,000	10,000	+10,000
Total, Drug Enforcement Administration	2,015,643	2,042,114	2,035,000	+19,357
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses	1,112,542	1,147,295	1,152,000	+39,458
Federal Prison System				
Salaries and expenses	6,282,410	6,724,266	6,551,281	+268,871
Buildings and facilities	98,957	99,394	90,000	-8,957
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700	---
Total, Federal Prison System	6,384,067	6,826,360	6,643,981	+259,914

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State and Local Law Enforcement Activities				
Office on Violence Against Women:				
Prevention and prosecution programs	417,663	431,750	412,500	-5,163
Salaries and expenses (by transfer)	---	(23,148)	---	---
Subtotal	417,663	454,898	412,500	-5,163
Office of Justice Programs:				
Research, evaluation and statistics	234,530	178,500	113,000	-121,530
State and local law enforcement assistance	1,117,845	1,173,500	1,162,500	+44,655
Juvenile justice programs	275,423	280,000	262,500	-12,923
Salaries and expenses	---	271,833	---	---
(transfer out)	---	(-63,478)	---	---
Subtotal	---	208,355	---	---
Public safety officer benefits:				
Death benefits	61,000	62,000	62,000	+1,000
Disability and education benefits	9,082	16,300	16,300	+7,218
Subtotal	70,082	78,300	78,300	+8,218
Total, Office of Justice Programs	1,697,880	1,918,655	1,616,300	-81,580

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Oriented Policing Services:				
COPS programs	494,933	669,500	198,500	-296,433
Salaries and expenses (by transfer)	---	(40,330)	---	---
Subtotal	494,933	709,830	198,500	-296,433
OJP, OVW, COPS Salaries and expenses	186,626	---	---	-186,626
Total, State and Local Law Enforcement Activities	2,797,102	3,083,383	2,227,300	-569,802
Total, title II, Department of Justice	27,389,150	28,724,339	27,407,713	+18,563
Appropriations	(27,288,084)	(28,724,339)	(27,407,713)	(+119,629)
Emergency appropriations	(101,066)	---	---	(-101,066)
(by transfer)	---	63,478	---	---
(transfer out)	---	-63,478	---	---
TITLE III - SCIENCE				
Office of Science and Technology Policy	6,647	6,650	4,500	-2,147
National Aeronautics and Space Administration				
Science	4,935,409	5,016,800	5,090,000	+154,591
Aeronautics	533,930	569,400	569,900	+35,970
Space Technology	---	1,024,200	575,000	+575,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Exploration	3,800,683	3,948,700	3,770,800	-29,883
Space Operations	5,497,483	4,346,900	4,233,600	-1,263,883
Education	145,508	138,400	138,400	-7,108
Cross-agency Support	3,105,177	3,192,000	2,995,000	-110,177
Construction and environmental compliance and restoration	393,511	450,400	390,000	-3,511
Office of Inspector General	36,327	37,500	37,300	+973
Total, National Aeronautics and Space Administration	18,448,028	18,724,300	17,800,000	-648,028
National Science Foundation				
Research and related activities	5,496,011	6,185,540	5,651,000	+154,989
Defense function	67,864	68,000	68,000	+136
Subtotal	5,563,875	6,253,540	5,719,000	+155,125
Major Research Equipment and Facilities Construction	117,055	224,680	167,055	+50,000
Education and Human Resources	861,034	911,200	829,000	-32,034
Agency Operations and Award Management	299,400	357,740	299,400	---
Office of the National Science Board	4,531	4,840	4,440	-91
Office of Inspector General	13,972	15,000	14,200	+228
Total, National Science Foundation	6,859,867	7,767,000	7,033,095	+173,228
Total, title III, Science	25,314,542	26,497,950	24,837,595	-476,947

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - RELATED AGENCIES				
Commission on Civil Rights				
Salaries and expenses	9,381	9,429	9,193	-188
Equal Employment Opportunity Commission				
Salaries and expenses	366,568	385,520	360,000	-6,568
State and local assistance	---	---	---	---
Total, Equal Employment Opportunity Commission	366,568	385,520	360,000	-6,568
International Trade Commission				
Salaries and expenses	81,696	87,000	80,000	-1,696
Payment to the Legal Services Corporation				
Salaries and expenses	404,190	450,000	348,000	-56,190
Marine Mammal Commission				
Salaries and expenses	3,243	3,025	3,025	-218

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the U.S. Trade Representative				
Salaries and expenses	47,730	51,251	51,251	+3,521
State Justice Institute				
Salaries and expenses	5,121	5,131	5,121	---
Total, title IV, Related Agencies	917,929	991,356	856,590	-61,339
TITLE V - RESCISSIONS				
Emergency steel, oil gas guarantees prgm (rescission)	-48,000	-43,064	-700	+47,300
NTIA, Information Infrastructure grants (rescission)	---	-2,000	-2,000	-2,000
NTIA, Public Telecommunications Facilities, Planning and Construction	---	---	-2,750	-2,750
NTIA, Spectrum Fund (rescission)	-4,800	---	---	+4,800
Bureau of the Census (rescission)	-1,740,000	---	---	+1,740,000
Census, Working capital fund (rescission)	-50,000	---	---	+50,000
Foreign Fishing Observer Fund (rescission)	---	-350	-350	-350
Digital TV Transition Public Safety Fund (rescission)	---	-4,300	-4,300	-4,300
DOJ, Working Capital Fund (rescission)	-26,000	-40,000	-40,000	-14,000
DOJ, Assets Forfeiture Fund (rescission)	-495,000	-620,000	-675,000	-180,000
US Marshals Service,salaries and expenses (rescission)	---	-7,200	-2,200	-2,200
DEA, Salaries and expenses (rescission)	---	-30,000	-10,000	-10,000

DIVISION B - COMMERCE JUSTICE SCIENCE AND RELATED AGENCIES
APPROPRIATIONS BILL 2012
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
FPS, Buildings and facilities (rescission)	---	-35,000	-45,000	-45,000
Office of Justice programs (rescission)	-42,000	-42,600	-55,000	-13,000
Community oriented policing services (rescission)	-10,200	-10,200	-23,605	-13,405
Violence against women prevention and prosecution programs (rescission)	---	-5,000	-15,000	-15,000
NASA (rescission)	---	---	-30,000	-30,000
Total, title V, Rescissions	-2,416,000	-839,714	-905,905	+1,510,095
Grand total	58,786,478	64,176,569	60,003,742	+1,217,264
Appropriations	(61,101,412)	(65,016,283)	(60,709,647)	(-391,765)
Disaster relief category	---	---	(200,000)	(+200,000)
Emergency appropriations	(101,066)	---	---	(-101,066)
Rescissions	(-2,416,000)	(-839,714)	(-905,905)	(+1,510,095)
(by transfer)	(99,239)	(138,678)	(118,098)	(+18,859)
(transfer out)	(-99,239)	(-138,678)	(-118,098)	(-18,859)

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

CONGRESSIONAL DIRECTIVES

The legislative intent in the House and Senate versions in H.R. 2112 set forth in the accompanying Senate report (S. Rept. 112–93) and in the report approved by the House Transportation, Housing and Urban Development, and Related Agencies Subcommittee on September 8, 2011 should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House, which is not changed by the report of the Senate or this statement of managers, and Senate report language, which is not changed by this statement of managers, is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The conferees direct the Department of Transportation and the Department of Housing and Urban Development to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program or authority.

The conferees reiterate direction included in the Senate report regarding the definitions of program, project and activity; reductions made pursuant to sequestration; reprogramming guidelines and requirements; operating plans; working capital funds; and budget justifications. Further, the conferees direct each department to include justifications on each administrative and general provision requested in the budget request materials.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides $102,481,000 for the salaries and expenses of the Office of the Secretary of Transportation as an overall funding level as proposed by the House rather than $102,202,000 as proposed by the Senate. The agreement includes funding by office as specified below:

Immediate Office of the Secretary	$2,618,000
Immediate Office of the Deputy Secretary	984,000
Office of the Executive Secretariat	1,595,000
Office of the Under Secretary for Transportation Policy	10,107,000
Office of Small and Disadvantaged Business Utilization	1,369,000
Office of Intelligence, Security, and Emergency Response	10,778,000
Office of the Chief Information Officer	14,988,000
Office of the General Counsel	19,515,000
Office of the Assistant Secretary for Governmental Affairs	2,500,000
Office of the Assistant Secretary for Budget and Programs	10,538,000
Office of the Assistant Secretary for Administration	25,469,000
Office of Public Affairs	2,020,000
Office of Workforce Development	—

The conferees direct the Office of General Counsel to provide a continued level of effort to protect airline passengers.

NATIONAL INFRASTRUCTURE INVESTMENTS

The conference agreement provides $500,000,000 for capital investments in surface transportation infrastructure, instead of $550,000,000 as proposed by the Senate. The House did not propose funding for this account. The conferees direct the Secretary to focus on road, transit, rail and port projects. No funds are provided for planning activities and the Department is limited to $20,000,000 for program administration.

FINANCIAL MANAGEMENT CAPITAL

The conference agreement provides $4,990,000 for the financial management capital program as proposed by the Senate, instead of $5,000,000 as proposed by the House.

CYBER SECURITY INITIATIVES

The conference agreement provides $10,000,000 for cyber security initiatives as proposed by the Senate. The House did not propose funding for this account.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $9,384,000 for the office of civil rights as proposed by the House, instead of $9,648,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides $9,000,000 for transportation planning, research and development as proposed by the House and Senate. The conferees agree to provide not more than $1,000,000 to do a complete study authorized in Section 9007 of Public Law 109–59.

WORKING CAPITAL FUND

The conference agreement includes a limitation of $172,000,000 for working capital fund activities, rather than $147,596,000 as proposed by the House and the Senate. The conferees include language allowing for the transfer of funds to the Working Capital Fund upon a majority approval of the Working Capital Fund Steering Committee.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of $922,000 as proposed by the House for the minority business recource center program, instead of $921,000 as proposed by the Senate. Within the funds provided $333,000 is for the costs of guaranteed loans for short-term working capital and $589,000 is provided for administrative expenses. The bill limits loans made under this program to $18,367,000 as proposed by the House and Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $3,068,000 for minority business outreach as proposed by the House and Senate.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $143,000,000 for payments to air carriers as proposed by the Senate instead of $100,000,000 as proposed by the House. In addition to these funds, the program will receive $50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. The agreement includes language, as proposed by the Senate, that would limit funds to communities that received subsidy or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue providing service any time between September 30, 2010, and September 30, 2011. The conference agreement also includes language to direct the Secretary to transfer such sums as may be necessary from the Office of the Secretary if funding is insufficient to meet the costs of the program.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds in this Act available to the Department of Transportation from being 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.

Section 102 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 103 prohibits funds from being obligated or expended to establish or implement a program where essential air service communities are required to assume subsidy costs commonly referred to as local participation.

Section 104 authorizes the Department of Transportation to provide payments in advance to vendors for the Federal transit pass fringe benefit program.

Section 105 requires the Secretary of Transportation to post on the DOT website a schedule and an agenda of all Credit Council meetings. The conferees direct the Department to maintain records of the factors and criteria leading to funding determinations on applications.

Section 106 rescinds unobligated balances made available by section 185 of Public Law 109–115.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $9,653,395,000 for operations of the Federal Aviation Administration instead of $9,673,962,000 as proposed by the House and $9,635,710,000 as proposed by the Senate. Of the total amount provided, $5,060,694,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity. The Conference agreement includes all Operations base transfers requested in the budget, and the conferees expect that FAA's fiscal year 2013 budget will provide the same level of detail on the offices within the new Finance and Management organization as in previous years. In addition, the conferees direct that FAA move the Office of Audit and Evaluation (AAE) from within Office of the Chief Counsel (AGC) and realign it as an independent Staff Office reporting directly to the FAA Administrator.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity, pursuant to the reorganizational reprogramming activity approved by the Committees in September:

[All dollars in thousands]

Program	House	Senate	Conference Agreement
Air Traffic Organization	7,618,352	7,560,815	7,442,738
Aviation Safety	1,250,514	1,253,381	1,252,991
Commercial Space	13,000	15,005	16,271
Finance and Management			582,117
NextGen			60,134
Human Resources	99,005	98,858	98,858
Staff Offices	186,347	207,065	200,286
Conference Total			9,653,395

Justification of general provisions.—The conference agreement directs the FAA to provide a justification for each general provision proposed in the fiscal year 2013 budget.

Air Traffic Controller Optimum Training Solution (ATCOTS).—The conference agreement directs the FAA to report back within 60 days on modifications to the ATCOTS program that will accommodate training for all required new controllers and facilitate modern learning principles.

Workforce diversity.—The conferees direct FAA to continue to provide a report detailing data and information on the agency's recruitment outreach and hiring efforts in minority communities. The letter report should also include a year-to-year comparison of hiring statistics and shall be submitted to the House and Senate Appropriations Committees by January 15, 2012.

En Route Automation Modernization (ERAM) Operations funding.—The conference agreement provides no additional funding for ERAM related cost increases and directs the FAA to pay for all ERAM related program activities from the Facilities and Equipment account until operational readiness is achieved at Salt Lake or Seattle Center, consistent with prior program management practice.

Aviation safety (AVS).—The conference agreement provides $1,252,991,000 for aviation safety, which includes an increase of 35 additional flight standards inspectors and related safety staff and 20 aircraft certification personnel.

Special use airspace of unmanned aerial system (UAS).—The conferees direct FAA to provide a progress report to the House and Senate Appropriations Committees, no later than 60 days after enactment, which describes and assesses the establishment of special use airspace to fill defense research needs related to UASs, particularly in the development of detection techniques for small unmanned aerial vehicles.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,730,731,000 for FAA facilities and equipment instead of $2,798,250,000 as proposed by the House and $2,630,731,000 as proposed by the Senate. Of the total amount available, $475,000,000 is available until September 30, 2012, and $2,255,731,000 is available until September 30, 2014. The bill includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2013 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

	House Bill	Senate Bill	Conference
Activity 1, Engineering, Development, Test and Evaluation:			
Advanced Technology Development and Prototyping	31,900,000	24,000,000	29,000,000
NAS Improvement of System Support Laboratory	1,000,000	1,000,000	1,000,000
William J. Hughes Technical Center Facilities	15,000,000	14,000,000	14,000,000
William J. Hughes Technical Center Infrastructure Sustainment	7,500,000	7,500,000	7,500,000
Next Generation Network Enabled Weather (NNEW)	0	18,000,000	0
Data Communications in support of Next Generation Air Transportation System	143,000,000	109,000,000	143,000,000
Next Generation Transportation System Demonstration and Infrastructure Development	16,900,000	15,000,000	15,000,000
Next Generation Transportation System—System Development	90,000,000	70,000,000	85,000,000
Next Generation Transportation System—Trajectory Based Operations	9,300,000	7,000,000	7,000,000
Next Generation Transportation System—Weather Reduction Impact	15,600,000	10,000,000	15,600,000
Next Generation Transportation System—High Density Arrivals/Departures	14,300,000	10,000,000	12,000,000
Next Generation Transportation System—Collaborative ATM	28,000,000	22,000,000	24,000,000
Next Generation Transportation System—Flexible Terminals and Airports	36,300,000	32,000,000	33,300,000
Next Generation Transportation System—Safety Security and Environment	0	0	0
Next Generation Transportation System—Networked Facilities	9,000,000	5,000,000	5,000,000
Next Generation Air transportation System-Future Facilities	19,500,000	10,000,000	15,000,000
Joint Planning and Development Office (JPDO)	0	3,000,000	0
Performance Based Navigation	29,200,000	26,200,000	29,200,000
Total, Activity 1	466,500,000	383,700,000	435,600,000
Activity 2, Air Traffic Control Facilities and Equipment:			
In Route Programs:			
En Route Automation Modernization (ERAM)	148,000,000	148,500,000	155,000,000
En Route Automation Modernization (ERAM)–PER3	0	3,356,000	0
En Route Communications Gateway (ECG)	2,000,000	2,000,000	2,000,000
Next Generation Weather Radar (NEXRAD)—Provide	2,800,000	2,800,000	2,800,000
Air Traffic Control System Command Center (ATCSCC)—Relocation	3,600,000	3,600,000	3,600,000
ARTCC Building Improvements/Plant Improvements	46,000,000	36,000,000	41,000,000
Air Traffic Management (ATM)	7,500,000	7,500,000	7,500,000
Air/Ground Communications Infrastructure	4,800,000	4,800,000	4,800,000
Air Traffic Control En Route Radar Facilities Improvements	5,800,000	5,800,000	5,800,000
Voice Switching and Control System (VSCS)	1,000,000	1,000,000	1,000,000
Oceanic Automation System	6,000,000	4,000,000	4,000,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	45,150,000	45,150,000	45,150,000
System-Wide Information Management (SWIM)	66,350,000	66,350,000	66,350,000
ADS–B NAS Wide Implementation	285,100,000	285,100,000	285,100,000
Windshear Detection Services	1,000,000	1,000,000	1,000,000
Weather and Radar Processor (WARP)	2,500,000	2,500,000	2,500,000
Collaborative Air Traffic Management Technologies	41,500,000	41,500,000	41,500,000
Colorado Wide Area Multilateration (WAM)	3,800,000	3,800,000	3,800,000
Automated terminal Information Service (ATIS)	1,000,000	1,000,000	1,000,000
Time-Based Flow Management (TBFM)	38,700,000	38,700,000	38,700,000
Subtotal En Route Programs	712,600,000	704,456,000	712,600,000
Terminal Programs:			
Airport Surface Detection Equipment—Model X (ASDE–X)	2,200,000	2,200,000	2,200,000
Terminal Doppler Weather Radar (TDWR)	7,700,000	6,000,000	7,700,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1)	25,000,000	25,000,000	25,000,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3)	108,750,000	98,750,000	108,750,000
Terminal Automation Program	2,500,000	2,500,000	2,500,000
Terminal Air Traffic Control Facilities—Replace	51,600,000	51,600,000	51,600,000
ATCT/Terminal Radar Approach Control (TRACON) Facilities—Improve	56,900,000	45,000,000	52,000,000
Terminal Voice Switch Replacement (TVSR)	10,000,000	8,000,000	8,000,000
NAS Facilities OSHA and Environmental Standards Compliance	26,000,000	20,000,000	24,600,000
Airport Surveillance Radar (ASR–9)	6,000,000	6,000,000	6,000,000
Terminal Digital Radar (ASR–11)	3,900,000	3,900,000	3,900,000
Runway Status Lights	29,800,000	20,000,000	29,800,000
National Airspace System Voice Switch (NVS)	19,800,000	9,000,000	9,000,000
Integrated Display System (IDS)	8,800,000	8,800,000	8,800,000
Remote Maintenance and Logging System (RMLS)	4,200,000	4,200,000	4,200,000
ASR–8 Service Life Extension Program (SLEP)	0	0	0
Mode S Service Life Extension Program (SLEP)	4,000,000	4,000,000	4,000,000
Subtotal Terminal Programs	367,150,000	314,950,000	348,050,000
Flight Service Programs:			
Automated Surface Observing System (ASOS)	2,500,000	2,500,000	2,500,000
Flight Service Station (FSS) Modernization—Alaska Flight Service Modernization (AFSM)	4,500,000	4,500,000	4,500,000

	House Bill	Senate Bill	Conference
Weather Camera Program	1,500,000	4,800,000	4,800,000
Subtotal Flight Service Programs	8,500,000	11,800,000	11,800,000
Landing and Navigational Aids Program:			
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Instrument Landing System (ILS)—Establish	5,000,000	5,000,000	5,000,000
Wide Area Augmentation System (WAAS) for GPS	85,000,000	110,000,000	95,000,000
Runway Visual Range (RVR)	5,000,000	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP)	5,000,000	5,000,000	5,000,000
Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Visual NAVAIDS—Establish/Expand	3,400,000	3,400,000	3,400,000
Instrument Flight Procudures Automation (IFPA)	2,200,000	2,200,000	2,200,000
Navigation and Landing Aids—Service Life Extension Program (SLEP)	6,000,000	7,000,000	7,000,000
VASI Replacement—Replace with Precision Approach Path Indicator	7,000,000	8,000,000	8,000,000
GPS Civil Requirements	19,000,000	36,000,000	19,000,000
Runway Safety Areas—Navigational Mitigation	25,000,000	25,000,000	25,000,000
Subtotal Landing and Navigational Aids Programs	172,600,000	214,600,000	184,600,000
Other ATC Facilities Programs:			
Fuel Storage Tank Replacement and Monitoring	6,400,000	4,400,000	5,400,000
Unstaffed Infrastructure Sustainment	18,000,000	15,000,000	18,000,000
Aircraft Related Equipment Program	11,700,000	11,700,000	11,700,000
Airport Cable Loop Systems—Sustained Support	5,000,000	5,000,000	5,000,000
Alaskan Satellite telecommunications Infrastructure (ASTI)	16,000,000	15,500,000	15,500,000
Facilities Decommissioning	5,000,000	5,000,000	5,000,000
Electrical Power Systems—Sustain/Support	85,600,000	68,000,000	77,581,000
Aircraft Fleet Modernization	9,000,000	6,000,000	9,000,000
FAA employee housing and Life Safety Shelter System Service	2,500,000	2,500,000	2,500,000
Subtotal Other ATC Facilities Programs	159,200,000	133,100,000	149,681,000
Total, Activity 2	1,420,050,000	1,378,906,000	1,406,731,000
Activity 3, Non-Air Traffic Control Facilities and Equipment:			
Support Equipment:			
Hazardous Materials Management	20,000,000	20,000,000	20,000,000
Aviation Safety Analysis System (ASAS)	30,100,000	30,100,000	30,100,000
Logistics Support System and Facilities (LSSF)	10,000,000	10,000,000	10,000,000
National Airspace System Recovery Communications (RCOM)	12,000,000	12,000,000	12,000,000
Facility Security Risk Management	18,000,000	16,000,000	16,000,000
Information Security	17,000,000	15,000,000	15,200,000
System Approach for Safety Oversight	23,600,000	23,600,000	23,600,000
Aviation Safety Knowledge Management Environment (ASKME)	17,200,000	17,200,000	17,200,000
Data Center Operations	1,000,000	0	1,000,000
Aerospace Medical System Support	12,000,000	10,000,000	10,000,000
Subtotal Support Equipment	160,900,000	153,900,000	155,100,000
Training, Equipment and Facilities:			
Aeronautical Center Infrastructure Modernization	18,000,000	15,000,000	16,500,000
Distance Learning	1,500,000	1,500,000	1,500,000
National Airspace System (NAS) Training—Simulator	.....	.....	.....
Subtotal Training, Equipment and Facilities	19,500,000	16,500,000	18,000,000
Total, Activity 3	180,400,000	170,400,000	173,100,000
Activity 4, Facilities and Equipment Mission Support:			
System Support and Services:			
System Engineering and Development Support	32,900,000	28,500,000	32,900,000
Program Support Leases	41,700,000	40,000,000	40,000,000
Logistics Support Services (LSS)	11,700,000	10,100,000	11,700,000
Mike Monroney Aeronautical Center Leases	17,000,000	17,000,000	17,000,000
Transition Engineering Support	13,000,000	11,300,000	13,000,000
Technical Support Services Contract (TSSC)	22,000,000	19,100,000	22,000,000
Resource Tracking Program (RTP)	4,000,000	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD)	80,800,000	71,000,000	78,000,000
Aeronautical Information Management Program	26,300,000	20,224,000	20,200,000
Permanent Change of Station (PCS) Moves	2,500,000	2,500,000	1,500,000
Total, Activity 4	251,900,000	223,724,000	240,300,000
Activity 5, Personnel and Related Expenses:			
Personnel and Related Expenses:	480,000,000	474,000,000	475,000,000
Total, All Activities	2,798,850,000	2,630,730,000	2,730,731,000

Performance Based Navigation.—The conference agreement provides $29,200,000 for Performance Based Navigation, as proposed by the House. The agreement provides $3,000,000 over the request for a demonstration project to utilize third parties to design, deploy and maintain public use Required Navigation Performance (RNP) procedures at five mid-sized airports where aircraft flying RNP arrivals would achieve measurable benefit.

System-wide information management system (SWIM).—The conference agreement includes $66,350,000 for the SWIM program. The conferees direct FAA to provide a progress report to the House and Senate Committees on Appropriations by February 15, 2012 on FAA's development and deployment of Segment 1 capabilities and the expected requirements, development and deployment of Segment 2.

Navigation and landing aids-service life extension program (SLEP).—The conference agreement includes $7,000,000 for navigation and landing aids. Within the amount provided, $1,000,000 is for the procurement and installation of additional runway end identification light (REIL) systems.

VASI replacement-replace with precision approach path indicator.—The conference agreement includes $8,000,000 for the replacement of VASI systems with Precision Approach Path Indicator (PAPI) systems. Within the amount provided, $1,000,000 is for the procurement of additional PAPI systems.

Alternate positioning, navigation and timing (APNT).—The conferees understand FAA is conducting a review of APNT capabilities that support communication, navigation, and surveillance applications in the event of a loss of Global Navigation Satellite Services (GNSS) to ensure that operations are appropriately supported and consistent with the evolution to NextGen. The conferees support this review and encourage the FAA to move forward with research, development and potential implementation of systems, avionics, processes, and procedures that leverage available assets to minimize the impact to system capacity and efficiency during periods of GNSS interference.

RESEARCH, ENGINEERING AND DEVELOPMENT

(AIRPORT AIRWAY TRUST FUND)

The bill provides $167,556,000 for the FAA's research, engineering, and development activities, instead of $175,000,000 as proposed by the House and $157,000,000 as proposed by the Senate. The following table compares the House and Senate bills with the conference agreement by budget activity:

Program	House Bill	Senate Bill	Conference Agreement
Improve Aviation Safety	94,249,000	87,775,000	89,314,000
Fire research and safety	8,157,000	7,158,000	7,158,000
Propulsion and fuel systems	3,611,000	2,300,000	2,300,000

Program	House Bill	Senate Bill	Conference Agreement
Advanced materials/structural safety	2,605,000	2,534,000	2,534,000
Atmospheric hazards/digital system safety	5,404,000	5,404,000	5,404,000
Aging aircraft	12,589,000	10,632,000	11,600,000
Aircraft catastrophic failure prevention	1,502,000	1,147,000	1,147,000
Flightdeck safety/systems integration	6,162,000	6,162,000	6,162,000
Aviation safety risk analysis	10,027,000	10,027,000	10,027,000
ATC/AF human factors	10,634,000	10,364,000	10,364,000
Aeromedical research	11,617,000	11,000,000	11,000,000
Weather research	16,366,000	16,043,000	16,043,000
Unmanned aircraft system	3,504,000	3,504,000	3,504,000
NextGen Alternative Fuels for General Aviation	2,071,000	1,500,000	2,071,000
Improve Efficiency of the ATC System	33,905,000	28,134,000	34,174,000
Joint program and development office	0	6,500,000	5,000,000
Wake turbulence	10,674,000	9,064,000	10,674,000
NextGen—Air Ground Integration	10,545,000	5,303,000	7,000,000
NextGen—Self Separation	3,500,000	5,060,000	3,500,000
NextGen—Weather Technology in the Cockpit	9,186,000	2,207,000	8,000,000
Reduce Environmental Impacts	41,351,000	35,597,000	38,574,000
Environment and energy	16,351,000	15,074,000	15,074,000
NextGen Environmental Research—Aircraft Technologies, Fuels and Metrics	25,000,000	20,523,000	23,500,000
Mission Support	5,495,000	5,494,000	5,494,000
System planning and resource management	1,718,000	1,717,000	1,717,000
Technical laboratory facilities	3,777,000	3,777,000	3,777,000
Total	175,000,000	157,000,000	167,556,000

NextGen environmental research—aircraft technologies, fuels and metrics.—The conference agreement includes $23,500,000 for the FAA's NextGen environmental research aircraft technologies, fuels and metrics program. The conferees direct FAA to use funds above the budget request to expedite the development of viable alternative fuels that can be used in aircraft and to continue the efforts of FAA's continuous, lower energy, emissions, and noise program (CLEEN). These additional funds are designated as an item of congressional interest and the conferees direct FAA not to reprogram these funds without the specific approval of the House and Senate Committees on Appropriations.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a liquidating cash appropriation of $3,435,000,000; an obligation limitation of $3,350,000,000; a limitation on administrative expenses of not more than $101,000,000; no less than $15,000,000 for the airport cooperative research program; and no less than $29,250,000 for airport technology research.

Small community air service development pilot program.—The bill includes $6,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA ''without cost'' building construction or space as proposed by the House and Senate.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.SC. 45303 as proposed by the House and Senate.

Section 113 allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account as proposed by the House and Senate.

Section 114 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights as proposed by the House and Senate.

Section 115 prohibits funds for Sunday premium pay unless work was actually performed on a Sunday as proposed by the House and Senate.

Section 116 prohibits funds in the Act from being used to buy store gift cards with Government issued credit cards as proposed by the House and Senate.

Section 117 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c) as proposed by the Senate.

Section 118 prohibits funds from being obligated or expended for retention bonuses for FAA employees without prior written approval of the DOT Deputy Assistant Secretary for Administration.

Section 119 limits to 20 percent the cost share required under the contract tower cost-share program.

Section 119A reverses changes made to the Block Aircraft Registry Request program and prohibits future changes to the program, as proposed by the House and Senate.

Section 119B prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to $412,000,000, which is equal to the annualized level of contract authority under the latest surface transportation extension, P.L. 112–30, plus $3,144,750 in carryover contract authority, plus $16,000,000 in funds that the Secretary may transfer from the 14 discretionary highway programs, if necessary, to ensure proper oversight. The 14 programs impacted are: Delta Region Transportation Development; Ferry Boats Discretionary Projects; Highways for LIFE Demo Projects; Innovative Bridge Research & Deployment; Interstate Maintenance Discretionary; National Historic Covered Bridge Preservation; National Scenic Byways; Public Lands Highway Discretionary; Railway-Highway Crossings Hazard Elimination in HSR Corridors; Transportation, Community, and System Preservation; Truck Parking Pilot Program; Disadvantaged Business Enterprises Services; On-the-Job Training Services; and, Value Pricing Pilot Program.

In addition, the conferees provide $3,220,000 in contract authority above this limitation for the administrative expenses of the Appalachian Regional Commission pursuant to 23 U.S.C. 104.

Information Technology Improvements.—The conferees recommend at least $2,000,000 of funds provided should be for the Delphi system and accounting services, the IPv6 transition, and FHWA's share in the implementation of the financial management business transformation. These are important improvements to the administration of the federal-aid highways program.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $39,143,582,670 in fiscal year 2012, which is the annualized level of contract authority under the latest surface transportation extension, P.L. 112–30.

Solvency of Highway Trust Fund.—The conferees acknowledge this obligation limitation will deplete almost all resources from the Highway Trust Fund by the end of fiscal year 2012, causing the FHWA to begin cash-management procedures that may result in States not receiving timely reimbursement of highway construction expenses. Further, without enactment of a new surface transportation authorization bill with large amounts of additional revenues this year, the Highway Trust Fund will be unable to support a highway program in fiscal year 2013. The conferees strongly urge the committees of jurisdiction to enact surface transportation legislation that provides substantial long-term funding to continue the federal-aid highways program.

Commercial Motor Vehicle Parking.—The conferees direct FHWA to study the shortage of commercial motor vehicle parking, including the impact of such on operators' compliance with federal safety requirements, and to report findings to the Committees on Appropriations within 180-days of enactment of this Act.

The conference agreement does not include a requirement for FHWA to report on transportation construction projects impacting local roads as proposed by the House.

Additionally, the conference agreement does not include a requirement for FHWA to investigate developing a comprehensive, department-wide corrosion analysis mitigation tool or a requirement for FHWA to report on the viability and cost-savings of developing such tool as proposed by the House.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $39,882,582,670, which is available until expended, to pay the outstanding obligations of the various highway programs at the levels provided in this

Act and prior appropriations Acts. This level reflects the annualized contract authority provided under the latest surface transportation extension, P.L. 112–30, including contract authority both subject to and exempt from the obligation limitation.

EMERGENCY RELIEF

The conference agreement appropriates $1,662,000,000 in additional funds for the Emergency Relief Program, which is available until expended, for qualifying emergency repair expenses relating to major disasters declared pursuant to the Stafford Act, 42 U.S.C. 5121 et seq.

The conference agreement waives the per-State, per-disaster cap of $100,000,000 for certain disaster events in fiscal year 2011 relating to Hurricane Irene and flooding of the Missouri River. The conference agreement also directs the Secretary to extend the 180–day time period under 23 U.S.C. 120(e), in consideration of delays in a State's ability to access damaged facilities to evaluate damages and estimate the cost of such repairs, for eligible disasters in fiscal years 2011 and 2012.

RESCISSION

The conference agreement does not include a rescission of $73,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 120 retains the provision as proposed by the Senate that distributes the federal-aid highways program obligation limitation.

Section 121 retains the provision as proposed by the House and the Senate that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the federal-aid highways account.

Section 122 retains the provision as proposed by the House and the Senate that provides requirements for any waiver of Buy American requirements.

Section 123 retains the provision as proposed by the House and the Senate that prohibits tolling in Texas, with exceptions.

Section 124 retains with modification the provision proposed by the House that directs GAO to study how States and public transit authorities use their authority to transfer federal funds between the highway and transit programs and to submit a report within a year of enactment.

Section 125 retains with modification the provision proposed by the Senate that allows the State laws of Maine and Vermont regarding vehicle weight limitations to apply to all portions of the Interstate Highway System within each State, notwithstanding the requirements of 23 U.S.C. 127(a)(11), for a time period of approximately twenty years.

Section 126 is a new provision that allows the Secretary to transfer up to $16,000,000 from discretionary federal-aid highway programs to the FHWA administrative expenses account.

The conference agreement does not include Sections 124 or 128, as proposed by the Senate.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of $247,724,000 for the operating and program expenses of the Federal Motor Carrier Safety Administration (FMCSA). Of this limitation, $8,543,000 is to remain available for obligation until September 30, 2014, as proposed by the Senate; $191,918,800 is recommended for operating expenses; and $47,262,200 is recommended for program expenses. The conference agreement modifies the Senate direction to FMCSA to report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance safety reviews on high risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of $307,000,000 for motor carrier safety grants, as proposed by the Senate, modified to provide $29,000,000 for the audits of new entrant motor carriers, as proposed by the House. The conference agreement provides funding for motor carrier safety grants as follows:

Program	Funding
Motor carrier safety assistance program	$212,000,000
Commercial driver's license (CDL) program improvement grants	30,000,000
Border enforcement grants	32,000,000
Performance and registration information system management grant	5,000,000
Commercial vehicle information systems and networks deployment	25,000,000
Safety data improvement grants	3,000,000

The conference agreement also permanently rescinds $1,000,000 in prior-year unobligated balances, as proposed by the Senate, to cover costs associated with FMCSA Administrative Provision 131.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 130 retains the provision proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

Section 131 retains the provision proposed by the Senate that does not require repayment of certain Commercial Vehicle Information Systems and Networks (CVISN) grant funds that were awarded improperly by FMCSA to States between 2006 and 2010.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $140,146,000 from the general fund for operations and research, as proposed by the Senate. Of this amount, a total of $20,000,000 shall remain available until September 30, 2013, as proposed by the Senate.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of $109,500,000, to remain available until expended. Of the total, $105,500,000 is provided for the highway safety research and development programs under 23 U.S.C. 403 and $4,000,000 is provided for the National Driver Register under 49 U.S.C. 303, as proposed by the House and the Senate. Of the total limitation, $20,000,000 shall remain available until September 30, 2013, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by the Senate.

Repurposed Seatbelt Grants Funding.—The conferees repurpose $25,000,000 of the Safety Belt Performance Grants to fully fund the modernization of the National Automotive Sampling System (NASS). The conferees direct NHTSA to follow all directives contained in the Senate Committee report relating to the NASS modernization, including those relating to enhanced data collection and new reporting requirements.

The conferees do not provide any repurposed Safety Belt Performance Grants funding to enhance the ongoing cooperative research effort between NHTSA and the Automotive Coalition for Traffic Safety to develop driver alcohol detection systems, or for the distracted driver program as proposed by the Senate.

Unsecured loads.—The conferees direct the GAO to report to the Committees on Appropriations on the various State laws, associated penalties, exemptions, and enforcement actions associated with unsecured loads within one year of enactment of this Act. Further, NHTSA is directed to collect and classify data from automobile accidents involving road debris as proposed by the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of $550,328,000 for highway traffic safety grants, to remain available until expended, as proposed by the Senate. The conference agreement recommends as follows:

	Amount
Highway Safety Programs (section 402)	$235,000,000
Occupant Protection Incentive Grants (section 405)	25,000,000
Safety Belt Performance Grants (section 406)	28,500,000
National Automotive Sampling System	25,000,000
State Traffic Safety Information System Improvement Grants (section 408)	34,500,000
Alcohol-Impaired Driving Countermeasures Incentive Grants (section 410)	139,000,000
Motorcyclist Safety Grants (section 2010)	7,000,000
Child Safety and Child Booster Seat Safety Incentive Grants (section 2011)	7,000,000
High Visibility Enforcement Program (section 2009)	29,000,000
Administrative Expenses	25,328,000

Distracted Driver.—The conferees direct NHTSA, in conjunction with the Centers for Disease Control (CDC), to conduct an analysis of available research on distracted driving, and to report on the extent to which electronic devices can be causally linked to the reported rise in fatal accidents or injuries involving distracted driving, as well as the impact distracted driving prevention laws and enforcement actions can have on motorist behavior.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Section 140 retains the provision as proposed by the House and the Senate that provides funding for travel and related expenses for state management reviews and highway safety core competency development training.

Section 141 retains the provision as proposed by the House and the Senate that exempts obligation authority that was made available in previous public laws for multiple years from the limitations on obligations set for the current year.

Section 142 retains the provision as proposed by the House and Senate that prohibits the use of funds to implement 23 U.S.C. 404.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement provides $178,596,000 for safety and operations of the Federal Railroad Administration (FRA) instead of $180,867,000 proposed by the House and $176,596,000 proposed by the Senate. Of the funds provided, $12,300,000 is available until expended as proposed by the Senate.

Positive Train Control.—The conferees expect the FRA to complete the necessary PTC rulemakings, and directs the FRA to report to the House and Senate Appropriations Committees, by March 1, 2012, on (a) the status of the revisions under consideration and (b) the FRA assessment of the progress being made by the railroad carriers in complying with the PTC statutory deadlines.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $35,000,000 for railroad research and development, instead of $35,030,000 as proposed by the House and $30,000,000 as proposed by the Senate. The conferees include funding for the research accounts as proposed by the House with the exception of R&D facilities and test equipment which shall be $2,345,000.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The conference agreement authorizes the Secretary to issue notes or other obligations pursuant to section 512 of P.L. 94–210 as proposed by both the House and Senate.

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of $1,418,000,000 for the operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak).

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $466,000,000 in operating grants to Amtrak instead of $227,000,000 proposed by the House and $544,000,000 proposed by the Senate.

Business plan.—The conference agreement includes language as proposed by the House that requires Amtrak to provide semiannual reports in electronic format regarding the pending business plan as well as progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2011. Further, these plans shall include a comprehensive fleet plan which shall establish year-specific goals and milestones and discuss potential, current and preferred financing options for all such activities.

The conference agreement includes bill language as proposed by the House which prohibits Amtrak from discounting tickets at more than 50 percent off the normal, peak fare after March 1, 2012, unless the operating loss due to the discounted fare is covered by a State. The Senate did not propose a similar provision.

The conferees encourage Amtrak to carry $200,000,000 in reserves within their Operating account, and encourage use of any favorable ticket revenue to get to this amount before using this favorable ticket revenue on Capital expenses unless such Capital expenses are necessary to ensure the safe operation and maintenance of the passenger rail system.

The conference agreement does not include a requirement for the Amtrak IG to report quarterly on Amtrak operational efficiencies and overhead expenses as proposed by the House as Section 207 of the Passenger Rail Investment and Improvement Act requires similar reporting requirements by the Federal Railroad Administration.

The conference agreement does not require Amtrak to report on plans to improve food and beverage service and first class service as proposed by the House.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $952,000,000 for capital and debt service payment grants to Amtrak, instead of $890,954,000 as proposed by the House, and $936,778,000 as proposed by the Senate. Within the funds provided, the conference agreement includes $271,000,000 for Amtrak's debt service payment as proposed by the House and the Senate, and $15,000,000 shall be for Northeast Corridor Gateway projects as proposed by the Senate. The agreement adopts the Senate bill requirement that grants made after the first $200,000,000 be provided only on a reimbursable basis.

Americans with Disabilities Act.—Under its compliance plan with the Americans with Disabilities Act (ADA), Amtrak would invest $175,000,000 during fiscal year 2010 for necessary capital investments. The conferees understand that events outside of Amtrak's control delayed these investments. However, the conferees direct Amtrak to the best of its ability to maintain this plan for complying with the requirements of ADA, and modify bill language requiring Amtrak to invest no less than $50,000,000 for ADA capital investments.

The conference agreement allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs of project management oversight of capital projects as proposed by the House, instead of one-fourth of one percent, as proposed by the Senate.

The conference agreement also allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs associated with implementing section 212 of division B of Public Law 110–432.

The conferees direct Amtrak to report back within 60 days on the process and procedures that are being implemented to improve financial controls for on-time performance incentive payments, and to establish accountability for the host railroad billing.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS PASSENGER RAIL SERVICE

The conferees provide no funds for the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service Program as proposed by the House. The Senate provided $100,000,000 for the program. The conference agreement does not require GAO to report on a vision and operational plan for high speed and intercity passenger rail service or on states' capabilities to develop and operate high speed and intercity passenger rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 150 retains a provision that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006, as proposed by the House and Senate.

Section 151 retains a provision that allows FRA to receive and use cash or spare parts to repair and replace damaged track inspection cars as proposed by the House and Senate.

Section 152 retains a provision that authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation.

Section 153 limits overtime to $35,000 per employee, allows Amtrak's president to waive this restriction for specific employees for safety or operational efficiency reasons, and requires notification to the House and Senate Committees on Appropriations within 30 days of granting such waivers.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $98,713,000 for the administrative expenses of the Federal Transit Administration (FTA) as proposed by the Senate instead of $94,413,000 as proposed by the House. The conferees provided funds directly to the Office of Inspector General for financial statement audits and did not specify a dollar amount for travel.

The conferees direct FTA to include in its operating plan a specific allocation of administrative expenses resources, including a delineation of full time equivalent employees, as proposed by the House. The conference agreement also requires transfers exceeding 5 percent to be approved by the House and Senate Appropriations Committees through the reprogramming process outlined by the Senate. The conferees direct FTA to include in DOT's operating plan how much will be allocated for travel in fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to $8,360,565,000 as proposed by the Senate, instead of $5,200,000,000 as proposed by the House. The conferees acknowledge that the specific programmatic distribution of formula and bus grant funds will be determined through legislation extending or reauthorizing the surface transportation programs. The conference agreement includes a liquidating cash appropriation of $9,400,000,000.

The conferees have directed that funding for bus rapid transit projects proposed in the fiscal year 2012 budget request under the capital investment grants account instead be funded in the Bus and Bus Facilities program, where they are also eligible. Projects requested in the administration's budget to be funded from the formula are as follows:

CA Fresno, Fresno Area Express	$17,800,000
CA Oakland, East Bay BRT	25,000,000
CA San Francisco, Van Ness Ave BRT	30,000,000
FL Jacksonville, JTA BRT	6,443,200
MI Grand Rapids, Silver Line BRT	12,887,943
TX El Paso, Mesa Corridor BRT	13,540,000
WA King County, RapidRide E BRT	21,629,000
WA King County, RapidRide F BRT	15,880,000
CT Hartford-New Britain Busway	45,000,000

RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides $44,000,000 for research activities instead of $45,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. Of the amounts provided, $3,500,000 is for the National Transit Institute, $6,500,000 is for transit cooperative research programs and $4,000,000 is for the university centers program. The conferees direct FTA to report on all 2011 and 2012 FTA-sponsored research by May 15, 2012. The agreement also provides $25,000,000 for FTA to support the development of cutting-edge new bus and transit technologies.

Rural transit.—In rural communities across the nation, the conferees believe that transit plays an important role in getting families and individuals from their homes to work, medical appointments and day-to-day activities. In order for rural transit service to be efficient, the community must effectively coordinate transit services among human service agencies and job providers. The conferees support continuing FTA efforts to develop and demonstrate initiatives that will assist rural and small communities in providing transit service that will help individuals to get from home to the workplace.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

The conference agreement provides $1,955,000,000 for capital investment grants as

proposed by the Senate instead of $1,554,077,000 as proposed by the House. Of the amounts provided, $35,481,000 is for the small starts program, $21,004,000 is for administrative oversight activities, $1,368,515,000 is for payouts for full funding grant agreements, $510,000,000 is for projects entering into full funding grant agreements in calendar year 2012 payable upon grant award, $5,000,000 is for the Denali Commission, and $15,000,000 is for Alaska and Hawaii ferries. Oversight and audit activities performed by the Office of Inspector General are funded out of the OIG account. Further, $58,500,000 of prior year unobligated balances are rescinded.

The conferees direct FTA to refrain from signing any full funding grant agreement with a new starts share greater than 60% as recommended in the Senate report. The House proposed limiting FTA to projects with a 50% or less Federal share.

The conference agreement provides the following payouts for new starts projects:

NY Long Island Rail Road East Side Access	$203,424,000
NY Second Avenue Subway	186,566,000
TX Dallas Northwest/Southeast	81,606,000
UT Salt Lake City Mid Jordan LRT	78,889,510
UT Salt Lake City Weber County	52,047,490
VA Northern VA Dulles	90,832,000
WA Seattle University Link LRT	104,078,000
MN Central Corridor LRT	93,144,000
FL Orlando Central Florida	47,308,000
CO Denver Eagle	140,920,000
TX Houston North Corridor	94,616,000
TX Houston Southeast Corridor	94,616,000
UT Salt Lake City Draper	100,468,000

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

The conference agreement does not include funds for energy efficiency grants as proposed by the House. The Senate proposed $25,000,000 under this heading.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides $150,000,000 as proposed by the House and Senate to carry out section 601 of division B of Public Law 110–432 to remain available until expended. The conferees direct WMATA to continue with capital improvement plans and not defer capital and safety investments to offset operating costs.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations.

Section 161 allows funds provided in this Act for (1) projects under ''Capital Investment Grants'' and (2) bus and bus facilities under ''Formula and Bus Grants'' that remain unobligated by September 30, 2014 to be available for projects eligible to use the funds for the purposes for which they were originally provided.

Section 162 allows for the transfer of appropriations made prior to October 1, 2011 from older accounts to be merged into new accounts with similar current activities.

Section 163 allows unobligated funds in prior year appropriations for new fixed guideway systems under ''Federal Transit Administration, Capital Investment Grants'' to be used in the current fiscal year to satisfy expenses for activities eligible in the year the funds were appropriated.

Section 164 requires unobligated funds or recoveries under 49 U.S.C. 5309 that are available for reallocation shall be directed to projects eligible to use the funds for which they were originally intended.

Section 165 allows the Secretary to use one percent of section 5316 funds for program management oversight.

Section 166 provides funds 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 as proposed by the Senate. The House proposed prohibiting funds for 49 U.S.C. 5309(m)(6)(B) and (C).

Section 167 modifies a provision proposed by the House limiting FTA to signing full funding grant agreements (FFGAs) with a new starts share of 60% or less. The House proposed limiting new FFGAs to projects with a Federal share of 50% or less. The Senate did not include a similar provision.

Section 168 modifies a provision proposed by the House permitting fuel and utilities for vehicle operations to be treated as a capital maintenance item for grants made under section 5307 in fiscal year 2012, up to $100,000,000. The Senate did not include a similar provision.

Section 169 modifies a provision proposed by the Senate regarding the enforcement of the charter bus rule for an area in Washington State. The House did not include a similar provision.

Section 169A allows the Secretary to consider significant private contributions when calculating the non-Federal share of capital costs for new starts projects as proposed by the Senate. The House did not include a similar provision.

Section 169B modifies a provision proposed by the Senate specifying all bus rapid transit projects recommended in the fiscal year 2012 budget request under ''Capital Investment Grants'' in this Act shall instead be funded from the formula bus program. The House did not include a similar provision.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes $32,259,000 for the operations, maintenance, and capital asset renewal of the Saint Lawrence Seaway Development Corporation (SLSDC) as proposed by the House instead of $34,000,000 as proposed by the Senate.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $174,000,000 for the maritime security program, as proposed by the House and Senate.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

The conference agreement includes $156,258,000 for the Maritime Administration's (MARAD) operations and training account, instead of $151,889,000 as proposed by the House and $154,886,000 as proposed by the Senate. Further, the agreement rescinds $980,000 from prior year funds instead of $1,000,000 as proposed by the Senate. The House did not propose a rescission from this account.

The conferees provide a total of $85,168,000 for the U.S. Merchant Marine Academy (USMMA). Of the funds provided, $62,268,000 is for Academy operations and $22,900,000 is for the capital improvement program (CIP) of which $17,000,000 is for capital improvements and $5,900,000 is for facilities maintenance, repairs and equipment. The conferees did not provide funds for replacing the midshipman fees or the recruitment initiative, but did allocate an additional $250,000 for up to 5 additional staff to support and manage the CIP and facility maintenance. The conferees do not include a prohibition on the expenditure of funds for the commencement of architectural and engineering studies as proposed by the House. The conferees direct MARAD to provide a staff organizational chart for the USMMA as directed by the Senate with the fiscal year 2013 budget materials.

The conferees provide a total of $17,100,000 for the state maritime academies, of which $3,600,000 is for direct payments, $2,400,000 is for student incentive payments and $11,100,000 is for schoolship maintenance and repair.

The conferees provide a total of $54,000,000 for MARAD operations: $49,000,000 for headquarters operations, $4,000,000 for environment and compliance, and $1,000,000 for Marview. The conferees direct MARAD to provide a report on the number of vacancies at MARAD headquarters and regional offices, and the duties associated with each vacancy concurrent with the fiscal year 2013 budget submission.

SHIP DISPOSAL

The conference agreement includes $5,500,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House instead of $10,000,000 as proposed by the Senate. The conferees recommend $3,000,000 for the NS Savannah as requested.

The conferees direct MARAD to make best value determinations and award ship recycling contracts no later than 90 days from the close of the ship specific solicitation. Upon award announcement, MARAD shall disclose, in addition to the price, other factors and criteria used to determine best value of the winning award. The conference agreement does not require MARAD to provide a full accounting of ship disposal activities as proposed by the House since such actions are identified in the annual vessel disposal report to Congress.

ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes $9,980,000 for assistance to small shipyards as proposed by the Senate. The House did not propose funding this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement includes $3,740,000 for administrative expenses for the maritime guaranteed loan program (title XI) as proposed by the House. The Senate proposed $4,000,000 for the same purpose. The conferees agree to rescind $35,000,000 of prior year unobligated balances as proposed by the Senate. The House proposed rescinding $54,100,000.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 170 authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury.

Section 171 modifies a provision proposed by the House prohibiting a fee-for-service contract for vessel disposal, scrapping or recycling unless a qualified domestic ship recycler will pay for the vessel. The Senate did not propose a similar provision.

Section 172 modifies a provision proposed by the Senate restricting the use of funds for non-availability determinations under 46 U.S.C. 501 for oil releases from the Strategic Petroleum Reserve if United States-flag vessels of single or collective capacity are available unless, under exceptional circumstances, the Secretary of Transportation

provides a written justification for not using such United States-flag vessel or vessels. The House did not propose a similar provision.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $21,360,000 for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA). Of the amount provided, $639,000 is to be derived from the Pipeline Safety Fund, and $1,000,000 is to be transferred to the Pipeline Safety account to fund Pipeline Safety Information Grants to Communities, as proposed by the House and the Senate.

Information Technology Modernization.—The conferees recognize the importance of PHMSA's five-year information technology modernization effort, which began in fiscal year 2010. The conferees recommend at least $2,550,000 of operating expenses be used to further these efforts, as proposed in PHMSA's budget.

HAZARDOUS MATERIALS SAFETY

The conference agreement provides $42,338,000 for the agency's hazardous materials safety functions. Of this amount $1,716,000 shall be available until September 30, 2014, as proposed by the House and the Senate.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of $109,252,000 for the pipeline safety program. Of that amount, $18,573,000 is derived from the Oil Spill Liability Trust Fund, to remain available until September 30, 2014, and $90,679,000 is derived from the Pipeline Safety Fund, of which $48,191,000 is available until September 30, 2014 for multi-year grants and research and development contracts. The conference agreement directs no less than $1,058,000 of the funds provided shall be used for the state one-call grant program, as proposed by the House.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $188,000, to remain available until September 30, 2013, and an obligation limitation of $28,318,000 for emergency preparedness grants, as proposed by the House and the Senate.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

Section 180, as proposed by the Senate, is not retained in the conference agreement. As such, the conferees do not include any directives on how a new pipeline design review fee should be implemented, if enacted. The conferees urge the committees of jurisdiction to consider the merits of such fee, as proposed in PHMSA's budget.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement provides $15,981,000 to continue research and development activities. Of the funds provided, $9,007,000 shall be available for the research and development program until September 30, 2014.

Activity	Conference level
Salaries and Administrative Expense	$6,974,000
Alternative Fuels Safety Research and Development	499,000
RD&T Coordination	509,000
Nationwide Differential Global Positioning System [NDGPS]	7,600,000
Positioning, Navigation, and Timing	399,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $79,624,000 for the Office of Inspector General and prohibits the transfer or expenditure of funds from modal agencies or the National Transportation Safety Board. The conference agreement did not include report language proposed by the House that expects a minimal reduction in current FTE levels among other modifications in overhead expenses.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $29,310,000 for salaries and expenses of the Surface Transportation Board. The conference agreement permits the collection of up to $1,250,000 in user fees to be credited to this appropriation as proposed by the House and Senate. The conference agreement provides that the general fund appropriation be reduced on a dollar-for-dollar basis by the actual amount collected in user fees to result in a final appropriation from the general fund estimated at no more than $28,060,000.

Of the total amount provided, $300,000 is for the Uniform Railroad Costing System modernization initiative as proposed by the Senate.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law as proposed by the House and Senate.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by the House and Senate.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT as proposed by the House and Senate.

Section 183 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision as proposed by the House and Senate.

Section 184 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts as proposed by the House and Senate.

Section 185 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more, and directs the Secretary to give concurrent notification for any ''quick release'' of funds from the Federal Highway Administration's emergency relief program as proposed by the House and Senate.

Section 186 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT as proposed by the House and Senate.

Section 187 allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments as proposed by the House and Senate.

Section 188 mandates that reprogramming actions are to be approved or denied solely by the House and Senate Committees on Appropriations as proposed by the House and Senate.

Section 189 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees as proposed by the House and Senate.

Section 190 allows funds appropriated to the modal administrators to be obligated for the Office of the Secretary regarding reimbursable agreements as proposed by the House.

Section 191 modifies a provision proposed by the House which alters the number of members on the Metropolitan Washington Airports Authority (MWAA) board; limits board members to no more than two terms; allows the appointing executives to remove board members with cause consistent with the laws of relevant jurisdictions; and, requires board members to vacate their position upon the immediate expiration of the board member's term(s). The Senate did not propose a similar provision. The conferees expect the jurisdictions to expeditiously implement these modifications. In addition, the conferees are greatly concerned about reports of careless recordkeeping on the part of MWAA and will carefully review the DOT Inspector General's anticipated report on MWAA's management and operations.

Section 192 prohibits the use of funds to enforce certain minimum standards for traffic signs as proposed by the House. The Senate did not include a similar provision.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

The conference agreement includes $1,331,500,000 for the salaries and expenses to the Department, and modifies language proposed by the House and Senate. Through a modified structure, funding is included under the headings ''Administration, Operations and Management'' and ''Program Office Salaries and Expenses''. The conferees expect the Department to use this account structure in presenting the fiscal year 2013 budget justification and all future budgets.

The conference agreement includes language as proposed by the House that requires detailed budget justifications for each office within the Department, including an organizational chart for each operating area within the Department. Further, these justifications must include a detailed justification for existing staff, the incremental funding increases, decreases and FTE fluctuations being requested by program, project or activity. The conferees also reiterate that information requested in the Senate report should also be included in budget documents.

The conference agreement includes a provision that requires that the Department modify and improve its Resource Estimation and Allocation Program (REAP) or other resource allocation model to improve its assessment of staffing needs and full-time equivalent (FTE) allocations. The provision also requires that beginning with the fiscal year 2014 congressional justification, budget estimates for existing staff and new staff requests shall be submitted to the Committees on Appropriations using a current, updated or new resource estimation and allocation model.

To facilitate the use of a resource estimation and allocation model for future budget estimates and submissions, the conferees

request that the Government Accountability Office (GAO) review the current REAP model to evaluate its capability to produce reliable data on full-time equivalent allocations and utilization for specific programs, and identify information gaps and other challenges. The conferees also request that GAO test the revised REAP or new resource estimation and allocation model, comparing it to actual FTE allocations in select Departmental programs. This GAO study and any recommendations resulting from the study should form the basis for the fiscal year 2014 budget submission.

The conferees request that GAO also assess the Department's ongoing efforts to improve staffing and departmental management.

The conferees reiterate House direction on staffing reporting requirements.

The conferees direct HUD to provide one month prior notice of office, program or activity reorganizations.

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

The conference agreement provides $537,789,000 for Management and Operations, instead of $494,739,000 as proposed by the House and $549,499,000 as proposed by the Senate. Funds are provided as follows:

Immediate Office of the Secretary	$3,572,000
Office of the Deputy Secretary and the Chief Operating Officer	1,200,000
Office of Hearings and Appeals	1,700,000
Office of Small and Disadvantaged Business Utilization	741,000
Office of Congressional and Intergovernmental Relations	2,400,000
Office of Public Affairs	3,515,000
Office of Departmental Operations and Coordination	10,475,000
Office of Field Policy and Management	47,500,000
Office of the Chief Procurement Officer	14,700,000
Office of the Chief Financial Officer	47,980,000
Office of the General Counsel	94,000,000
Office of Equal Employment Opportunity	3,610,000
Center for Faith-Based and Community Initiatives	1,448,000
Office of Sustainable Housing and Communities	2,627,000
Office of Strategic Planning and Management	5,000,000
Office of the Chief Information Officer	41,885,000
Office of the Chief Human Capital Officer	255,436,000

The conference agreement directs HUD to maintain the responsibilities of the appropriations attorneys under the Office of the Chief Financial Officer.

The conference agreement directs that the Office of the Assistant Secretary for Congressional and Intergovernmental Relations shall have no more than 20 FTEs.

The conference agreement directs HUD to establish within the Departmental budget office, an appropriations liaison branch through the realignment of existing staff to be submitted by January 1, 2012.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

The conference agreement provides $200,000,000 for the salaries and expenses for this account, instead of $182,500,000 as proposed by the House and $201,233,000 as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

The conference agreement provides $100,000,000 for the salaries and expenses for this account, instead of $91,000,000 as proposed by the House and $101,076,000 as proposed by the Senate.

HOUSING

The conference agreement provides $391,500,000 for the salaries and expenses for this account, instead of $392,796,000 as proposed by the Senate and $353,126,000 as proposed by the House. The conference agreement also provides that at least $8,200,000 is for the Office of Risk and Regulatory Affairs as proposed by the Senate.

POLICY DEVELOPMENT AND RESEARCH

The conference agreement provides $22,211,000 for the salaries and expenses for this account, instead of $17,716,000 as proposed by the House and $23,016,000 as proposed by the Senate.

FAIR HOUSING AND EQUAL OPPORTUNITY

The conference agreement provides $72,600,000 for the salaries and expenses for this account, instead of $66,697,000 as proposed by the House and $74,766,000 as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

The conference agreement provides $7,400,000 for the salaries and expenses for this account, instead of $6,974,000 as proposed by the House and $7,502,000 as proposed by the Senate.

RENTAL ASSISTANCE DEMONSTRATION

The conference agreement includes language for a Rental Assistance Demonstration, as proposed by the Senate with modifications. The conference agreement includes modifications to allow for participation of moderate rehabilitation. The conference agreement also includes language ensuring that tenant rights are protected in instances of conversion and that affordability of such housing is preserved under the demonstration. The conference agreement also includes language allowing for the project basing of tenant protection vouchers for rent supplemental and rental assistance projects in fiscal years 2012 and 2013, and requires a GAO review.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

The conference agreement provides $18,914,369,000 for all tenant-based Section 8 activities under the Tenant-Based Rental Assistance Account, instead of $18,467,883,000 as proposed by the House and $18,872,357,000 as proposed by the Senate. Language is included designating funds provided as follows:

Activity	Conference level
Voucher Renewals	$17,242,351,000
Tenant Protection Vouchers	75,000,000
Administrative Fees	1,350,000,000
HUD–VASH Incremental Vouchers	75,000,000
Section 811 Vouchers	112,018,000
Family Self-Sufficiency Coordinators	60,000,000

The bill does not include language related to a homeless demonstration as proposed by the Senate.

The conferees direct HUD to monitor and provide quarterly briefings to the House and Senate Committees on Appropriations on the Section 8 program, including data on leasing and trends or changes in rents or tenant income.

The conferees direct HUD to issue guidance to housing agencies administering mainstream (811) vouchers to continue to serve people with disabilities upon turnover.

The conferees expect HUD to follow Treasury's rules on cash management in this account.

The conferees reiterate direction included by the Senate on tracking the housing stability of veterans utilizing the HUD–VASH program, addressing the needs of rural areas and sharing best practices with grantees. The conferees also direct HUD to report on HUD–VASH utilization rates, challenges encountered with the program and efforts to increase veteran self-sufficiency by January 15, 2012, as proposed by the House.

HOUSING CERTIFICATE FUND

(RESCISSION)

The conference agreement includes a $200,000,000 rescission, as proposed by the Senate.

PUBLIC HOUSING CAPITAL FUND

The conference agreement provides $1,875,000,000 for the Public Housing Capital Fund, as proposed by the Senate. The conference agreement also provides $50,000,000 for supportive services, service coordinators and congregate services as proposed by the Senate. The amount also includes $20,000,000 for emergency capital needs, as proposed by the Senate, and $10,000,000 for the public housing financial and physical assessment activities of REAC as proposed by the Senate instead of $15,345,000 as proposed by the House.

The conferees direct the Department to report quarterly to the House and Senate Committees on Appropriations on the progress made at each PHA under receivership.

PUBLIC HOUSING OPERATING FUND

The conference agreement provides $3,961,850,000 for the Public Housing Operating Fund as proposed by the Senate. The agreement provides that the Secretary shall not offset excess reserves by more than $750,000,000, as proposed by the Senate. The language also provides for a process for PHAs to appeal reserve offsets, and a set-aside of $20,000,000 to assist any PHAs that encounter financial hardship as a result of this offset.

The conferees direct HUD to submit an implementation plan to offset 2012 allocations based on reserve balances to the Committees on Appropriations within 30 days of the enactment of this Act. The conferees further direct HUD to include in its report a clear methodology for determining excessive reserves and the impact of the plan on each PHA.

The conference agreement includes language proposed by the Senate allowing for the Secretary to provide flexibility to PHAs on the use of excess operating reserves for capital improvements. The conferees direct the Secretary to establish clear guidance on how operating reserves can be used going forward, and in the interim expects this flexibility to be granted to PHAs to make capital improvements, but not to include large modernization projects.

CHOICE NEIGHBORHOODS INITIATIVE

The conference agreement provides $120,000,000 for the Choice Neighborhoods Initiative, as proposed by the Senate. The conference agreement includes modifications to the language to ensure that the use of such funds doesn't result in housing units unintentionally being deemed as public housing, and ensuring the long-term affordability of rehabilitated housing units.

NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement provides $650,000,000 for the Native American Housing Block Grants, as proposed by the Senate. These funds will remain available for obligation by HUD until September 30, 2016. When combined with a standard five-year contract term, tribes will have approximately ten years to spend these funds. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

Timely Expenditure of Funds.—The conferees find it unconscionable that while

there is significant need for affordable housing in Indian country, some tribes and TDHEs have not spent large amounts of block grant funding for several years, resulting in large accumulated balances and reduced housing activities on tribal lands. For this reason, the conferees provide a time limit for this funding and strongly urge tribes to address housing needs in a timely manner.

The conferees note this account had nearly $1,000,000,000 in unexpended balances at the beginning of fiscal year 2011, with almost half of that amount belonging to a single tribe. This tribe currently has over $375,000,000 in unexpended funds, with funds dating back twelve fiscal years, and a HUD official testified this tribe was unresponsive to HUD's encouragement to address the backlog. Such large accumulated balances and decade-old unexpended funds call into question the present need for funding in this account. In times of scarce federal funding, all accounts come under closer scrutiny. It is in the interest of all 555 tribes that receive these grants to reduce the unexpended balances and to demonstrate current need through use of these funds.

GAO Study of Tribal Housing Challenges.—The conferees realize there are significant and unique challenges associated with tribal housing, many of which are not within the control of tribes. For this reason, the conferees direct GAO to study the unique barriers and challenges in tribal housing activities.

Technical Assistance.—Of the funds provided, the conference agreement includes $2,000,000 to support inspection of Indian housing units, contract expertise, training, and technical assistance by HUD. The conferees direct HUD to provide valuable assistance to tribes, especially those with capacity challenges and those receiving small grant awards. Such assistance should reflect the unique needs and culture of Native Americans and include services necessary to improve data collection and increase leveraging.

In addition, the conference agreement includes $2,000,000 for national or regional organizations representing Native American housing interests to provide training and technical assistance to Indian housing authorities and tribally designated housing entities. The conferees intend these funds to be distributed through a competitive process.

The conference agreement does not include a requirement for HUD's Office of Policy Development and Research to submit a report to the House and Senate Committees on Appropriations proposing alternative data sources for the block grant formula, as proposed by the House.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

The conference agreement provides $13,000,000 for the Native Hawaiian Housing Block Grant, to remain available until expended, as proposed by the Senate.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $6,000,000 to remain available until expended, to subsidize a guaranteed loan level of $360,000,000, as proposed by the House.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $386,000 to remain available until expended, to subsidize a guaranteed loan level of $41,504,000, as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

The conference agreement provides $332,000,000 for the Housing Opportunities for Persons with AIDS (HOPWA) program. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

The conference agreement provides $3,308,090,000 for the Community Development Fund, to remain available until September 30, 2014. Of the total, the conference agreement provides no less than $2,948,090,000 in formula funding and $60,000,000 for Indian tribes.

The conference agreement includes language allowing 20 percent of formula funds to be used for planning, management, and administration, as proposed by the Senate. The conferees direct the Government Accountability Office to issue a report on how communities use these funds.

Matching Funds.—The conferees direct the Department to provide an analysis of how much CDBG funding is used by grantees as matching dollars for other federal programs. The conferees also direct the Department to gather data on the use of fiscal year 2012 CDBG funds to match other federal programs, including which programs are being matched, in what amounts, for what purposes, whether other funds are leveraged, and any other relevant data.

Sustainable Communities.—The conference agreement does not include funding for the Senate proposed Sustainable Communities Initiative and does not include language proposed by the House prohibiting the use of any funds for the Sustainable Communities Initiative. While direct funding for the Sustainable Communities Initiative is not included in the conference agreement, the conferees remind the Secretary and CDBG formula fund recipients that sustainable activities are an eligible use of formula funds. The conferees support coordination by the Departments of Transportation and Housing and Urban Development to reduce duplication of federal investments. The Secretary may use the Office of Sustainable Housing and Communities and the technical assistance resources of the Transformation Initiative to identify opportunities for communities to work together to integrate transportation and housing and to assist local grantees in performing these activities.

The conferees do not include any directives relating to Regional Integrated Planning Grants, which are not funded in the conference agreement.

Disaster Funding.—The conference agreement provides that of the funds made available for the Community Development Fund, up to $300,000,000 plus an additional $100,000,000 in disaster funds is available for necessary and eligible expenses related to disaster relief and long-term recovery in the most impacted and distressed areas resulting from major disasters in 2011, as declared pursuant to the Stafford Act. The conference agreement further provides that these funds may not be used on activities for which funding already is made available by FEMA or the Army Corps of Engineers.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

The conference agreement provides $5,952,000, to remain available until September 30, 2013, for costs associated with section 108 loan guarantees, to subsidize a loan guarantee level of $240,000,000.

HOME INVESTMENT PARTNERSHIPS PROGRAM

The conference agreement provides $1,000,000,000 for this account, as proposed by the Senate. These funds will remain available until September 30, 2014.

Program Oversight.—The conferees direct HUD, in its report to the Committees on Appropriations pursuant to Section 232 of this Act, to include an explanation of how HUD is monitoring and evaluating grantee performance in the HOME program, including how participating jurisdictions get approval to restart a stalled or cancelled project.

The conferees also direct HUD to provide a report by March 16, 2012, and annually thereafter, on all HOME funds that are 5 years old or older.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides $53,500,000 for this account, to remain available until September 30, 2014. Of the total, $13,500,000 is provided for the SHOP program and $35,000,000 is provided for the second, third and fourth capacity building activities authorized under section 4(b)(3), of which not less than $5,000,000 may be for rural capacity building activities. In addition, $5,000,000 is provided for capacity building activities by national organizations with expertise in rural housing, as similarly proposed by the House and the Senate. The conference agreement directs HUD to notify grantees of the availability of funds within 60 days of the date of enactment of this Act.

CAPACITY BUILDING

The conference agreement does not include funding for Section 4 Capacity Building as a separate account, as proposed by the House.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,901,190,000 for Homeless Assistance Grants, as proposed by the House and the Senate. Of the amount provided, not less than $250,000,000 is for the emergency solutions grants (ESG) program; not less than $1,593,000,000 is for the continuum of care and rural housing stability assistance program; and $7,000,000 is for the national homeless data analysis project. The conferees have provided sufficient funding to ensure the renewal of all eligible projects under the continuum of care competition. The conferees direct any remaining funding to be put towards the ESG and rural housing stability programs.

Delayed Implementation of HEARTH.—The conferees note it has been two and a half years since the HEARTH Act amended the homeless assistance grant programs. The conferees express concern that HUD continued to implement pre-HEARTH grant programs in fiscal year 2011, due to a lack of regulations. The conferees direct HUD to publish at least interim guidelines for the Emergency Solutions Grants and Continuum of Care this fiscal year and to implement the new grant programs as soon as possible, so that the updated policies and practices in HEARTH can begin to govern the delivery of homeless assistance funding.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

The conference agreement provides $9,339,672,000 for project-based rental assistance activities, as opposed to $9,428,672,000 as proposed by the House and $9,418,672,000 as proposed by the Senate. The conference agreement also provides an advance appropriation of $400,000,000 for fiscal year 2013. The conference agreement provides $9,050,672,000 for contract renewals and not to exceed $289,000,000 for contract administrators. This funding level reflects revised cost estimates from HUD based on updated projections and programmatic reforms that result in significant cost savings.

HOUSING FOR THE ELDERLY

The conference agreement provides $374,627,000 for the section 202 program, instead of $600,000,000 as proposed by the House and $369,627,000 as proposed by the Senate.

The conference agreement provides that up to $91,000,000 shall be for service coordinators and existing congregate service grants as proposed by the Senate, and up to $25,000,000 shall be for the conversion of eligible projects to assisted living or emergency capital repairs as proposed by the House. The conference agreement does not include funds for new construction.

HOUSING FOR PERSONS WITH DISABILITIES

The conference agreement provides $165,000,000 for the section 811 program, instead of $196,000,000 as proposed by the House and $150,000,000 as proposed by the Senate. The conference agreement does not include funds for new construction. The conference agreement also provides the Secretary with the authority to fund activities authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act to allow for project rental assistance to State housing finance agencies and other appropriate entities.

HOUSING COUNSELING ASSISTANCE

The conference agreement provides $45,000,000 for Housing Counseling Assistance, instead of $60,000,000 as proposed by the Senate. The House did not propose funding this account. The conference agreement includes Senate language requiring HUD to award this funding within 120 days of enactment.

The conferees direct HUD to submit a report on the reforms HUD is proposing in establishing a new Housing Counseling Office within the Office of Housing. This report, due within 90 days of enactment, should address how the Department is prepared to expend funds effectively, how HUD will focus its activities to reduce duplication of other government-funded programs, how many FTE will be needed for this activity, and what steps will be taken to streamline the grant making process.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The conference agreement provides $1,300,000 for Section 236 payments to State-aided, non-insured projects, as proposed by the Senate, instead of $15,733,000 as proposed by the House.

RENT SUPPLEMENT

(RESCISSION)

The conference agreement rescinds $231,600,000 from the Rent Supplement account, as proposed by Senate.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement provides $6,500,000 for authorized activities, of which $4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund, instead of $7,000,000 to be fully funded by the Trust Fund as proposed by the House, and $9,000,000, of which $4,000,000 to be funded by the Trust Fund as proposed by the Senate.

The conferees are perplexed by the paucity of information provided in the Congressional Justification for the Manufactured Housing Fees Trust Fund. Given the information HUD has provided, it is hard to make a rational case for any funding for the Fund. Fortunately, HUD has provided the Committees with additional information that illuminates the uniquely Federal role the Fund plays in the housing market. HUD must provide the Congress with adequate, appropriate and accurate information in its future budget justifications.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement establishes a limitation of $400,000,000,000 on commitments to guarantee single-family loans during fiscal year 2012, as proposed by the House and Senate.

The conference agreement provides $207,000,000 for administrative contract expenses, as proposed by the House, instead of $206,586,000 as proposed by the Senate. Of this amount, $71,500,000 may be transferred to the Working Capital Fund, instead of $72,000,000 as proposed by the House and $70,652,000 as proposed by the Senate.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement establishes a $25,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2012, as proposed by the House and Senate. The conference agreement does not provide a subsidy, as proposed by the Senate, instead of $8,600,000 in subsidy as proposed by the House.

The conferees direct the Department to provide a report to the House and Senate Committees on Appropriations within 90 days of the enactment of this Act on its efforts to streamline inspections of facilities insured under Section 232 of the National Housing Act and those which the state or local government already inspects in accordance with the guidance of the Centers for Medicare & Medicaid Services (CMS) or applicable state or local law. This report should include timeframe for issuing rules related to these inspections and implementation of new procedures.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement includes up to $500,000,000,000 for new commitments, as proposed by the House and Senate. The conference agreement provides $19,500,000 for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association, instead of $19,000,000 as proposed by the House, and $20,000,000 as proposed by the Senate. The conference agreement also modifies language included in the Senate allowing for additional administrative expenses if Ginnie Mae reaches $155,000,000,000 by April 1, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conference agreement provides $46,000,000 for policy development and research instead of $47,904,000 as proposed by the House and $45,825,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate requiring at least a 50 percent contribution from HUD's research partners and that all non-competitive agreements comply with the Federal Funding Accountability and Transparency Act of 2006. The conferees have not included funding for the doctoral research grant program or the young scholars post doctoral program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

The conference agreement provides $70,847,000 for the fair housing program as proposed by the Senate instead of $72,000,000 as proposed by the House. Of this amount, $42,500,000 is for the Fair Housing Initiatives Program and $28,347,000 is for the Fair Housing Assistance Program.

The conference agreement includes $300,000 to continue the translation and promotion of materials to assist persons with limited English proficiency, as proposed by the Senate.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

The conference agreement provides $120,000,000 for the Lead Hazard Reduction program, as proposed by the Senate. Of this amount, the conference agreement includes up to $10,000,000 for the Healthy Homes Initiative, as similarly proposed by the House, and $45,000,000 for areas with the highest lead abatement needs, as proposed by the Senate.

WORKING CAPITAL FUND

The conference agreement includes $199,035,000 for the Working Capital Fund (WCF), instead of $218,460,000 as proposed by the House and $192,475,000 as proposed by the Senate. The conferees concur with the Senate proposal to fund the salaries and expenses of the WCF under the Administration, Operations and Management account and the requirement that GAO continues to audit, evaluate and report on HUD's IT spend plans, program oversight and IT management.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $124,000,000 for the Office of Inspector General, as opposed to $115,000,000 as proposed by the House and $124,750,000 as proposed by the Senate.

The conferees are concerned about the number of HUD IG field offices and their associated costs, and direct the IG to conduct a review of its field office location policy. In conducting this review, the IG should look for opportunities to achieve efficiencies in its operations, and use existing performance measures such as cases and audits opened and closed, total dollars recovered, convictions made, program improvements identified, and other pertinent measures to determine potential cost savings and office consolidation. This review shall be completed within 180 days of enactment of this Act and delivered to the Committees on Appropriations of the House and Senate.

TRANSFORMATION INITIATIVE

The conference agreement provides $50,000,000 for activities of the Transformation Initiative (TI), instead of $49,745,000 as proposed by the House and a 0.5 percent takedown and transfer as proposed by the Senate. Funds are available until September 30, 2014.

Of the funds provided, the conference agreement recommends funding the following activities: biennial NOFAs; continuation of the study on the impact of housing on young children; the disciplinary research team; continuation of the pre-purchase counseling study; continuation of the rent reform demonstration; independent PHA assessments, physical needs assessments, and technical assistance for troubled PHAs; the joint core skills certification proposal; Office of Native American Programs technical assistance; and the fair housing and equal opportunity assessment. Further, at least $23,000,000 shall be for OneCPD.

The conferees will allow up to $5,000,000 to be used for the National Resource Bank, provided that the Department can demonstrate a similar level of effort by its other Federal partners.

The Secretary may amend the activities proposed for the fiscal year 2012 Transformation Initiative through the reprogramming process with approval from the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Section 201 splits overpayments evenly between Treasury and State HFAs, as proposed by the House and Senate.

Section 202 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 203 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses

three year average, as proposed by the House and Senate.

Section 204 requires that funds are to be subject to competition unless specified otherwise in statute, as proposed by the House and Senate.

Section 205 allows HUD to use funds for services to reimburse the Government National Mortgage Association (GNMA), Fannie Mae and other Federal entities for facilities as proposed by the House and Senate.

Section 206 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 207 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 208 requires a report on unexpended balances each quarter, as proposed by the House and Senate.

Section 209 specifies the distribution of AIDS funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 210 requires that the Administration's budget and the Department's budget justifications for fiscal year 2013 shall be submitted in the identical account and subaccount structure provided in this Act, as proposed by the House and Senate.

Section 211 exempts PHA Boards in Alaska, Iowa, and Mississippi and the County of Los Angeles from public housing resident representation requirements, as proposed by the House and Senate.

Section 212 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project, provided that no additional costs are incurred, and other conditions are met, as proposed by the Senate. Similar language was proposed by the House.

Section 213 distributes Native American Housing Block Grant funds to the same Native Alaskan recipients as 2005, as proposed by the House and Senate.

Section 214 prohibits the HUD Inspector General from changing the basis on which the audit of GNMA is conducted, as proposed by the House and Senate.

Section 215 modifies a provision proposed by the House and Senate on the requirements for eligibility for Section 8 voucher assistance, and includes a consideration for persons with disabilities.

Section 216 authorizes the Secretary to insure mortgages under Section 255(g) of the National Housing Act, as proposed by the House and Senate.

Section 217 instructs HUD on managing and disposing of any multifamily property that is owned by HUD, similar to what was proposed by the House and Senate.

Section 218 provides that the Secretary shall report quarterly on HUD's use of all sole source contracts, as proposed by the House and Senate.

Section 219 authorizes the Secretary to waive certain requirements on adjusted income for certain assisted living projects for counties in Michigan, as proposed by the Senate.

Section 220 continues to allow the recipient of a section 202 grant to establish a single-asset non-profit entity to own the project and may lend the grant funds to such entity, as proposed by the House and Senate.

Section 221 continues to allow amounts provided under the Section 108 loan guarantee program to be used to guarantee notes, as proposed by the House.

Section 222 extends the HOPE VI program until 2012, as proposed by the Senate.

Section 223 allows PHAs that own and operate 400 units or fewer of public housing to be exempt from asset management requirements, as proposed by the House and Senate.

Section 224 restricts the Secretary from imposing any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limit established in QWHRA, as proposed by the House and Senate.

Section 225 directs that no employee shall be designated as an allotment holder unless the CFO determines that they have received training, and that the CFO shall ensure that trained allotment holders are designated within 90 days of enactment, as proposed by the House and Senate.

Section 226 requires that the Secretary shall report quarterly on the status of all Project-Based Section 8 housing, as proposed by the House and Senate.

Section 227 provides that funding for indemnities is limited to non-programmatic litigation, as proposed by the House and Senate.

Section 228 provides that the Secretary shall publish all NOFAs on the Internet, as proposed by the House and Senate.

Section 229 modifies the reprogramming guidelines for the Administration, Operations and Management account, the Program Office Salaries and Expenses account, and transfers between the two.

Section 230 continues the provision that allows the Disaster Housing Assistance Program to be considered a program of HUD for the purpose of income verification, as proposed by the House and Senate.

Section 231 modifies a provision to require the Comptroller General to conduct a study of CPD block grants, as proposed by the House.

Section 232 requires the Secretary to improve data quality, data management, and grantee oversight and accountability at the Office of Community Planning and Development, as proposed by the House.

Section 233 allows the Secretary to transfer up to $10,000,000 of salaries and expenses funds to the ''Working Capital Fund'' as proposed by the Senate.

Section 234 modifies a provision that limits Section 8 (tenant-based rental assistance only) and Section 9 funds from being used to compensate PHA employee salaries that exceed the annual rate of basic pay payable for a position at level IV of the Executive Schedule for fiscal year 2012.

Section 235 strikes the ''Flexible Subsidy Fund'' provision from Title II of division I of Public Law 108–447 and title III of Public Law 109–115, as proposed by the Senate.

Section 236 modifies a provision proposed by the Senate to rescind $650,000,000 from the advance appropriation provided for Tenant-Based Rental Assistance in fiscal year 2011.

Section 237 extends the Mark-to-Market program under the Multifamily Assisted Housing Reform and Affordability Act until October 1, 2015, as proposed by the Senate.

Section 238 raises the FHA loan limits through December 31, 2013, modifying a provision proposed by the Senate.

Section 239 provides that up to $300,000,000 of the funds provided for the Community Development Fund plus an additional $100,000,000 in disaster funds shall be available for disaster relief.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

The conference agreement includes $7,400,000 for the salaries and expenses of the Access Board.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $24,100,000 for the salaries and benefits of the Federal Maritime Commission as proposed by the Senate, instead of $24,087,000 as proposed by the House. Of the funds provided, not more than $2,000 can be used for official reception and representation expenses. The conference agreement does not include an FTE cap as proposed by the House.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $20,500,000 for Amtrak's Office of Inspector General (Amtrak OIG), instead of $22,000,000 as proposed by the House, and $19,311,000 as proposed by the Senate. The agreement requires Amtrak OIG to submit a comprehensive budget justification for fiscal year 2013 in similar format and substance to those submitted by other agencies of the federal government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $102,400,000 for the salaries and expenses of the National Transportation Safety Board (NTSB), as proposed by the House. Of this amount, no more than $2,000 may be used for official reception and representation expenses, as proposed by both the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conference agreement provides $215,300,000 for the Neighborhood Reinvestment Corporation, as proposed by the House, instead of $200,000,000 as proposed by the Senate.

The conference agreement includes $80,000,000 for the National Foreclosure Mitigation Counseling (NFMC) program as proposed by the House instead of $65,000,000 as proposed by the Senate. The conferees modify both House and Senate language to allow 5 percent of NFMC funds go towards administrative costs.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

The conference agreement provides $3,300,000. The conferees recommend the increase in this account to be used for the transfer of 5 FTE from HUD to the Interagency Council on Homelessness (ICH).

Homeless Veterans.—The conferees reiterate language in the Senate report, which directs ICH to continue working with HUD, the Department of Veterans Affairs, and other federal and local partners to improve the HUD-VASH program and address veteran homelessness. The conferees direct ICH to provide a report to the Committees on Appropriations and the relevant authorizing committees on progress being made and opportunities for improvement in the specific areas identified in the Senate report.

TITLE IV—GENERAL PROVISIONS, THIS ACT

Section 401 continues the provision as proposed by the House and the Senate requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision as proposed by the House and the Senate prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision as proposed by the House and the Senate prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision as proposed by the House and the Senate requiring

consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision as proposed by the House and the Senate specifying reprogramming procedures by subjecting the establishment of new offices and reorganizations to the reprogramming process.

Section 406 continues the provision as proposed by the Senate providing that fifty percent of unobligated S&E balances may remain available for certain purposes.

Section 407 continues the provision as proposed by the House and the Senate requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision as proposed by the House and the Senate prohibiting Federal training not directly related to the performance of official duties.

Section 409 continues the provision as proposed by the House and the Senate that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 410 continues a provision as proposed by the House and the Senate that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act.

Section 411 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used to permanently replace an employee intent on returning to his past occupation after completion of military service.

Section 412 continues a provision as proposed by the House and the Senate that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act.

Section 413 continues a provision as proposed by the House and the Senate that prohibits funds from being appropriated or made available to any person or entity that has been found to violate the Buy American Act.

Section 414 prohibits funds for first-class airline accommodations in contravention of section 301–10.122 and 301–10.123 of title 41 CFR as proposed by the House.

Section 415 prohibits funds in this Act from going to the group ACORN or its subsidiaries as proposed by the House and Senate.

Section 416 requires all agencies and departments funded in this Act to report vehicle fleet inventory and associated costs to Congress at the end of fiscal year 2012.

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses	102,481	118,842	102,481	---
Immediate Office of the Secretary	(2,626)	---	(2,618)	(-8)
Immediate Office of the Deputy Secretary	(984)	---	(984)	---
Office of the General Counsel	(20,318)	---	(19,515)	(-803)
Office of the Under Secretary of Transportation for Policy	(11,078)	---	(10,107)	(-971)
Office of the Assistant Secretary for Budget and Programs	(10,538)	---	(10,538)	---
Office of the Assistant Secretary for Governmental Affairs	(2,499)	---	(2,500)	(+1)
Office of the Assistant Secretary for Administration	(25,469)	---	(25,469)	---
Office of Public Affairs	(2,051)	---	(2,020)	(-31)
Office of the Executive Secretariat	(1,655)	---	(1,595)	(-60)
Office of Small and Disadvantaged Business Utilization	(1,496)	---	(1,369)	(-127)
Office of Intelligence, Security, and Emergency Response	(10,579)	---	(10,778)	(+199)
Office of the Chief Information Officer	(13,189)	---	(14,988)	(+1,799)
Subtotal	102,481	118,842	102,481	---
National infrastructure investments	526,944	---	500,000	-26,944
Multi-year investment initiative	---	2,000,000	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Livable communities initiative	---	10,000	---	---
Financial management capital	4,990	17,000	4,990	---
Cyber security initiatives	---	---	10,000	+10,000
Office of Civil Rights	9,648	9,661	9,384	-264
Transportation planning, research, and development	9,799	9,824	9,000	-799
Working capital fund	(147,301)	(192,000)	(172,000)	(+24,699)
Minority business resource center program	921	922	922	+1
(Limitation on guaranteed loans)	(18,330)	(18,367)	(18,367)	(+37)
Minority business outreach	3,068	3,100	3,068	---
Payments to air carriers (Airport & Airway Trust Fund)	149,700	123,254	143,000	-6,700
Rescission of excess compensation for general aviation operations (Sec. 106)	---	-3,000	-3,254	-3,254
Total, Office of the Secretary	807,551	2,289,603	779,591	-27,960
National infrastructure bank (investment initiative)	---	5,000,000	---	---
Federal Aviation Administration				
Operations	9,513,962	9,823,000	9,653,395	+139,433
Air traffic organization	(7,473,299)	---	(7,442,738)	(-30,561)
Aviation safety	(1,253,020)	---	(1,252,991)	(-29)
Commercial space transportation	---	---	(16,271)	(+16,271)
Finance and management	---	---	(582,117)	(+582,117)
Human resources programs	---	---	(98,858)	(+98,858)
Region and center operations	---	---	---	---
Staff offices	---	---	(200,286)	(+200,286)
Information services	---	---	---	---
NextGen	---	---	(60,134)	(+60,134)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Facilities & equipment (Airport & Airway Trust Fund)..	2,730,731	2,870,000	2,730,731	---
Multi-year investment initiative.....	---	250,000	---	---
Research, engineering, and development (Airport & Airway Trust Fund.....	169,660	190,000	167,556	-2,104
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(3,550,000)	(3,600,000)	(3,435,000)	(-115,000)
(Limitation on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Administration.....	(93,422)	(101,000)	(101,000)	(+7,578)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---
Airport technology research.....	(22,472)	(29,250)	(29,250)	(+6,778)
Small community air service development program...	(6,000)	---	(6,000)	---
Multi-year investment initiative.....	---	(3,100,000)	---	---
Aviation insurance revolving fund (Sec. 115).....	---	-1,000	---	---
Total, Federal Aviation Administration.....	12,414,353	13,132,000	12,551,682	+137,329
(Limitations on obligations).....	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Total budgetary resources.....	(15,929,353)	(16,647,000)	(15,901,682)	(-27,671)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Highway Administration				
Limitation on administrative expenses	(413,533)	(437,172)	(412,000)	(-1,533)
Federal-aid highways (Highway Trust Fund):				
(Liquidation of contract authorization)	(41,846,000)	(70,414,000)	(39,882,583)	(-1,963,417)
(Limitation on obligations)	(41,107,000)	(42,025,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Multi-year investment initiative	---	(27,650,000)	---	---
Emergency relief (disaster relief category)	---	---	1,662,000	+1,662,000
Rescission of contract authority (Highway Trust Fund)	-2,500,000	---	---	+2,500,000
Rescission of old demos	-630,000	-630,000	---	+630,000
Total, Federal Highway Administration	-3,130,000	-630,000	1,662,000	+4,792,000
Appropriations	---	---	---	---
Rescissions of contract authority	(-3,130,000)	(-630,000)	---	(+3,130,000)
(Limitations on obligations)	(41,107,000)	(69,675,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Total budgetary resources	(38,716,000)	(69,784,000)	(41,544,583)	(+2,828,583)
Federal Motor Carrier Safety Administration				
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(245,000)	(276,000)	(247,724)	(+2,724)
(Limitation on obligations)	(245,000)	(276,000)	(247,724)	(+2,724)
Motor carrier safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(310,070)	(330,000)	(307,000)	(-3,070)
(Limitation on obligations)	(310,070)	(330,000)	(307,000)	(-3,070)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
CVISN contract authority (Sec. 131)	---	---	1,000	+1,000
Rescission of contract authority	---	---	-1,000	-1,000
Total, Federal Motor Carrier Safety Administration	---	---	---	---
(Limitations on obligations)	(555,070)	(606,000)	(554,724)	(-346)
National Highway Traffic Safety Administration				
Operations and research (general fund)	140,146	---	140,146	---
Vehicle safety	---	170,709	---	---
Operations and research (Highway Trust Fund)				
(Liquidation of contract authorization)	(105,500)	(133,191)	(109,500)	(+4,000)
(Limitation on obligations)	(105,500)	(133,191)	(109,500)	(+4,000)
Subtotal	140,146	170,709	140,146	---
National driver register (Highway Trust Fund)				
(Liquidation of contract authorization)	(4,000)	---	---	(-4,000)
(Limitation on obligations)	(4,000)	---	---	(-4,000)
National driver register modernization	3,343	---	---	-3,343
Highway traffic safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(619,500)	(556,100)	(550,328)	(-69,172)
(Limitation on obligations)	(619,500)	(556,100)	(550,328)	(-69,172)
Highway safety programs (23 USC 402)	(235,000)	(235,000)	(235,000)	---
Occupant protection incentive grants(23 USC 405)	(25,000)	(35,000)	(25,000)	---
Safety belt performance grants (23 USC 406)	(124,500)	---	(48,500)	(-76,000)
Distracted driving prevention	---	(50,000)	---	---

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
State traffic safety information system improvement(23 USC 408)	(34,500)	(34,500)	(34,500)	---
Impaired driving countermeasures (23 USC 410)	(139,000)	(139,000)	(139,000)	---
Grant administration	(18,500)	(18,600)	(25,328)	(+6,828)
High visibility enforcement	(29,000)	(37,000)	(29,000)	---
Child safety and booster seat grants	(7,000)	---	(7,000)	---
Motorcyclist safety	(7,000)	(7,000)	(7,000)	---
Rescission of contract authority	-76,000	---	---	+76,000
Total, National Highway Traffic Safety Admin	67,489	170,709	140,146	+72,657
Appropriations	(143,489)	---	(140,146)	(-3,343)
Rescissions of contract authority	(-76,000)	---	---	(+76,000)
(Limitations on obligations)	(729,000)	(689,291)	(659,828)	(-69,172)
Total budgetary resources	(796,489)	(860,000)	(799,974)	(+3,485)
Federal Railroad Administration				
Safety and operations	176,596	223,034	178,596	+2,000
Offsetting fee collections	---	-40,000	---	---
Subtotal	176,596	183,034	178,596	+2,000
Railroad research and development	35,030	40,000	35,000	-30
Rail line relocation and improvement program	10,511	---	---	-10,511

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
System preservation	---	1,546,000	---	---
Multi-year investment initiative	---	2,500,000	---	---
Subtotal	---	4,046,000	---	---
Network Development	---	1,000,000	---	---
Multi-year investment initiative	---	3,000,000	---	---
Subtotal	---	4,000,000	---	---
Capital assistance for high speed rail corridors and intercity passenger rail service	---	---	---	---
Rescission	-400,000	---	---	+400,000
National Railroad Passenger Corporation:				
Operating grants to the National Railroad Passenger Corporation	561,874	---	466,000	-95,874
Capital and debt service grants to the National Railroad Passenger Corporation	921,778	---	952,000	+30,222
Subtotal	1,483,652	---	1,418,000	-65,652
Total, Federal Railroad Administration	1,305,789	8,269,034	1,631,596	+325,807
Federal Transit Administration				
Administrative expenses	98,713	---	98,713	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(9,400,000)	---	(9,400,000)	---
(Limitation on obligations)	(8,343,171)	---	(8,360,565)	(+17,394)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and technology deployment	---	166,472	---	---
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	---	(10,000,000)	---	---
(Limitation on obligations)	---	(4,691,986)	---	---
Multi-year investment initiative	---	(3,000,000)	---	---
Transit expansion and livable communities (liquidation of contract authorization)	---	(600,000)	---	---
(limitation on obligations)	---	(233,514)	---	---
Capital investment grants	---	2,235,556	---	---
Multi-year investment initiative	---	1,000,000	---	---
Subtotal	---	3,235,556	---	---
Operations and safety	---	166,294	---	---
Administrative programs	---	(129,700)	---	---
Rail transit safety programs	---	(36,594)	---	---
Research and University Research Centers	58,882	---	44,000	-14,882
Bus and rail state of good repair (liquidation of contract authorization)	---	(3,000,000)	---	---
(limitation on obligations)	---	(3,207,178)	---	---
Multi-year investment initiative	---	(7,500,000)	---	---
Capital investment grants	1,596,800	---	1,955,000	+358,200
Energy efficiency and greenhouse gas reduction grants	49,900	---	---	-49,900
Rescission	-280,000	---	-58,500	+221,500

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Washington Metropolitan Area Transit Authority capital and preventive maintenance	149,700	150,000	150,000	+300
Total, Federal Transit Administration	1,673,995	3,718,322	2,189,213	+515,218
(Limitations on obligations)	(8,343,171)	(18,632,678)	(8,360,565)	(+17,394)
Total budgetary resources	(10,017,166)	(22,351,000)	(10,549,778)	(+532,612)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund)	32,259	33,996	32,259	---
Maritime Administration				
Maritime security program	173,652	174,000	174,000	+348
Operations and training	151,446	161,539	156,258	+4,812
Rescission	---	---	-980	-980
Ship disposal	14,970	18,500	5,500	-9,470
Assistance to small shipyards	9,980	---	9,980	---
Vessel operations revolving fund	---	---	---	---
Maritime Guaranteed Loan (Title XI) Program Account:				
Administrative expenses	3,992	3,740	3,740	-252
Rescission	---	-54,100	-35,000	-35,000
Guaranteed loans subsidy	4,990	---	---	-4,990
Subtotal	8,982	-50,360	-31,260	-40,242
Total, Maritime Administration	359,030	303,679	313,498	-45,532

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Pipeline and Hazardous Materials Safety Administration				
Administrative expenses:				
General Fund	21,454	21,519	20,721	-733
Pipeline Safety Fund	638	639	639	+1
Pipeline Safety information grants to communities	(998)	(1,000)	(1,000)	(+2)
Subtotal	22,092	22,158	21,360	-732
Hazardous materials safety	39,020	50,089	42,338	+3,318
Offsetting collections (legislative proposal)	---	-12,000	---	---
Subtotal	39,020	38,089	42,338	+3,318
Pipeline safety:				
Pipeline Safety Fund	87,838	93,854	90,679	+2,841
Oil Spill Liability Trust Fund	18,867	21,510	18,573	-294
Pipeline Safety Design Review Fund (leg proposal)	---	4,000	---	---
Pipeline Safety Special Permit Fund (leg proposal)	---	500	---	---
Subtotal	18,691	19,371	17,934	-757
Emergency preparedness grants:				
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---
(Emergency preparedness fund)	(188)	(188)	(188)	---
Total, Pipeline and Hazardous Materials Safety Administration	79,803	79,618	81,632	+1,829

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Research and Innovative Technology Administration				
Research and development	12,981	17,600	15,981	+3,000
Office of Inspector General				
Salaries and expenses	74,964	89,185	79,624	+4,660
Surface Transportation Board				
Salaries and expenses	29,010	31,250	29,310	+300
Offsetting collections	-1,250	-1,250	-1,250	---
Total, Surface Transportation Board	27,760	30,000	28,060	+300
Total, title I, Department of Transportation	13,725,974	32,503,746	19,505,282	+5,779,308
Appropriations	(17,611,974)	(33,190,846)	(17,942,016)	(+330,042)
Rescissions	(-680,000)	(-57,100)	(-97,734)	(+582,266)
Disaster relief category	---	---	(1,662,000)	(+1,662,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
(Limitations on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
Total budgetary resources	(67,975,215)	(128,721,715)	(71,573,982)	(+3,598,767)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Management and Administration				
Executive direction	26,801	30,408	---	-26,801
Administration, operations and management	523,990	530,117	537,789	+13,799
Program Office Salaries and Expenses:				
Public and Indian Housing	188,696	189,610	200,000	+11,304
Community Planning and Development	96,795	99,815	100,000	+3,205
Housing	381,123	397,660	391,500	+10,377
Policy Development and Research	19,100	21,390	22,211	+3,111
Fair Housing and Equal Opportunity	71,656	70,733	72,600	+944
Office of Healthy Homes and Lead Hazard Control	7,137	7,167	7,400	+263
Office of Sustainable Housing and Communities	---	3,100	---	---
Subtotal	764,507	789,475	793,711	+29,204
Total, Management and Administration	1,315,298	1,350,000	1,331,500	+16,202
Public and Indian Housing				
Tenant-based rental assistance:				
Renewals	16,669,283	17,143,837	17,242,351	+573,068
Tenant protection vouchers	109,780	75,000	75,000	-34,780
Administrative fees	1,447,100	1,647,780	1,350,000	-97,100
Family self-sufficiency coordinators	59,880	60,000	60,000	+120
Veterans affairs supportive housing	49,900	75,000	75,000	+25,100
Sec. 811 Mainstream voucher renewals	34,930	114,046	112,018	+77,088

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Disaster housing assistance program	---	50,000	---	---
Homeless vouchers demonstration program	---	56,906	---	---
Subtotal (available this fiscal year)	18,370,873	19,222,569	18,914,369	+543,496
Advance appropriations	4,000,000	4,000,000	4,000,000	---
Less appropriations from prior year advances	-3,992,000	-4,000,000	-4,000,000	-8,000
Total, Tenant-based rental assistance appropriated in this bill	18,378,873	19,222,569	18,914,369	+535,496
Transforming rental assistance demonstration program	---	200,000	---	---
Public Housing Capital Fund	2,040,112	2,405,345	1,875,000	-165,112
Public Housing Operating Fund	4,616,748	3,961,850	3,961,850	-654,898
Revitalization of severely distressed public housing	99,800	---	---	-99,800
Choice neighborhoods	---	250,000	120,000	+120,000
Native American housing block grants	648,700	700,000	650,000	+1,300
Native Hawaiian housing block grant	12,974	10,000	13,000	+26
Indian housing loan guarantee fund program account	6,986	7,000	6,000	-986
(Limitation on guaranteed loans)	(919,000)	(428,000)	(360,000)	(-559,000)
Native Hawaiian loan guarantee fund program account	1,042	---	386	-656
(Limitation on guaranteed loans)	(41,504)	---	(41,504)	---
Housing Certificate Fund	---	50,000	---	---
Rescission	---	-50,000	-200,000	-200,000
Total, Public and Indian Housing	25,805,235	26,756,764	25,340,605	-464,630

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Planning and Development				
Housing opportunities for persons with AIDS	334,330	335,000	332,000	-2,330
Community development fund	3,500,984	3,781,368	2,948,090	-552,894
Indian CDBG	---	---	60,000	+60,000
Disaster relief	---	---	300,000	+300,000
(Disaster relief category)	---	---	100,000	+100,000
Subtotal	3,500,984	3,781,368	3,408,090	-92,894
Community development loan guarantees (Section 108):				
(Limitation on guaranteed loans)	(275,000)	(500,000)	(240,000)	(-35,000)
Credit subsidy	5,988	---	5,952	-36
HOME investment partnerships program	1,606,780	1,650,000	1,000,000	-606,780
Self-help and assisted homeownership opportunity program	81,836	---	53,500	-28,336
Capacity building	---	50,000	---	---
Homeless assistance grants	1,901,190	2,372,000	1,901,190	---
Total, Community Planning and Development	7,431,108	8,188,368	6,700,732	-730,376

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Housing Programs				
Project-based rental assistance:				
Renewals	8,932,100	9,139,672	9,050,672	+118,572
Contract administrators	325,348	289,000	289,000	-36,348
Subtotal (available this fiscal year)	9,257,448	9,428,672	9,339,672	+82,224
Advance appropriations	400,000	400,000	400,000	---
Less appropriations from prior year advances	-392,885	-400,000	-400,000	-7,115
Total, Project-based rental assistance appropriated in this bill	9,264,563	9,428,672	9,339,672	+75,109
Housing for the elderly	399,200	757,000	374,627	-24,573
Housing for persons with disabilities	149,700	196,000	165,000	+15,300
Housing counseling assistance	---	88,000	45,000	+45,000
Rental housing assistance	39,920	15,733	1,300	-38,620
Rent supplement (rescission)	-40,600	-6,600	-231,600	-191,000
Manufactured housing fees trust fund	15,982	14,000	6,500	-9,482
Offsetting collections	-7,000	-7,000	-4,000	+3,000
Subtotal	8,982	7,000	2,500	-6,482
Total, Housing Programs	9,821,765	10,485,805	9,696,499	-125,266
Appropriations	(9,869,365)	(10,499,405)	(9,932,099)	(+62,734)
Rescissions	(-40,600)	(-6,600)	(-231,600)	(-191,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Housing Administration				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans)	(399,200,000)	(400,000,000)	(400,000,000)	(+800,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---
Offsetting receipts	-960,000	-4,427,000	-4,427,000	-3,467,000
Proposed offsetting receipts (HECM)(Sec. 210)	---	-286,000	-286,000	-286,000
Additional offsetting receipts	-2,076,000	---	---	+2,076,000
Additional offsetting receipts (Sec. 145)	-35,000	---	---	+35,000
Additional offsetting receipts (Sec. 238)	---	---	-59,000	-59,000
Administrative contract expenses	206,586	230,000	207,000	+414
Working capital fund (transfer out)	---	(-72,000)	(-71,500)	(-71,500)
FHA - General and special risk program account:				
(Limitation on guaranteed loans)	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
(Limitation on direct loans)	(20,000)	(20,000)	(20,000)	---
Offsetting receipts	-315,000	-400,000	-400,000	-85,000
Credit subsidy	8,583	8,600	---	-8,583
Total, Federal Housing Administration	-3,170,831	-4,874,400	-4,965,000	-1,794,169
Government National Mortgage Association (GNMA)				
Guarantees of mortgage-backed securities loan guarantee program account:				
(Limitation on guaranteed loans)	(500,000,000)	(500,000,000)	(500,000,000)	---
Administrative expenses (legislative proposal)	11,073	30,000	19,500	+8,427
Offsetting receipts (legislative proposal)	---	-100,000	-100,000	-100,000
Offsetting receipts	-720,000	-521,000	-521,000	+199,000
Offsetting receipts (Sec. 145)	-9,000	---	---	+9,000

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Offsetting receipts (Sec. 238)	---	---	-5,000	-5,000
Proposed offsetting receipts (HECM) (Sec. 210)	---	-24,000	-24,000	-24,000
Total, Gov't National Mortgage Association	-717,927	-615,000	-630,500	+87,427
Policy Development and Research				
Research and technology	47,904	57,000	46,000	-1,904
Fair Housing and Equal Opportunity				
Fair housing activities	71,856	72,000	70,847	-1,009
Office of Lead Hazard Control and Healthy Homes				
Lead hazard reduction	119,760	140,000	120,000	+240
Office of Sustainable Housing and Communities				
Sustainable Housing Initiative	---	150,000	---	---
Management and Administration				
Working capital fund	199,600	243,000	199,035	-565
(By transfer)	---	(72,000)	(71,500)	(+71,500)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Inspector General	124,750	126,455	124,000	-750
Transformation initiative	70,858	---	50,000	-20,858
Total, Management and Administration	395,208	369,455	373,035	-22,173
(Grand total, Management and Administration)	(1,710,506)	(1,719,455)	(1,704,535)	(-5,971)
General Provisions				
Rescission of prior year advance (Sec. 235)	---	---	-650,000	-650,000
Total, title II, Department of Housing and Urban Development	41,119,376	42,079,992	37,433,718	-3,685,658
Appropriations	(40,881,976)	(43,501,592)	(39,841,318)	(-1,040,658)
Rescissions	(-40,600)	(-56,600)	(-431,600)	(-391,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Offsetting receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(By transfer)	---	(72,000)	(71,500)	(+71,500)
(Transfer out)	---	(-72,000)	(-71,500)	(-71,500)
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	---
(Limitation on guaranteed loans)	(920,435,504)	(925,928,000)	(925,641,504)	(+5,206,000)

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - OTHER INDEPENDENT AGENCIES				
Access Board	7,285	7,400	7,400	+115
Federal Maritime Commission	24,087	26,265	24,100	+13
Amtrak Office of Inspector General	19,311	22,000	20,500	+1,189
National Transportation Safety Board				
Salaries and expenses	97,854	102,400	102,400	+4,546
Neighborhood Reinvestment Corporation	232,734	215,300	215,300	-17,434
United States Interagency Council on Homelessness	2,675	3,880	3,300	+625
Fannie Mae/Freddie Mac (Sec. 146)	155,000	---	---	-155,000
Total, title III, Other Independent Agencies	538,946	377,245	373,000	-165,946

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total (net)	55,384,296	74,960,983	57,312,000	+1,927,704
Appropriations	(59,032,896)	(77,069,683)	(58,156,334)	(-876,562)
Rescissions	(-720,600)	(-113,700)	(-529,334)	(+191,266)
Disaster relief category	---	---	(1,762,000)	(+1,762,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Negative subsidy receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Limitation on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
(By transfer)	---	(72,000)	(71,500)	(+71,500)
(Transfer out)	---	(-72,000)	(-71,500)	(-71,500)
Total budgetary resources	(109,633,537)	(171,178,952)	(109,380,700)	(-252,837)
Discretionary total	(55,367,000)	(74,960,983)	(55,550,000)	(+183,000)

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

The conference agreement includes an extension of continuing appropriations for fiscal year 2012 through December 16, 2011. No new continuing resolution anomalies are included.

The conferees direct the Department of Defense to continue to carry out, for the duration of the continuing resolution, the counternarcotics programs conducted in fiscal year 2011 and reauthorized in the National Defense Authorization Act for Fiscal Year 2012 as passed by the House of Representatives (Sections 1011, 1012, and 1014) and reported by the Senate Committee on Armed Services (Sections 1011, 1014, and 1015).

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
FRANK R. WOLF,
JACK KINGSTON,
TOM LATHAM,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN ABNEY CULBERSON,
JOHN R. CARTER,
JO BONNER,
STEVEN C. LATOURETTE,
NORMAN D. DICKS,
ROSA L. DELAURO,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,
SAM FARR,
CHAKA FATTAH,
ADAM B. SCHIFF,
Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
BEN NELSON,
MARK L. PRYOR,
SHERROD BROWN,
DANIEL K. INOUYE,
PATTY MURRAY,
BARBARA A. MILKULSKI,
ROY BLUNT,
THAD COCHRAN,
MITCH MCCONNELL,
SUSAN M. COLLINS,
JERRY MORAN,
JOHN HOEVEN,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3806. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States [Docket No.: APHIS-2011-0005] received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3808. A letter from the Acting Under Secretary, Department of Defense, transmitting The Fiscal Year 2010 Inventory of Contracts for Services; to the Committee on Armed Services.

3809. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3810. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3811. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

3812. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

3813. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the designation of Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan as ''countries of particular concern'' for having engaged in or tolerated particulary severe violations of religious freedom; to the Committee on Foreign Affairs.

3814. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2010 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

3815. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 60 day report on Iraq from the April 21, 2011- June 20, 2011 reporting period; to the Committee on Foreign Affairs.

3816. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sharks in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-2] (RIN: 0648-XA733] received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3817. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 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 [Docket No.: 101126522-0640-02] (RIN: 0648-XA729] received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3818. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2011-2012 Accountability Measures for Recreational Black Sea Bass [Docket No.: 0907271173-0629-03] (RIN: 0648-XA698) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3819. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3 [Docket No.: 100903433-1531-02] (RIN: 0648-BA22) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3820. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA753) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3821. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Georgia Advisory Committee; to the Committee on the Judiciary.

3822. A letter from the Special Master, September 11th Victim Compensation Fund, Departmemt of Justice, transmitting the Department's ''Major'' final rule — James Zadroga 9/11 Health and Compensation Act of 2010 [Docket No.: CIV 151] (RIN: 1105-AB39) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3823. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC [Docket No.: USCG-2011-0001] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; August and September Fireworks and Swimming Events in Captain of the Port Boston Zone [Docket No.: USCG-2011-0671] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Revolution 3 Triathlon, Sandusky Bay, Lake Erie, Cedar Point, OH [Docket No.: USCG-2011-0775] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays and Surfing Events in Captain of the Port Long Island Sound Zone [Docket No.: USCG-2011-0786] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Gulf, Gulf of Mexico, Orange Beach, AL [Docket No.: USCG-2011-0734] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia [Docket No.: USCG-2011-0741] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Deputy Director, Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Sharing Information Between the Department of Veterans Affairs and the Department of Defense (RIN: 2900-AN95) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3830. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — United States — Oman Free Trade Agreement [USCBP-2010-0041] (RIN: 1515-AD68) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3831. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Postponement of Certain Hybrid Plan Regulations; Special Timing Rules for Section 204(h) [Notice 2011-85] received October 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3832. A letter from the Administrator, TSA, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Sioux Falls Regional Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers; to the Committee on Homeland Security.

3833. A letter from the Secretary, Department of Energy, transmitting proposed legislation to eliminate the need for annual updates of the workforce restructuring plans for defense nuclear facilities; jointly to the Committees on Armed Services and Energy and Commerce.

3834. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2010, pursuant to the Naval Petroleum Reserves Production Act of 1976, pursuant to 10 U.S.C. 7431(c); jointly to the Committees on Armed Services and Energy and Commerce.

3835. A letter from the Secretary, Department of Energy, transmitting the Department's 2010 report entitled, ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board''; jointly to the Committees on Energy and Commerce and Armed Services.

3836. A letter from the Offices of Congressional and Legislative Affairs, Legislative Affairs, and Legislation, Departments of Health and Human Services, Interior, and Justice, transmitting the Indian Alcohol and Substance Abuse Memorandum of Agreement; jointly to the Committees on Energy and Commerce and the Judiciary.

3837. A letter from the Secretary, Army, Department of Defense, transmitting a report entitled ''Report to Congress on Implementation of Army Directive on Army National Cemeteries Program''; jointly to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1791. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse'' (Rept. 112–282). Referred to the House Calendar.

Mr. NUGENT: Committee on Rules. House Resolution 463. Resolution providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State (Rept. 112–283). Referred to the House Calendar.

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2112. A bill 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 (Rept. 112–284). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

[The following action occurred on November 11, 2011]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 6, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 3404. A bill to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. POLIS, Ms. MOORE, Mrs. NAPOLITANO, Ms. MCCOLLUM, Mr. CONYERS, and Mr. HINCHEY):

H.R. 3405. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 3406. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service may not be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington (for himself and Mr. YOUNG of Alaska):

H.R. 3407. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN:

H.R. 3408. A bill to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Ohio:

H.R. 3409. A bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

By Mr. STIVERS (for himself, Mr. LATOURETTE, Mr. TIBERI, Mr. FITZPATRICK, Mr. GERLACH, Mr. WOMACK, Mr. REED, Mr. JOHNSON of Ohio, and Mr. MEEHAN):

H.R. 3410. A bill to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, to provide fair and equitable revenue sharing for all coastal States, to formulate future offshore energy development plans in areas with the most potential, to generate revenue for American infrastructure, and for other purposes; to the Committee on Natural Resources.

By Mr. BENISHEK:

H.R. 3411. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. BOUSTANY (for himself, Mr. SCALISE, Mr. RICHMOND, Mr. LANDRY, Mr. FLEMING, Mr. ALEXANDER, and Mr. CASSIDY):

H.R. 3412. A bill to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY (for himself, Mr. ACKERMAN, Mr. BISHOP of New York, Ms. BUERKLE, Ms. CLARKE of New York, Mr. ENGEL, Mr. GIBSON, Mr. GRIMM, Mr. HANNA, Ms. HAYWORTH, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. NADLER, Mr. OWENS, Mr. RANGEL, Mr. REED, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Mr. TURNER of New York, and Ms. VELÁZQUEZ):

H.R. 3413. A bill to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HUIZENGA of Michigan:

H.R. 3414. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Ms. KAPTUR, and Ms. SUTTON):

H.R. 3415. A bill to help ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, and Mr. LYNCH):

H.R. 3416. A bill to amend title 31, United States Code, to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes; to the Committee on Financial Services.

By Mr. MARINO:

H.R. 3417. A bill to amend the Transportation Equity Act for the 21st Century to

modify requirements relating to an addition to Corridor O in Pennsylvania on the Appalachian development highway system; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself and Mr. KING of New York):

H.R. 3418. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Energy and Commerce.

By Mr. RUPPERSBERGER (for himself, Mr. BARTLETT, Mr. VAN HOLLEN, and Mr. HARRIS):

H.R. 3419. 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. SCHOCK (for himself and Mr. POLIS):

H.R. 3420. A bill to amend the Internal Revenue Code of 1986 to facilitate program-related investments by private foundations; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 3421. A bill to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. MCDERMOTT, Ms. PINGREE of Maine, Mr. HEINRICH, and Mr. JACKSON of Illinois):

H.J. Res. 86. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures with respect to elections; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself and Mr. KILDEE):

H. Res. 462. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. LUETKEMEYER, Mr. CARNAHAN, Mrs. HARTZLER, Mr. LONG, Mr. JOHNSON of Illinois, Mrs. EMERSON, Mr. COSTELLO, and Mr. CLAY):

H. Res. 464. A resolution congratulating the St. Louis Cardinals on winning the 2011 World Series Championship; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H. Res. 465. A resolution expressing the sense of the House of Representatives that the recent intervention against the Lord's Resistance Army in Central Africa by United States Armed Forces does not serve the national interest and that the President of the United States should request authorization before sending troops overseas; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HASTINGS of Washington:

H.R. 3404.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18

By Mr. TOWNS:

H.R. 3405.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, known as the ''General Welfare Clause.'' This provision grants Congress the broad power ''to pay the Debts and provide for the common defense and general welfare of the United States.''[1]

[1] Please note, pursuant to Article I, section 8, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. JOHNSON of Georgia:

H.R. 3406.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

By Mr. HASTINGS of Washington:

H.R. 3407.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. LAMBORN:

H.R. 3408

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. JOHNSON of Ohio:

H.R. 3409.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18

By Mr. STIVERS:

H.R. 3410.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. BENISHEK:

H.R. 3411.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2:

''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . .''

By Mr. BOUSTANY:

H.R. 3412.

Congress has the power to enact this legislation pursuant to the following:

'Article I, Section 8—To establish Post Offices and post Roads;'

By Mr. CROWLEY:

H.R. 3413.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

By Mr. HUIZENGA of Michigan:

H.R. 3414.

Congress has the power to enact this legislation pursuant to the following:

Article I of the U.S. Constitution grants Congress the power to appropriate funds from the Treasury, pay the obligations of and raise revenue for the Federal Government, and publish statements and accounts of all financial transactions.

By law, Congress is also obligated to write a budget representing its plan to carry out these transactions in the forthcoming fiscal years. While the President is required to propose his administration's budget requests for Congress' consideration, Congress is solely responsible for writing the laws that raise revenues, appropriate funds, and prioritize taxpayer dollars within an overall federal budget.

The budget resolution is the only legislative vehicle that views government comprehensively. It provides the framework for the consideration of other legislation. Ultimately, a budget is more than a series of numbers; it also serves as an expression of Congress' principles, vision and philosophy of governing.

This budget resolution intends to recommit the nation fully to the timeless principles of American government enshrined in the U.S. Constitution—liberty, limited government, and equality under the rule of law. It is submitted, as prescribed by law, to apply these principles, to reflect this vision, and to provide a framework for the orderly execution of Congress' constitutional duties for fiscal year 2012 and beyond.

By Mr. ISRAEL:

H.R. 3415.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mrs. MALONEY:

H.R. 3416.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. MARINO:

H.R. 3417.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. PALLONE:

H.R. 3418.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the Constitution.

By Mr. RUPPERSBERGER:

H.R. 3419.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SCHOCK:

H.R. 3420.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. SHUSTER:

H.R. 3421.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Ms. SUTTON:

H.J. Res. 86.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Ms. LORETTA SANCHEZ of California.

H.R. 177: Mrs. MYRICK, Mr. ROONEY, and Mr. AKIN.

H.R. 178: Mr. CARNAHAN, Mr. DONNELLY of Indiana, and Mr. CRENSHAW.

H.R. 181: Mr. RIBBLE.

H.R. 191: Mr. POLIS.

H.R. 217: Mr. BOUSTANY and Mr. WOMACK.

H.R. 218: Mr. BLUMENAUER.

H.R. 361: Mr. WALBERG and Mr. BOUSTANY.

H.R. 399: Mrs. BIGGERT and Mr. BLUMENAUER.

H.R. 402: Mr. SHERMAN.

H.R. 436: Mr. NUNES and Mr. GRAVES of Missouri.
H.R. 507: Ms. LEE of California and Mr. JACKSON of Illinois.
H.R. 733: Mr. GRIFFIN of Arkansas, Mr. REYES, Ms. HAHN, Ms. SLAUGHTER, and Mr. BACHUS.
H.R. 735: Mr. CAMP, Mr. GARRETT, and Mr. JONES.
H.R. 862: Ms. MOORE and Mr. ISRAEL.
H.R. 885: Mr. THOMPSON of California.
H.R. 886: Mr. TURNER of Ohio, Mr. MURPHY of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 912: Mr. DENT and Ms. WOOLSEY.
H.R. 938: Ms. BROWN of Florida.
H.R. 1041: Mr. GUINTA.
H.R. 1055: Mr. MICHAUD.
H.R. 1085: Mr. TOWNS.
H.R. 1106: Mr. BOSWELL.
H.R. 1148: Mr. BARROW, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. COOPER, Mr. JACKSON of Illinois, Mr. ALTMIRE, Ms. MCCOLLUM, Mr. QUIGLEY Mr. CLARKE of Michigan, and Mr. SCHILLING.
H.R. 1173: Mr. LUETKEMEYER.
H.R. 1193: Mr. HIGGINS, Mr. TOWNS, and Mr. MILLER of Florida.
H.R. 1195: Mr. REYES.
H.R. 1206: Mr. HURT.
H.R. 1221: Mr. WOMACK and Mr. REHBERG.
H.R. 1404: Mr. WALZ of Minnesota.
H.R. 1418: Mr. PETRI and Mr. HIGGINS.
H.R. 1426: Ms. SLAUGHTER.
H.R. 1448: Mr. PERLMUTTER and Mr. COURTNEY.
H.R. 1488: Ms. DEGETTE.
H.R. 1489: Mr. PAYNE.
H.R. 1558: Mr. LARSON of Connecticut, Mr. BURTON of Indiana, and Mr. CAMP.
H.R. 1568: Mr. GUTIERREZ.
H.R. 1578: Ms. MCCOLLUM.
H.R. 1588: Mr. ROYCE, Mr. DUFFY, and Mr. JORDAN.
H.R. 1612: Mr. HARRIS.
H.R. 1653: Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Mr. TIPTON, Ms. BROWN of Florida, Mr. NUNES, and Mr. GRIFFITH of Virginia.
H.R. 1684: Ms. LEE of California.
H.R. 1687: Mr. BARROW, Ms. BORDALLO, Mr. STEARNS, and Mr. WEST.
H.R. 1697: Mrs. ELLMERS, Mr. GARRETT, Mr. SESSIONS, Mr. HANNA, and Mr. DOLD.
H.R. 1738: Mrs. CAPPS, Mr. BARTLETT, and Mr. GUTIERREZ.
H.R. 1744: Mr. BACHUS.
H.R. 1754: Mr. FALEOMAVAEGA, Mr. BERMAN, Mr. HANABUSA, and Ms. HAHN.
H.R. 1781: Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. LANGEVIN, Mr. MCGOVERN, Ms. CLARKE of New York, Mr. MEEKS, and Ms. RICHARDSON.
H.R. 1815: Mr. DOGGETT, Mr. CAPUANO, and Mr. PALLONE.
H.R. 1842: Mr. CUELLAR.
H.R. 1864: Ms. JACKSON LEE of Texas.
H.R. 1909: Mr. ROYCE.
H.R. 1956: Mr. JONES.
H.R. 1957: Mr. BOUSTANY.
H.R. 1983: Mr. MCGOVERN and Mr. THOMPSON of California.
H.R. 2032: Mr. ROSS of Arkansas.
H.R. 2051: Mr. NUNES and Mr. HUIZENGA of Michigan.
H.R. 2070: Mr. POE of Texas, Mr. ROSS of Florida, Mr. LIPINSKI, and Mr. WITTMAN.
H.R. 2085: Mr. JOHNSON of Georgia, Mr. MURPHY of Connecticut, and Mr. GUTIERREZ.
H.R. 2088: Mr. LUJÁN, Ms. MCCOLLUM, and Mr. PRICE of North Carolina.
H.R. 2104: Mr. BUTTERFIELD.
H.R. 2144: Mr. INSLEE.
H.R. 2187: Ms. SCHWARTZ.
H.R. 2288: Mr. KING of New York and Mr. CRENSHAW.
H.R. 2299: Mr. BOUSTANY.
H.R. 2305: Mr. MICHAUD.
H.R. 2306: Mr. MORAN, Ms. SCHAKOWSKY, and Mr. KUCINICH.
H.R. 2453: Ms. SLAUGHTER.
H.R. 2499: Ms. WASSERMAN SCHULTZ, Mr. HONDA, and Mr. ROTHMAN of New Jersey.
H.R. 2505: Mr. BOREN.
H.R. 2536: Mr. JACKSON of Illinois.
H.R. 2568: Mr. MILLER of Florida.
H.R. 2569: Mr. SCHRADER.
H.R. 2636: Mr. COHEN.
H.R. 2662: Mr. POSEY.
H.R. 2679: Mr. LUJÁN, Mr. MCCAUL, Mr. WELCH, Ms. SLAUGHTER, Mr. TONKO, Mr. MEEKS, Ms. MCCOLLUM, and Mr. CARSON of Indiana.
H.R. 2697: Mr. ROTHMAN of New Jersey and Mr. ROSKAM.
H.R. 2763: Ms. BASS of California.
H.R. 2787: Mr. HECK.
H.R. 2834: Mr. FLAKE.
H.R. 2874: Mr. GUTHRIE and Mr. DUNCAN of Tennessee.
H.R. 2885: Mr. HALL, Mr. SULLIVAN, Mr. AKIN, Mr. BARLETTA, Mr. MICA, Mr. OLSON, Mr. FLEMING, and Mr. BONNER.
H.R. 2888: Mr. HOLT.
H.R. 2900: Mr. BARROW.
H.R. 2941: Mr. ROSKAM.
H.R. 2945: Mr. MILLER of Florida.
H.R. 2948: Ms. MCCOLLUM, Mrs. MALONEY, Ms. MATSUI, Mr. LYNCH, Mr. WATT, Mr. SERRANO, Mr. HINOJOSA, Mr. CLARKE of Michigan, Mr. PAYNE, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. DAVID SCOTT of Georgia, Mr. CAPUANO, Mr. MEEKS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LANGEVIN.
H.R. 2951: Mr. BOUSTANY.
H.R. 2992: Mr. SHERMAN and Mr. ROSKAM.
H.R. 2994: Ms. HIRONO and Mr. MICHAUD.
H.R. 2996: Mr. COURTNEY and Mr. FRANKS of Arizona.
H.R. 3036: Mr. ALTMIRE.
H.R. 3039: Mr. TIPTON, Mr. DIAZ-BALART, Mr. ROSS of Florida, and Mr. KEATING.
H.R. 3046: Mr. CHANDLER, Mr. SHUSTER, Mr. FARR, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. HINOJOSA, Mr. BOSWELL, Mr. KILDEE, Ms. SPEIER, Mr. CRITZ, and Ms. SLAUGHTER.
H.R. 3059: Mr. PIERLUISI.
H.R. 3083: Mr. RIVERA, Ms. ZOE LOFGREN of California, and Mr. MORAN.
H.R. 3126: Mr. POLIS.
H.R. 3159: Mr. INSLEE.
H.R. 3164: Mr. ROONEY.
H.R. 3167: Mr. CARTER.
H.R. 3179: Mr. SHULER, Mrs. ELLMERS, and Mr. GENE GREEN of Texas.
H.R. 3185: Mr. AKIN.
H.R. 3199: Mr. DUNCAN of Tennessee and Mr. TIPTON.
H.R. 3200: Mr. GUINTA and Ms. HAHN.
H.R. 3216: Mr. BUTTERFIELD and Mr. JACKSON of Illinois.
H.R. 3236: Mr. LOEBSACK.
H.R. 3240: Mr. ANDREWS, Mr. HOLT, Mr. SIRES, and Mr. STARK.
H.R. 3243: Mr. PAUL.
H.R. 3244: Mr. LANKFORD, Mr. GRIFFITH of Virginia, Mr. COLE, Mr. BRADY of Texas, Mr. GOWDY, Mr. SHIMKUS, Ms. JENKINS, and Mr. BOREN.
H.R. 3245: Mr. RYAN of Ohio and Ms. PINGREE of Maine.
H.R. 3256: Mr. GOHMERT, Mrs. ADAMS, and Mr. TURNER of New York.
H.R. 3261: Mr. BARROW, Mr. SCALISE, Mr. LUJÁN, and Mr. OWENS.
H.R. 3286: Ms. MCCOLLUM, Mr. TIERNEY, Mr. OWENS, Mr. MCINTYRE, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. HINCHEY, Mr. FRANK of Massachusetts, and Mr. TOWNS.
H.R. 3294: Mr. BURTON of Indiana.
H.R. 3297: Ms. WATERS, Mrs. MALONEY, and Mr. MORAN.
H.R. 3300: Mr. SIRES.
H.R. 3324: Mr. FILNER.
H.R. 3337: Mr. JONES, Mr. MICHAUD, and Mr. MURPHY of Pennsylvania.
H.R. 3343: Mr. COBLE.
H.R. 3357: Mr. ELLISON.
H.R. 3378: Mr. PETERS.
H.R. 3380: Mr. BISHOP of Utah.
H.R. 3391: Mr. GUTIERREZ and Mr. BLUMENAUER.
H.R. 3402: Mrs. CAPPS, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Ms. CLARKE of New York, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. MCDERMOTT, and Ms. BERKLEY.
H.R. 3403: Mr. PAUL and Mr. MCCAUL.
H. J. Res. 2: Mr. WEBSTER.
H. J. Res. 69: Mr. SCHRADER.
H. Con. Res. 80: Mr. JACKSON of Illinois.
H. Con. Res. 84: Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Ms. SCHAKOWSKY.
H. Con. Res. 85: Ms. SLAUGHTER and Ms. NORTON.
H. Res. 25: Mr. BROUN of Georgia and Mr. JOHNSON of Illinois.
H. Res. 137: Mr. RUPPERSBERGER.
H. Res. 298: Mr. TOWNS, Mr. LANGEVIN, Mr. RUNYAN, and Mr. COFFMAN of Colorado.
H. Res. 306: Ms. TSONGAS.
H. Res. 376: Mr. HIGGINS, Mr. CARDOZA, Mr. SIRES, Mr. MANZULLO, and Ms. SCHWARTZ.
H. Res. 407: Mr. HOLT.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, NOVEMBER 14, 2011 No. 173

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Holy God, the source of our strength, we need You this day and always. Continue to sustain our lawmakers, fulfilling Your promise to supply their needs.

Lord, we confess that we don't have all the answers, for our judgment is sometimes inadequate for the challenges we face. We need You, therefore, to guide our Senators to know what is right and do it, to discern Your best for America and to act promptly.

Lord, we know You are willing to help those who confess their dependence on You, leading them toward workable solutions and creative compromise.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS 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. Mr. President, we will be in a period of morning business until 3 p.m. today. During that period of time, Senators will be allowed to speak therein for up to 10 minutes each. Following morning business, the Senate will adopt the motion to proceed to the consideration of H.R. 2354. There will be no rollcall votes today. The next rollcall votes will be Tuesday morning in relation to two U.S. district judges.

SPIRIT OF COOPERATION

Mr. REID. Mr. President, last week something wonderful and unusual happened here in the Senate: We passed a worthy piece of legislation with a nearly unanimous vote. On the eve of Veterans Day, we honored this Nation's service men and women by passing bipartisan legislation to spur hiring of this country's nearly 900,000 out-of-work veterans. Two hundred fifty thousand of these unemployed veterans became members of the Armed Services because of the global fight on terror basically in the last 10 years. I trust our action last week meant as much, or more, than our words of thanks and praise for these dedicated men and women who serve us so well. But the Senate has much more work to do this work period, this week and into next week, if necessary. I hope that same spirit of cooperation will hold during this next few days. The Senate has much more work to be done, as I have indicated, because we have work that is essential to the functioning of our government.

As we continue to focus on the efforts to create jobs and get our economy moving again, we must also pass appropriations bills, which is part of our yearly responsibility. This week, we will consider an appropriations package that includes Energy and Water, Financial Services, and State and Foreign Operations. We need cooperation to move this important piece of legislation. The legislative tree will not be filled, but we need to agree on the way forward. We need to have some responsible way to move forward on these amendments. We are not going to have another situation such as we had a few weeks ago, where we worked until early in the morning—not that the long hours hurt, but we had hundreds of amendments and we had no way of moving through those without having a lot of votes, some of which were totally unnecessary.

We have the continuing resolution we must do before the end of this work period. Although I know there will be some strident debate over amendments to both the appropriations bill and the Defense authorization bill we have to do, we have to work together if we are going to move forward on the Nation's business.

Last month, the Senate passed a bipartisan minibus that included Agriculture, Commerce-State-Justice, Transportation, and Housing and Urban Development. Those appropriations bills were essential, and we were able to complete that. That experience proved that, with cooperation, the Senate can work through the normal appropriations process, but it does take cooperation.

The Senate will consider the conference report on that minibus this week. That conference report will include another short-term continuing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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resolution that will take us through December 16, which will give Congress the time it needs to complete important work—passing appropriations bills.

This week we will also confirm a number of judges who are crucial to help ease the backlog in our Nation's jam-packed courts. We have the supercommittee which is functioning. All 12 members are trying to come up with some reasonable way forward to do something about the debt.

So we have the supercommittee, we have the Defense authorization bill, we have the appropriations bill, we have a conference report, and we have the deadline that is facing us. We have to get all this work done by this weekend. If not, then we get it done before Thanksgiving, which is a week from Thursday. So as you can see, the Senate has a substantial amount of work to complete in the 10 days before Thanksgiving. I want to be clear that we are going to work up until the last moment before the holiday, if that is what it takes, to get these important tasks done. With cooperation, we can get it all done this week. But we have a lot to do, and I understand that, but I do hope we can work together to complete this country's necessary work.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I failed to note that Senators FEINSTEIN and ALEXANDER, the managers of this appropriations bill we have, are going to be here on the floor this afternoon to give their opening statements. So if Senators have amendments, they should talk to the two managers of the bill. I think that works much better than firing up amendments and hoping some of them stick.

Mr. President, 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.

Mrs. FEINSTEIN. Mr. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2354

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer

Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $185,000,000, to remain available until September 30, 2013, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(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 this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

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

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

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

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the ''Construction'' account up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the ''Flood Control and Coastal Emergencies'' heading in Public Law 109–234 (120 Stat. 455) and Public Law 110–252 (122 Stat. 2350) and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the ''Flood Control and Coastal Emergencies'' heading in Public Law 110–28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the ''Construction'' heading in Public Law 110–252 (122 Stat. 2349) and Public Law 110–329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to $3,800,000 of funds provided in this title under the heading ''Operation and Maintenance'', to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions

and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge ''McFarland'': Provided, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor's instrument No. 2006–014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

''(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.''.

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $28,991,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which $1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $885,670,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106–541, as amended by section 115 of Public Law 109–103, is further amended by striking ''$20,000,000'' and inserting ''$30,000,000'' in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence, by striking ''2011'' and inserting ''2016''; and

(2) in subsection (b), by striking ''$25,000,000 for fiscal years 1997 through 2011'' and inserting ''$3,000,000 for each of fiscal years 2012 through 2016''.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in the matter preceding paragraph (1), by striking ''In any case in which there are willing sellers'' and inserting ''For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants'';

(2) in paragraph (2), by striking ''in the Walker River'' and all that follows through ''119 Stat. 2268)''; and

(3) in paragraph (3), by striking ''in the Walker River Basin''.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking ''exercise water rights'' and inserting ''manage land, water appurtenant to the land, and related interests''; and

(2) in paragraph (2)(A), by striking ''The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation'' and inserting ''Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided''.

SEC. 206. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of

Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central-Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1356) is amended by striking ''October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.'' and inserting ''October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed $40,000,000 without further appropriation.'' in lieu thereof.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,795,641,000, to remain available until expended: Provided, That $165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That of the amount appropriated, the Secretary may use not more than $170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): Provided further, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $141,010,000, to remain available until expended: Provided, That $27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, $583,834,000, to remain available until expended: Provided, That $86,279,000 shall be available until September 30, 2013 for program direction: Provided further, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $445,471,000, to remain available until expended: Provided, That $151,729,000 shall be available until September 30, 2013 for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That of prior-year balances, $187,000,000 are hereby rescinded: Provided further, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,00,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: Provided, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: Provided further, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: Provided, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other

activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,842,665,000, to remain available until expended: Provided, That $180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, $200,000,000 is appropriated to remain available until expended: Provided, That the amounts in this section are in addition to those provided in any other Act: Provided further, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: Provided further, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than $0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: Provided further, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Provided further, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,404,300,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000,$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, $5,002,308,000, to remain available until expended: Provided, That $321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary

services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,428,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,010,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $220,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000,$304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0: Provided further, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and

congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

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

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.''.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike ''$1,000,000'' and insert ''$5,000,000.''

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in excess of $25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, $73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of $1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $58,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until September 30, 2013: Provided, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,275,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

(1) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Commission.

(2) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(3) SPENT FUEL POOL.—The term ''spent fuel pool'' means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licencees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. 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 appropriation Act.

TITLE VI

ADDITIONAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' 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)), $890,177,300, to remain available until expended for repair of damages to Federal projects: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph 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.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' 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)) to dredge navigation channels and repair damage to Corps projects nationwide, $88,003,700, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph 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.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', 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)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, $66,387,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph 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.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2012''.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise in support of the fiscal year 2012 energy and water development appropriations bill with my ranking member, the distinguished Senator ALEXANDER, with whom I have had the great pleasure of working. I want to say this up front: It has been a pleasure to work with this particular ranking member. He is respected, he is credible, he is direct, and he is reasonable, which I have learned is an endangered species around here. So I very much appreciate that.

This Energy and Water bill has an allocation of $31.625 billion, which is $57 million or .1 percent below last year's enacted levels and nearly $3 billion or 9.4 percent below the President's request. The $31.625 billion is split between security and nonsecurity funding, consistent with the Budget Control Act of 2011. The Budget Control Act established caps on discretionary spending over 10 years, with separate caps for security and nonsecurity spending. Now, this becomes relevant, as I will explain.

The security allocation for energy and water is $11.05 billion. The $11.05 billion funds only four programs under the National Nuclear Security Administration, called NNSA: nuclear weapons, nonproliferation, naval reactors, and the Office of the Administrator.

I would like to point out right up front that funding for the NNSA makes up a growing portion of this bill. Last year the NNSA made up 30 percent of the total allocation. This year it has increased to 35 percent. In addition, because of the Budget Control Act, a firewall is created between security and nonsecurity funding so we cannot transfer funding back and forth. No funding from the NNSA can be used to fund energy and water projects, and no funds from energy and water can be used to fund the National Nuclear Security Administration.

While funding increases for the National Nuclear Security Administration to help advance national security priorities, it comes at the expense of water and energy projects in the rest of our bill. Our nonsecurity allocation, which funds the Corps of Engineers, the Bureau of Reclamation under the Department of the Interior, and the Department of Energy, is $20.575 billion. While our security allocation grew by $528 million or 5 percent, the nonsecurity allocation is $584 million or 2.8 percent less than for fiscal year 2011 and $3.5 billion or 17 percent less than for fiscal year 2010. So we can see the crunch that is put on one part of the budget and the other part of our appropriations bill has actually expanded.

As I mentioned, the security allocation is $11.05 billion, which is an increase of $528 million or 5 percent over fiscal year 2011. This is an increase of $1.163 billion or close to 12 percent for the security portion of this appropriations bill over fiscal year 2010.

To clarify, NNSA is responsible for three primary national security missions: first, maintaining the safety, security, and reliability of the Nation's nuclear weapons stockpile; second, responsibility for reducing the threat of nuclear terrorism through nonproliferation programs; and third, it designs and builds nuclear reactors for safe and effective nuclear propulsion for aircraft carriers and submarines in the U.S. Navy.

Taking into account competing funding priorities for national security activities, I think this bill strikes as good a balance as it can between funding for nuclear weapons modernization and reducing the threat of nuclear proliferation. The Nuclear Weapons Program under the bill would see an increase of $294 million or 4.2 percent above fiscal year 2011. With $7.2 billion, the NNSA, which is the agency of concern, will be able to meet the highest priorities of the Nuclear Posture Review and modernization activities discussed during negotiations of the New START Treaty.

These are three primary activities:

First, funds will continue for life extension programs for the W76 submarine-launched warhead, the B61 bomb, and the W78 intercontinental ballistic missile warhead.

Second, funds allow for completing design work for two aging nuclear facilities that may need to be replaced to meet modern safety standards—one for handling plutonium at Los Alamos National Lab and the other for uranium at the Y–12 facility in Tennessee.

Third, funds will maintain the science, technology, and engineering base to continue assessing the safety, security, and reliability of the nuclear weapons stockpile.

The nonproliferation program would see an increase of $109 million or 4.7 percent above fiscal year 2011. NNSA would stay on track to meet its goals to secure and remove the most vulnerable nuclear materials from around the world by the end of 2013. These are materials that could be used by terrorists to build nuclear devices. The United States has already removed 3,086 kilograms of highly enriched uranium—120 nuclear weapons' worth of material—from dozens of countries.

NNSA would also be able to continue deploying portal monitors at seaports and border crossings to detect nuclear smuggling and help countries increase security at nuclear facilities. The United States has installed radiation detection equipment at more than 399 sites across the world.

Finally, the security allocation will be used to fund the naval reactors program that provides propulsion for the country's submarines and aircraft carriers. An increase of $141 million or 14.6 percent above fiscal year 2011 is directed to help design a nuclear reactor that will last 40 years for ballistic missile submarines, the most survivable leg of our nuclear deterrent.

Turning to nonsecurity funding, as I mentioned earlier, our allocation is $20.575 billion—$584 million or 2.8 percent less than fiscal year 2011. With this significant decrease in funding, the bill focuses its limited nonsecurity funding on the highest priorities: critical water infrastructure projects and accelerating energy technology.

Let me speak for a moment about water infrastructure. The Corps of Engineers would receive $4.864 billion. That is an increase of $7 million or one-tenth of 1 percent, above fiscal year 2011 and $291 million or 5.9 percent above the President's request. Here is why. I strongly believe the Corps of Engineers is responsible for such a wide array of projects—building, maintaining, repairing locks, levees, dams, dredging for waterway navigation. Devastating floods and hurricanes in the last few months that have damaged many communities across the United States are a stark reminder of why Corps of Engineers infrastructure projects remain such a high congressional priority.

With a ban on congressionally directed projects—or, as they are not so fondly called, earmarks—Congress cannot direct needed funding to projects that may have been overlooked by the administration or to address emerging needs after the President's budget submission. The President's fiscal year 2012 budget request did not include more than 100 studies and projects for navigation, flood control, and environmental restoration that the administration included in the fiscal year 2011 work plan. Without funding in 2012, these studies and projects will likely be suspended.

I think that is important to keep in mind. While our bill does not fund any new projects, our bill provides $291 million above the President's request to support these ongoing studies and projects for the Corps that were either unfunded or underfunded in the President's budget request.

The bill also provides the Department of the Interior $1.067 billion, which is $27 million or 2½ percent less than fiscal year 2011 but still $16 million or 1.4 percent more than the President's request. Funding for the Department of Interior includes the Bureau of Reclamation, which is responsible for oversight and operation of water projects related to irrigation, water supply, and hydroelectric power generation in the 17 Western States.

Finally, the bill provides $1.045 billion in disaster relief funding—and I wish to speak about that—this is on top of our base allocation—to repair damaged Corps of Engineers owned, operated, or fixed infrastructure from flooding on the Mississippi and Missouri Rivers and other natural disasters.

This level of funding covers damages the Corps identified when the committee reported this bill. As I mentioned during committee markup, we know this amount is insufficient based on the number and severity of natural disasters that have occurred this year. The Corps has updated their disaster needs. We will be working throughout the floor process to ensure that increased funding to address disaster recovery needs is provided. I think both the ranking member and I, our subcommittee, and the Appropriations Committee as a whole understand that responding to these disaster needs is of the highest priority.

Regarding clean energy, the bill provides stable funding to support science, technology, and engineering programs to advance clean energy technologies. It provides the Office of Science $4.84 billion, the same as in 2011. The Office of Science conducts basic research in physics, chemistry, and biology to improve our understanding of energy and matter. New discoveries will advance energy technologies. Our bill focuses the limited resources of the Office of Science toward the highest priorities, which include material support, developing the next generation of biofuels, and maintaining the leadership of the United States in high-performance computing.

Our bill continues to fund three hubs, which are research centers made up of scientists and engineers from the national labs, universities, and private industry to address a specific energy challenge. The three hubs focus on developing fuels that can be produced directly from sunlight, improving energy efficiency of existing buildings, and using modeling and simulation tools to improve the operation of nuclear reactors.

Our bill also funds a new hub, the fourth hub, to improve batteries for electric vehicles and for storage of wind, solar, and other intermittent power sources—something which the ranking member was very much interested in and which I was very pleased to agree to.

In addition to the Office of Science, the bill also provides $250 million for ARPA-E, an increase of $70 million, or 39 percent. ARPA-E funds new and innovative energy technologies that would significantly reduce our dependence on foreign oil and reduce carbon emissions.

ARPA-E's goal is to demonstrate the feasibility of new technology and then find a private company to commercialize the technology. As a sign of early success in attracting private investment, last year ARPA-E awarded a startup company $750,000 to demonstrate its new innovative technology related to energy storage. An early demonstration of this startup's new technology has already attracted $12 million in private investment to help commercialize it. I think that is good news.

While the government continues to invest in innovative energy technologies, nuclear energy continues to provide 20 percent of the Nation's electricity, but it is 70 percent of its carbon-free electricity. This, to me, is a stunning figure, that it is 20 percent of all power but 70 percent of carbon-free power.

Currently, nuclear energy will continue to be an important source of energy for us in the future. However, I deeply believe that before we expand nuclear power in the United States, we must address our spent fuel situation in order to limit the government's liability from its failure to take this waste.

Today, high-level nuclear spent fuels are stored at 74 locations most directly adjacent to an active reactor. The fuel remains in either spent fuel pools or dry casks meant to be temporary but, in reality, has been stored permanently. There is simply no place to put it.

Today, to date, the U.S. Government has paid out $1 billion to the nuclear industry because of its failure to take custody of this fuel as required by law. Few people know this. This liability will grow to $15.4 billion by 2020 and another $500 million for each year of delay after 2020.

My distinguished ranking member, we simply have to get cracking and find either regional repositories or a central waste repository where nuclear waste can be stored essentially forever. The United States is responsible for 65,000 tons of spent fuel at these 74

sites. This is enough material to cover one football field 20-feet deep. And our liability continues to grow. According to the blue ribbon commission, if no nuclear reactors are built and the existing fleet of 104 reactors operate until the end of their licenses, the total inventory of spent fuel by 2050 would be 150,000 metric tons.

That is 2½ times as much as we have now. The current absence of a spent fuel policy and repository to store spent nuclear fuel is unacceptable and unsustainable. For these reasons, this bill takes the first step in requiring the Department of Energy to create a strategy for spent fuel storage, including options for consolidating and storing spent fuel at one or more regional sites.

With regard to funding for the nuclear energy program, the bill provides $584 million, which is a reduction of $142 million, or 24 percent, available funding that will focus more on safety and the back end of the nuclear fuel cycle. For example, the bill provides $52 million—that is an increase of $12 million from 2011—to accelerate development of new cladding materials for nuclear fuel that reduce the likelihood of meltdowns and hydrogen explosions, which were observed at Fukishima.

I believe as more becomes available about what actually happened at Fukishima and the aftereffects of Fukishima, cladding material is going to become much more significant.

In closing, I again thank my colleague and ranking member, Senator ALEXANDER, for working with me in a cooperative and constructive manner to draft this bill. I believe we have developed a well-balanced and responsible bill that addresses the water, infrastructure, energy, and national security needs of this Nation.

I hope every Senator can support the bill, and I hope we can conclude floor action in a timely manner.

I yield the floor to my distinguished ranking member.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Senator from California. She is a delight to work with. Without disparaging any other Member of the Senate, it is nice to work with former mayors or county executives or even Governors because we are accustomed to making decisions and talking directly and coming to a result. That is what we are able to do. Even when we disagree—which we sometimes do—Senator FEINSTEIN and I are able to keep working on these issues and still try to come to a result. So it is a real privilege to work with Senator FEINSTEIN. I thank her for her courtesy and diligence.

Last week we spent an hour and a half on a very small part of this budget—actually, not even part of the budget but a related matter—making sure we understood all sides of the issues. I don't think in the whole hour and a half there was ever a Republican or Democratic comment. We were trying to find out the right thing to do for our country, which I think is the goal of each of us.

There is no need to repeat what the chairman said and said very accurately. I will summarize and comment on a few of the points. I will highlight the areas of agreement, which are, for the most part, a couple of areas where we have different points of view which we are still working on. She emphasized—and I thought it was important to emphasize—that except for disaster spending, this Energy and Water bill is slightly below the spending levels of last year. When we add in disaster funding, which I will talk about in a minute, it is above that level.

There is no mandatory spending in the bill. Sometimes our bills get complicated by what we call automatic or mandatory spending. If it is included within an appropriations bill. Some of us wonder why, since we cannot do anything to change it in the appropriations process, but it is there. There is not any of that here. As the Senator emphasized, our bill is divided into two major parts—the security part or the defense part, and the nonsecurity part or the nondefense part. The security part is up; we are spending more. The reason for that is, in the first place, we asked the leaders of the committee to reallocate some money toward our subcommittee so we could try to, as much as we could, live up to our commitment to fund nuclear weapons modernization, an important issue that came up when the Senate ratified the new START treaty.

In other words, the new START treaty was about limiting the number of nuclear weapons here and in Russia, making sure we could inspect what the Russians are doing and, at the same time, we wanted to make sure what we have left works. This is about making sure what we have works. We made a commitment to try to go to certain levels. We are moving in that direction. We have not gotten there yet, but that is one reason, perhaps the main reason, we spend more on the security part.

On the nonsecurity part, as the Senator said, except for disaster spending, it is down. We are spending 3 percent less than we did before. I want to say a word about disaster funding. In the Budget Control Act, in August, a subject of great debate around here—one of the things done was to create a formula over the last 10 years that determines how much money we may be able to spend on disasters. The thought was that disaster spending, like other emergency spending, was getting out of control, and we need to think about it. Obviously, whenever there is a flood, hurricane, or other terrible disaster, we rush to help. But that is real money too, and it has to come from somewhere. This formula that was created says that during this fiscal year—the one about a month and a half old—that we may spend about $11.3 billion based on spending over the last 10 years. After that, we will have to reduce spending somewhere if we are going to spend more on disasters.

With respect to disaster relief, our bill is part of that. It is in the Corps of Engineers. We moved quickly in our subcommittee and in the Appropriations Committee to deal with the epic flooding the Senator described on the Mississippi and Missouri Rivers this past year, which, in some cases, exceeded the flood heights of the massive 1927 and 1933 floods.

To give an idea of how unusual these floods were, at our meeting of the Environment and Public Works Committee 3 weeks ago, 14 Senators in both parties came to the committee to say to the authorizing committee—the EPW Committee—we needed to do more to deal with the floods—14 Senators. I have never seen that many Senators testify before a committee before on behalf of any subject. That is how much we are concerned about it, and that is how much people in the areas affected are concerned about it.

In the Appropriations Committee, we had a discussion about how much of that disaster funding to fund. We recommended $1.04 billion. There was an amendment by the Senator from Missouri that said it needs to be more because we know it will be more than that. We said, in a bipartisan way—I remember the chairman and ranking member said we don't have the estimates definite yet from the Corps of Engineers or from FEMA, so we are only going to fund those areas that are declared to be Presidential disasters, No. 1, and where we have definite estimates, No. 2. When we have more definite estimates of additional damage, we will recommend the funding.

We defeated the amendment offered by the Senator from Missouri with the promise that as real damage estimates come in, they will be met. Well, the Senator and I will be offering an amendment to address this increase. I want my colleagues to be aware of this because, particularly on our side of the aisle, we have had a good deal of discussion about funding for disasters.

In the amendment we will be offering, part of the money fits within the formula we agreed to in the Budget Control Act. About $550 million will not, and we will have to find some other place in the budget to reduce spending in order to properly fund this disaster spending. I doubt if there is any Senator who would not want to fund that because this is spending to be prepared for the next disaster. This will be money for preparedness, sandbags. I can guarantee, if the Missouri and Mississippi Rivers flood next year, and sandbags are not available because we could not find the money somewhere else, there will be 28 Senators at the next meeting of the EPW Committee, not just 14.

So this is an urgent request. We are suggesting a way to reduce spending. So with the disaster funding, the only

thing that drives our total recommendations above last year's spending, we are, No. 1, staying within the cap created by the Budget Control Committee; and, No. 2, for the amount of money for the sandbags and other preparedness, we are going to recommend a way to reduce spending somewhere else in order to be prepared for the next flood.

With respect to the security allocation, Senator FEINSTEIN mentioned that one part of our budget has to do with national security and another has to do with nonsecurity. Most people, when they think of energy, don't think of the national security parts. It is among the most important national defense requirements we have. As she said, it includes modernizing all of our nuclear weapons to make sure they work. It includes trying to make sure they don't spread around the world. That stands up at the top—those two items—of our national defense posture.

There was a letter that came from Members of the House of Representatives that seemed to be critical of the Senate for using ''defense money given to water-related projects.'' I want to clear that up. There must have been some confusion on the other side of the Capitol because under the rules of the Budget Control Committee, we cannot use defense money for water projects, period. That is against the rules. Not only did we not do it, we could not do it if we wanted to. In fact, we came up with $100 million more for nuclear weapons modernization than the House did.

So perhaps the House letter was sent to the wrong address. It should have been sent on that side of the Capitol and not sent to the Senate. We understand very well we should not be using defense money for water projects or water project money for defense money. We have not done that. We are not allowed to do that. We cannot cut weapons to fund water projects.

Now, as I said earlier, as Senator FEINSTEIN and I and Senators COCHRAN and INOUYE all said, we would support the President's request for appropriate funding for nuclear weapons modernization, which is why Senator FEINSTEIN and I asked our ranking member and chairman to allocate more money to the security side of our budget, and they did that.

As a result of that, security spending for weapons activities is up 5 percent—$100 million more than the House was able to provide for Energy and Water appropriations.

It is the single largest percentage increase compared to all appropriations subcommittees with security spending in the budget. But it is still $400 million less than the President's full request and $400 million less than I would like to see spent on nuclear weapons modernization. I am concerned about that.

I am committed to continue to work with the full committee, the House, and the administration to come as close as we possibly can to the President's number on nuclear weapons modernization. I want to make it clear that we have bent over backward to make it a top priority—or the top priority to begin with—and have had good cooperation from the senior members of our committee.

Senator FEINSTEIN has worked hard to put this bill together in a fair and accommodating manner. She mentioned the Office of Science and talked about clean energy. Recently, I was at one of our National Laboratories, Sandia in New Mexico. The Director of Science there reminded me that almost every major physical and biological invention of any importance in the United States since World War II has been funded by government-sponsored research—almost all through our 17 or 18 National Laboratories or our 50 or 60 top research universities. These are our real secret weapons for job growth. It was out of the laboratories and out of this kind of government research that came the Internet, the Human Genome Project, nuclear power itself—whether it is nuclear weapons or the 104 civilian reactors or the 104 reactors that run our Navy ships—and stealth technology came of this. It is hard to think of any major invention or discovery in physical or biological sciences that didn't have some government-sponsored research. So when we talk about spending the same amount of money this year that we did last year for the Office of Science, we are talking about a major effort of any jobs bill that the Senate could possibly pass.

If we are talking about jobs growth, this is a very big, important part of it. Low taxes is a part of it, fewer regulations, the right national labor relations policies are a part, but any progrowth plan for the United States has to include government-sponsored research. No other country in the world has anything like our 18 laboratories or our 50 or 60 top research universities. If we want a high standard of living—you know, we still produce about 25 percent of all the money in the world—we would do well to invest every spare dollar we have there, as long as it is wisely spent. So as long as we are cutting over here, I am all for that. I don't want to see a situation where we have runaway entitlement spending and as a result of that we squeeze the inventions that give us the job growth we need.

I made a speech at the Oak Ridge National Laboratory in 2008 where I suggested we have a new Manhattan project for clean energy independence, focusing on electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green building fusion. I am a big supporter of research as an appropriate role for the Federal Government, and we will talk more, as we have time over the next 2 days, I hope, about the wisdom of the proper priorities in spending. I would say yes to more for research and no to more for subsidies.

The New York Times had a big article on Saturday where it talked about rich subsidies powering solar and wind projects, and these are for companies that can pay us back. These are extravagant subsidies, which I think are completely unnecessary, particularly at a budget time such as this. If we have any extra dollars, let's put them into the secret weapons at the research universities and the national laboratories and tackle the big challenges, such as the 500-mile battery for cars or finding a solar panel that is so cheap it is $1 per kilowatt installed.

I agree with Senator FEINSTEIN that Dr. Chu is on the right track with his energy remarks. I was suggesting in my remarks that we pick these grand challenges, such as used nuclear fuel, as one—what to do with it, where do we dispose of the waste. Dr. Chu is doing that, with batteries, with solar, with others, and I think it is a good way to concentrate the focus of the Federal Government and the Energy Department to solve the problems of rising gasoline prices, electricity prices, and do it in a way that helps clean the air.

During our debate, I hope we have a chance to talk about more for research and less for permanent subsidies in the energy area, and I hope we have a way to talk about restraining entitlement spending so we can have sufficient funds to fund our secret weapons that have produced almost every major biological and physical discovery since World War II. We have broad support for that here. We passed the America COMPETES Act in 2007 which set a path for funding for sciences. We had 35 Democrats and 35 Republicans as cosponsors of that bill. It was introduced by the Democratic leader and the Republican leader, and when we changed parties after an election, it was introduced by the Republican leader and the Democratic leader. So we have bipartisan support for that. We need to make sure it is part of the debate.

The Corps of Engineers, the Senator talked about. Those are critical ideas. Those are the areas she and I agree on. I will spend a moment, if I may, on some areas where we have some more work to do before we have an agreement. One is in the area of nuclear power. Here is what I agree with her about nuclear power. One is that it is a remarkable statistic that 20 percent of our electricity is produced by one of our greatest inventions—nuclear power—and that it is 70 percent of our electricity without carbon but also without nitrogen or sulfur or mercury pollution.

We had a big debate here in the Senate last week about clean air. Well, if all of our power were nuclear power, as almost all of it is in France, we wouldn't have a clean air debate because our powerplants wouldn't be producing any mercury or producing any nitrogen or sulfur oxides as well as carbon. So nuclear is a remarkable advantage for the United States and one which we should continue to take advantage of.

I am disappointed we do not fund in this bill the first steps of a several-year program to jump-start the small nuclear reactor program. This is not just our idea. France, Russia, Brazil, and other countries around the world are working on this. There are 60 countries that want to introduce nuclear energy onto their grid for the first time. We have the phenomenon like South Korea building a nuclear powerplant for the United Arab Emirates. So if we don't do it, that doesn't mean no one will do it; it just means we will be at the back of the line with an invention we invented and that today produces 20 percent of our electricity and 70 percent of our clean electricity.

Now, the ''it'' we are talking about are these smaller reactors. We already produce a lot of small reactors for the more than 100 Navy vessels, but they are of a little different kind. But small reactors that might be 100 to 300 megawatts would be cheaper, they would be made in the United States, and they could be put together like LEGO blocks would. They could be hauled back and forth from wherever they were produced to different places. They might be especially useful on a military base or around a national laboratory, where you don't need 1,200 new megawatts of electricity. And they might be better for an investor-owned utility to buy, because they would only have to spend one-fourth or one-fifth or one-sixth as much money. The big reactors we now build are $5 billion, $6 billion, $7 billion, $8 billion or more. Quite a big number. So the President and Dr. Chu have recommended we move ahead with the small reactor program. The House of Representatives agrees, I agree, and we are trying to work a way out here where we can join that parade—in fact, lead the parade.

I think the way to do it is to take seriously Senator FEINSTEIN's concern about used nuclear fuel. She is exactly right, we have blindfolds on our eyes if we think it is responsible for us to move ahead producing so much nuclear power—even if it is just a football field 20 feet deep—without a permanent place to put the spent fuel. It is safe to keep it there, in my opinion. And not just mine. The Nuclear Regulatory Commission and Secretary Chu, the President's Nobel prize-winning Energy Secretary, say it is safe for 100 years. But what that says to me is that it is safe while we figure out the right way to dispose of it. I am convinced our scientists can figure out an even better way of disposing of it than France does, for example, which reprocesses nuclear fuel and then stores it there. I suspect we will be able, in the next 10 or 15 years, to figure out a way to recycle, reuse nuclear fuel, and reduce the waste by 95 percent. But we will still need a permanent place to store it.

What I am committed to do, working with Senator FEINSTEIN—and I am delighted she has this intense level of interest—and Senators BINGAMAN and MURKOWSKI, the ranking members of the Energy Committee, is trying to create an inexorable process toward a result on finding a proper place to store used nuclear fuel. I hope we can do that within a year. That doesn't mean we will have all the decisions made, but it means we could have, I believe, a process established that will produce a result.

I am hoping at the same time we can move ahead with small nuclear reactors, because by 2020, the idea is we would only have two or three. And between now and then, the Nuclear Regulatory Commission would need this help in creating the proper license and approving the design and working through all the things one has to do. It is going to have to do that anyway, because someone will bring one over from Korea or France or Russia or Brazil and they will apply for a license in the United States and we will be using their reactors instead of ours.

Another area of disagreement is there are some provisions in the bill, which I won't go into at great length, but I don't think they belong in an appropriations bill, with all respect. They are based on several recommendations of the 90-day commission created by the Nuclear Regulatory Commission. Since our bill was reported, the NRC has taken several steps to prioritize their recommendations.

Of the five representations that are in language in our bill, the Commission only considered one to be of that urgent a priority. It is going to do the rest of them in the regular order of things. I think we should let our experts do their job. Perhaps this calls attention to the importance of it, but I would rather let the Nuclear Regulatory Commission do its job and us to concentrate our efforts on finding a place to put used nuclear fuel.

One other area I suspect within the next few days we will have a discussion about is the subsidy cost for renewable energy projects, but I think I will delay that until we have an opportunity to discuss it on the floor, and to have some discussions about the loan guarantee program, which hasn't worked as intended. The loan guarantee program was supposed to help put a priority on certain forms of energy and loan monies to companies that could pay it back, not to companies that couldn't pay it back. Apparently, that has been an issue.

There is also a provision in the bill about requiring grantees of the Department of Energy to change lightbulbs in their factories if they do not meet the standards for the new lightbulbs. This will be costly, it is inconsistent with current law, and I hope we can remove it as the bill moves forward.

In a bill this large and this important, I think Chairman FEINSTEIN and other members of the subcommittee and the full committee have come up with a good result, a result about which there is a consensus between us, with very few areas of disagreement, a result that is below last year's spending level, except for disaster spending, and a result that gives a special emphasis to nuclear weapons modernization that we are committed to and that the President asked for and that does better than the House number but still doesn't reach, I will acknowledge, where I had hoped we could go.

It has been a great privilege to work with Chairman FEINSTEIN. I like the idea that we have an appropriations bill on the floor. This is the basic work of government. We ought to do this before we do anything else. If we can't have an appropriations bill to fund the basic work of government, people might say, can you do anything at all? So we have done our part, we have the bill here, and I thank the majority leader for bringing it up. I hope our colleagues will give us the chance to move forward the bill this week, to bring their amendments to the floor, debate on them, have a final vote, and pass it into law and do something we can be proud of.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to thank the Senator. Once again, it has been a great pleasure to work with him. I do think we have a lot of this bill in common, but we do have some points of difference, and I want to say a little bit about my point of difference.

I very much want to leave a world for my grandchildren where there is not danger from nuclear weapons or nuclear fuels, and today I don't believe I can say we have achieved that. The ranking member was correct, the head of the NRC did testify in his view the hot rods were safe for 100 years in those spent fuel pools. Well, you know, there were problems with spent fuel pools at Fukushima. I think, as life goes on, we are going to see more of that.

We know cladding has to be improved. We know that, perhaps, the design basis of a new nuclear reactor has to meet events which are not necessarily predicted. Who would have thought a 47-foot tsunami would hit Fukushima? But it happened.

I am in California. We are in the ring of fire. Sure enough, there have been earthquakes in the southern tip of South America, in Asia, in Christchurch, New Zealand, going right around. These have been very large earthquakes, approaching 9, and the concern is, what happens next. So I think safety is a very real problem, and I think as we appropriate monies we should be concerned with safety.

Spent fuel pools were designed to harbor hot rods for a relatively short period of time. The rods can be moved 5 to 7 years out, and then they are generally moved into passive storage and the dry casks. The dry casks, it was thought, would be transported to repositories—either permanent repositories or repositories on a regional basis—under the supervision of the Federal Government.

I always felt that affecting that was an extraordinary challenge for us and particularly when I learned we were being fined an egregious amount of money because we can't do that every year. So my view is, we have to get cracking and move that on, and the five things we have in the bill I think all take us to a much safer place with respect to nuclear activities.

With respect to the small modular nuclear reactors, what they are is essentially less than 300 megawatts modular small actors. I understand there are still problems with the cladding. But what was asked for was $192 million, not alone but a proposal to essentially subsidize up to 50 percent of the licensing costs of financial and technically viable corporations. These aren't small corporations; they are big corporations, and the Department would have to pick two winners for the subsidy. That would leave at least five American companies out. This is a restricted bid. It doesn't include everybody. It includes only one kind of reactor—light water reactor. Who knows. Maybe others of the five are as viable.

So firms not receiving assistance would be substantially disadvantaged. The likely winners include these companies: Babcock and Wilcox, I have nothing against them, 2010 revenues exceeding $2.6 billion—can't they afford their own licensing certification fees?—and Westinghouse, owned by the Japanese conglomerate Toshiba, which has $64 billion in assets and more than 200,000 employees.

In other sectors, we don't invest Federal dollars to help profitable private companies obtain safety licenses. We don't help Ford comply with crash test regulations, nor do we pay for Boeing to obtain FAA certification. So before we commit these moneys, we should seriously evaluate whether any company would change its decision about pursuing a license because of this.

So I am kind of at a different point in looking at subsidies. I think most subsidies by the Federal Government should just go, wherever they are—oil, gas, nuclear, ag, you name it—at a time when we should not be subsidizing private industry.

There is also a fundamental contradiction in the nuclear industry's argument for funding small modular reactor licensing. On one hand, the industry argues that the market will be enormous, and we can't afford to fall behind international competitors. On the other hand, these same industry experts argue they will not develop and license a product unless government pays them to apply for an NRC license. They argue that the United States must provide each firm with more than $200 million to motivate them to pursue this business.

The bottom line, the small modular reactor cannot be both a massive economic opportunity, with the potential to change the way we power our economy, and an opportunity that industry will not pursue unless the government pays them to do that.

So I have real questions about funding this item. We will have more to say about it as this goes on. I know it is popular. If there were a spent fuel policy, if we knew we were going to go for regional repositories, that there was some limit to the storage of fuel at a site—74 sites now, and with advanced modular reactors this is more because many people think the only way this can be cost competitive is you have to group these two together. So in a given site, you would have five or six small reactors, but you would have the same spent fuel problem. It seems to me we need a place to put spent fuel. I am not opposed to nuclear if we can properly take care of its waste.

I wanted to respond when my distinguished ranking member raised this. We have had one meeting with the chairman of the Energy Committee, the ranking member of the Energy Committee, Senator ALEXANDER, and myself to discuss how to proceed toward a nuclear storage policy. I think we need to continue this. We are going to ask the Secretary in to talk with us in December, and Senator ALEXANDER has been great in doing this—put forward a little agenda of how to proceed toward this so I know he is, in fact, in good faith suggesting it, and I do. He has always been a straight shooter.

But it is just very hard for me to go ahead and say, OK, we are going to promote a whole new class of nuclear reactors when we don't have a place to dispose of hot spent fuels that will be hot and dangerous for literally hundreds of years. If we can move fast, I am all for it.

I know the Senator wants to respond, and I welcome the debate.

Mr. ALEXANDER. I thank the Senator. I am not going to respond at great length because I want to eventually find us in agreement about this, but I appreciate it. Your points are very important and very good points.

On safety and nuclear power, I think it is always important to start off by pointing out that a nuclear reactor is a big, complex operation and obviously there is some risk to it. But nuclear power has the best safety record of any form of energy production in the United States. There has never been a death in connection with any 1 of our 104 civilian reactors. There hasn't been one with the more than 100 Navy reactors where we have sailors actually living on top of reactors. We have all heard about Three Mile Island, which is the most important nuclear accident we have had in the United States, but no one was even hurt in Three Mile Island.

I see the Senator from Pennsylvania is presiding today. When I say that to people around the country, they say: What do you mean no one was hurt at Three Mile Island? No one was hurt. There have been tests on families who lived around there, and no one was even hurt either from any kind of explosion or from radioactivity at a later time.

So we always have to look for better ways to be safe, but we have that safe record. We do have the Chairman of the NRC saying this used fuel is stored safely for 100 years, and we have our scientists telling us in 10 or 15 years we can find a way to recycle. Within that time, we ought to find a place to put it. We have a place to put it if we could go ahead with Yucca Mountain, but that has been stopped for a variety of reasons, some of them political. Let us say they are all principled. But for whatever reason, it is stuck.

The other thing I would say is, there is a certain urgency about this. As the Senator said, 20 percent of our electricity is nuclear power, 70 percent of our clean energy. What if we didn't have that 20 percent? We don't have to look far to see. In Japan they have shut down temporarily enough of their reactors as a result of Fukushima to be without 20 percent of their electricity. What have they been doing? Their car manufacturers have been working on the weekends. That is 5 million workers in Japan. Temperatures are turned to 82 during the summer heat; 22,000 people have been brought into the hospitals from heat stroke. The Emperor and Empress are wandering around the Imperial Palace with candlesticks and flashlights.

We don't want the United States of America like that. This is an important part of our ability to create jobs and to have lots of low-cost electricity. We use 25 percent of all the energy in the world in the United States.

As far as subsidies go, after we get through finding a place to put used nuclear fuel, maybe this is the second area on which the Senator from California and I can work which would be to do something about energy subsidies. Estimates are the Federal Government probably spends about $20 billion a year on energy subsidies of one kind or another.

The Energy Information Administration did a study 3 years ago on where that money goes, and this is where it goes: Subsidies for wind dwarf everything else. It is not Big Oil, it is big wind, $18.82 per megawatt hour subsidy for wind turbines; $3.67 for solar; $1.36 for landfill gas; 67 cents per megawatt hour for hydroelectric; 18 cents for biomass; 12 cents for coal; and almost 0 for nuclear.

It is often cited the insurance program the nuclear powerplants have as a subsidy. It is a Federal law that never has cost the taxpayer a penny. It simply requires all the nuclear operators to put in, I believe, $11 billion or $12 billion per reactor in case there is an incident. They all share in the result, which might be a pretty good way to do with oil producers that are drilling in the gulf, make them all worry about each other's plant and not just their own. So I believe nuclear power is safe.

As far as subsidies go, I would like to move some of those subsidies into the energy research column and maybe into the reduce the debt column.

I ask unanimous consent to have printed in the RECORD a copy of the New York Times article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 11, 2011]

A GOLD RUSH OF SUBSIDIES IN CLEAN ENERGY SEARCH

(By Eric Lipton and Clifford Krauss)

WASHINGTON.—Halfway between Los Angeles and San Francisco, on a former cattle ranch and gypsum mine, NRG Energy is building an engineering marvel: a compound of nearly a million solar panels that will produce enough electricity to power about 100,000 homes.

The project is also a marvel in another, less obvious way: Taxpayers and ratepayers are providing subsidies worth almost as much as the entire $1.6 billion cost of the project. Similar subsidy packages have been given to 15 other solar- and wind-power electric plants since 2009.

The government support—which includes loan guarantees, cash grants and contracts that require electric customers to pay higher rates—largely eliminated the risk to the private investors and almost guaranteed them large profits for years to come. The beneficiaries include financial firms like Goldman Sachs and Morgan Stanley, conglomerates like General Electric, utilities like Exelon and NRG—even Google.

A great deal of attention has been focused on Solyndra, a start-up that received $528 million in federal loans to develop cutting-edge solar technology before it went bankrupt, but nearly 90 percent of the $16 billion in clean-energy loans guaranteed by the federal government since 2009 went to subsidize these lower-risk power plants, which in many cases were backed by big companies with vast resources.

When the Obama administration and Congress expanded the clean-energy incentives in 2009, a gold-rush mentality took over.

As NRG's chief executive, David W. Crane, put it to Wall Street analysts early this year, the government's largess was a once-in-a-generation opportunity, and ''we intend to do as much of this business as we can get our hands on.'' NRG, along with partners, ultimately secured $5.2 billion in federal loan guarantees plus hundreds of millions in other subsidies for four large solar projects.

''I have never seen anything that I have had to do in my 20 years in the power industry that involved less risk than these projects,'' he said in a recent interview. ''It is just filling the desert with panels.''

From 2007 to 2010, federal subsidies jumped to $14.7 billion from $5.1 billion, according to a recent study.

Most of the surge came from the economic stimulus bill, which was passed in 2009 and financed an Energy Department loan guarantee program and a separate Treasury Department grant program that were promoted as important in creating green jobs.

States like California sweetened the pot by offering their own tax breaks and by approving long-term power-purchase contracts that, while promoting clean energy, will also require ratepayers to pay billions of dollars more for electricity for as long as two decades. The federal loan guarantee program expired on Sept. 30. The Treasury grant program is scheduled to expire at the end of December, although the energy industry is lobbying Congress to extend it. But other subsidies will remain.

The windfall for the industry over the last three years raises questions of whether the Obama administration and state governments went too far in their support of solar and wind power projects, some of which would have been built anyway, according to the companies involved.

Obama administration officials argue that the incentives, which began on a large scale late in the Bush administration but were expanded by the stimulus legislation, make economic and environmental sense. Beyond the short-term increase in construction hiring, they say, the cleaner air and lower carbon emissions will benefit the country for decades.

''Subsidies and government support have been part of many key industries in U.S. history—railroads, oil, gas and coal, aviation,'' said Damien LaVera, an Energy Department spokesman.

A CASE STUDY

NRG's California Valley Solar Ranch project is a case study in the banquet of government subsidies available to the owners of a renewable-energy plant.

The first subsidy is for construction. The plant is expected to cost $1.6 billion to build, with key components made by SunPower at factories in California and Asia. In late September, the Energy Department agreed to guarantee a $1.2 billion construction loan, with the Treasury Department lending the money at an exceptionally low interest rate of about 3.5 percent, compared with the 7 percent that executives said they would otherwise have had to pay.

That support alone is worth about $205 million to NRG over the life of the loan, according to an analysis performed for The New York Times by Booz & Company, a strategic consulting firm that regularly performs such studies for private investors.

When construction is complete, NRG is eligible to receive a $430 million check from the Treasury Department—part of a change made in 2009 that allows clean-energy projects to receive 30 percent of their cost as a cash grant upfront instead of taking other tax breaks gradually over several years.

Californians are also making a big contribution. Under a state law passed to encourage the construction of more solar projects, NRG will not have to pay property taxes to San Luis Obispo County on its solar panels, saving it an estimated $14 million a year.

Assisted by another state law, which mandates that California utilities buy 33 percent of their power from clean-energy sources by 2020, the project's developers struck lucrative contracts with the local utility, Pacific Gas & Electric, to buy the plant's power for 25 years.

P.G.& E., and ultimately its electric customers, will pay NRG $150 to $180 a megawatt-hour, according to a person familiar with the project, who asked not to be identified because the price information was confidential. At the time the contract was awarded, that was about 50 percent more than the expected market cost of electricity in California from a newly built gas-powered plant, state officials said.

While neither state regulators nor the companies will divulge all the details, the extra cost to ratepayers amounts to a $462 million subsidy, according to Booz, which calculated the present value of the higher rates over the life of the contracts.

Additional depreciation tax breaks for renewable energy plants could save the company an additional $110 million, according to Christopher Dann, the Booz analyst who examined the project.

The total value of all those subsidies in today's dollars is about $1.4 billion, leading to an expected rate of return of 25 percent for the project's equity investors, according to Booz.

Mr. Crane of NRG disputed the Booz estimate, saying that the company's return on equity was ''in the midteens.''

NRG, which initially is investing about $400 million of its own money in the project, expects to get all of its equity back in two to five years, according to a statement it made in August to Wall Street analysts.

By 2015, NRG expects to be earning at least $300 million a year in profits from all of its solar projects combined, making these investments some of the more lucrative pieces in its sprawling portfolio, which includes dozens of power plants fueled by coal, natural gas and oil.

NRG is not the only company gobbling up subsidies. At least 10 of the 16 solar or wind electricity generation projects that secured Energy Department loan guarantees intend to also take the Treasury Department grant, and all but two of the projects have long-term agreements to sell almost all of their power, according to a survey of the companies by The Times.

These projects, in almost all cases, benefit from legislation that has been passed in about 30 states that pushes local utility companies to buy a significant share of their power from renewable sources, like solar or wind power. These mandates often have resulted in contracts with above-market rates for the project developers, and a guarantee of a steady revenue stream.

''It is like building a hotel, where you know in advance you are going to have 100 percent room occupancy for 25 years,'' said Kevin Smith, chief executive of SolarReserve. His Nevada solar project has secured a 25-year power-purchase agreement with the state's largest utility and a $737 million Energy Department loan guarantee and is on track to receive a $200 million Treasury grant.

Because the purchase mandates can drive up electricity rates significantly, some states, including New Jersey and Colorado, are considering softening the requirements on utilities.

Brookfield Asset Management, a giant Canadian investment firm, will receive so many subsidies for a New Hampshire wind farm that they are worth 46 percent to 80 percent of the $229 million price of the project, when measured in today's dollars, according to analyses for The Times performed by Booz and two other two industry financial experts. (The wide range reflects a disagreement between the experts on the future price of electricity in New Hampshire.)

Richard Legault, the chief executive of Brookfield Renewable Power, the division that oversees the Granite Reliable project in New Hampshire, declined to discuss his profit expectations in detail, but said the project might not have happened without government assistance.

''When everything has come together, it is a good investment for Brookfield, it is no doubt,'' Mr. Legault said. ''We are quite happy with it.'' (Brookfield is also the owner of the small park in Manhattan that is home to the Occupy Wall Street protesters.)

Even companies whose business has little to do with energy or finance, like the Internet giant Google, benefit from the public subsidies. Google has invested in several renewable energy projects, including a giant solar plant in the California desert and a wind farm in Oregon, in part to get federal tax breaks that it can use to offset its profits from Web advertising.

Industry executives and other supporters of the subsidies say that the public money was vital to the projects, in part because financing for renewable energy projects dried up during the recession. They also note that more traditional energy sectors, like oil and natural gas, get heavy subsidies of their own. For example, in the 2010 fiscal year, the oil and gas producers got federal tax breaks of $2.7 billion, according to an analysis by the Energy Information Administration.

''These programs just level the playing field for what oil and gas and nuclear industries have enjoyed for the last 50 years,'' said Rhone Resch, president of Solar Energy Industries Association. ''Do you have to provide more policy support and funding initially? Absolutely. But the result is more energy security, clean energy and domestic jobs.''

Michael E. Webber, associate director of the Center for International Energy and Environmental Policy at the University of Texas, Austin, said renewable energy subsidies were a worthy investment. ''It is a form of corporate welfare that is consistent with other social goals like job creation, clean air and boosting a domestic source of energy,'' he said.

OVERFLOWING BREAKS

Obama administration officials said the subsidies were intended to help renewable-energy plants that were jumbo-sized or used innovative technology, both potential obstacles to getting private financing. But even proponents of the subsidies say the administration may have gone overboard.

Concerns that the government was being too generous reached all the way to President Obama. In an October 2010 memo prepared for the president, Lawrence H. Summers, then his top economic adviser; Carol M. Browner, then his adviser on energy matters; and Ronald A. Klain, then the vice president's chief of staff, expressed discomfort with the ''double dipping'' that was starting to take place. They said investors had little ''skin in the game.''

Officials involved in reviewing the loan applications said that Treasury Department officials pressed the Energy Department to respond to these concerns.

Officials at both agencies declined to discuss the anticipated financial returns of the clean-energy projects the federal government has agreed to guarantee, saying the information was confidential.

But Energy Department officials said they had carefully evaluated every project to try to calculate how much money the developers and investors stood to make. ''They were rejected, if they looked too rich or too risky,'' Mr. LaVera, the Energy Department spokesman said.

In at least one instance—NRG's Agua Caliente solar project in Yuma County, Ariz.—the Energy Department demanded that the company agree not to apply for a Treasury grant it was legally entitled to receive. The government was concerned the extra subsidy would result in excessive profit, NRG executives confirmed.

In other cases, the agency required that companies use most of the Treasury grants that they would get when construction was complete to pay down part of the government-guaranteed construction loans instead of cashing out the equity investors.

''The private sector really has more skin in the game than the public realizes,'' said Andy Katell, a spokesman for GE Energy Financial Services, which like Goldman Sachs, Morgan Stanley and other financial firms has large investments in several of these projects.

But there is no doubt that the deals are lucrative for the companies involved.

G.E., for example, lobbied Congress in 2009 to help expand the subsidy programs, and it now profits from every aspect of the boom in renewable-power plant construction.

It is also an investor in one solar and one wind project that have secured about $2 billion in federal loan guarantees and expects to collect nearly $1 billion in Treasury grants. The company has also won hundreds of millions of dollars in contracts to sell its turbines to wind plants built with public subsidies.

Mr. Katell said G.E. and other companies were simply ''playing ball'' under the rules set by Congress and the Obama administration to promote the industry. ''It is good for the country, and good for our company,'' he said.

Satya Kumar, an analyst at Credit Suisse who specializes in renewable energy companies, said there was no question the country would see real benefits from the surge in renewable energy projects.

''But the industry could have done a lot more solar for a lot less price, in terms of subsidy,'' he said.

Mr. ALEXANDER. I was reading in the New York Times on Saturday: Rich subsidies powering solar and wind projects; big rise in company aid; companies are virtually assured of profits. This is the New York Times. This isn't the conservative Washington, DC, Journal saying this. It is a very thorough article that talks about something I have been concerned about for a long time. It said:

Taxpayers and ratepayers are providing subsidies worth almost as much as the entire $1.6 billion cost of a solar plant halfway between Los Angeles and San Francisco on a former cattle ranch.

It quotes the head of NRG, a very substantial company, saying:

I have never seen anything that I have had to do in my 20 years in the power industry that involved less risk than these projects. It is just filling the desert with panels.

From 2007 to 2010, Federal subsidies jumped to $14.7 billion from $5.1 billion, according to a recent study.

It goes on and on.

My own research shows, the Joint Tax Committee said that over the next 10 years taxpayer funding for wind—which our energy secretary testified is a mature technology—will cost the taxpayers $26 billion over the next 10 years. Wouldn't that money be better spent on energy research for clean energy, for finding ways to deal with used nuclear fuel, for getting a 500-mile battery, for getting an installed dollar kilowatt or reducing the debt at a time when we are borrowing 40 cents of every $1 we spend?

So I am absolutely committed to working with Senator FEINSTEIN on finding a way to deal with the problem of used nuclear fuel. We urgently need to do that. We are fortunate it is safe where it is while we do that, and I hope we can find a way to agree that over the next few years we can move ahead so we at least get started on small modular reactors.

I am also willing to work with the chairman or anyone else, any other Senator who is willing to take a good, hard look at energy substitutes of all kinds and say, OK, let's take look at our own positions on that, especially in light of the budget deficit, and let's take that money and put some of it into energy research so we can get up to where we need to be and use the rest of it to reduce the debt.

So this is a good discussion and one I look forward to continuing, and I am delighted to have a chance to continue it with someone I respect as much as the Senator from California.

Mrs. FEINSTEIN. If I may, I wish to thank the distinguished ranking member. I believe that completes the opening statements on the bill.

I notice the distinguished Senator is on the floor. So if it is agreeable with Senator ALEXANDER, we can yield at this time to him.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Indiana.

Mr. COATS. Mr. President, I didn't come to interrupt opening statements. I guess they are completed. I do have a point that is directly related to this particular appropriations bill which I would like to discuss, and I am going to offer to put forward an amendment as a consequence of this.

I am glad the chairwoman and the ranking member are here so I can put this on the RECORD, and they are familiar with what I am going to do.

This is a matter that is important both to my State of Indiana and, I believe, the Federal Government's involvement in subsidizing or loan guarantees or other support for various energy development projects.

All of us, I think, are concerned over the situation with Solyndra, where a $535 million loan guarantee from the Department of Energy to construct a solar panel manufacturing facility has now gone bust, and the taxpayer is on the hook for over $½ billion of loan guarantee and money that is lost to the taxpayer. That money likely will never be repaid. However, my concern goes beyond Solyndra. I didn't come here to talk about Solyndra. But there is a similar situation that may be occurring and I want to raise this issue because it goes, again, to decisions that are being made by the Department's energy renewal offices relative to loans to private entities and loan guarantees to private entities.

This particular situation involves the Advanced Technology Vehicles Manufacturing, or ATVM, Loan Program. Some of those loans are going to what may turn out to be viable improvements in our ability to lighten vehicles, to increase mileage, to provide for alternative sources of fuel. I think that is still up in the air and still to be determined. But this particular program I want to talk about involves a program that I am not sure fits within the proper category. Earlier this year the Department issued a nearly three-quarters—$730 million—conditional loan commitment to Severstal North America under the ATVM program. Let me read from the Department's press release.

The funding will support the modernization of [Severstal's] existing facilities in Dearborn, MI, in addition to the design, manufacture and construction of new facilities to produce the next generation of automotive advanced high-strength steel. The Severstal project has the potential to significantly increase the supply of this advanced high strength steel in North America as demand continues to grow for fuel efficient vehicles.

Continuing the release:

An increased supply for this breakthrough technology steel will help U.S. automotive

manufacturers meet the pending and future design, weight and safety requirements of advanced technology vehicles. Severstal estimates the project will generate over 2,500 construction jobs and over 260 permanent manufacturing jobs.

That is the end of the Department's press release.

The Department of Energy makes it sound as though this loan to Severstal will promote a completely new breakthrough technology. The problem is, this simply is not true. In fact, six companies already manufacture the advanced high-strength steel that Severstal is seeking to receive a loan to help produce. Three of those companies have production facilities in my home State of Indiana: Arcelor Mittal, Steel Dynamics, and U.S. Steel.

Evidence shows that the market for this type of steel is strong and robust in the United States, with multiple producers already manufacturing these high-technology products. In fact, I am told that this high-strength steel has been manufactured in the United States since the 1980s, and the current capacity for this steel actually surpasses current demand. All of this information should be available to the Energy Department for their consideration as to whether they should go forward with this loan, but the Department spokesperson is quoted as saying that advanced high-strength steel is ''in short supply.''

This begs the question as to whether the administration has seriously conducted any type of market analysis before deciding to award this loan. Did the Department research what advanced high-strength steel products are already in the marketplace and whether a taxpayer loan was even needed? Based on the Department's public comments it seems unlikely that the administration made any estimates of current and future capacity in the United States for the production of this steel or talked to any steel producers outside of Severstal.

I think a legitimate question is: What is the impact of this loan? Should it be finalized? Subsidizing Severstal to produce a product already being manufactured would undercut competitors because Severstal, of course, will have lower costs due to the nearly $¾ billion loan guarantee.

There is also no job creation here that fits the description of what the Department indicated would be the case with new jobs. Given the state of supply and demand, any new jobs created at Severstal would come at a cost to other producers, creating, at best, a net zero job gain. That means job losses in Indiana and Pennsylvania where the high-strength steel already is manufactured.

Moreover, the Department claims that ''over 2,500 construction jobs'' would be created by the issuance of the loan. That claim is dubious at best, since most of the plant construction is already manufactured. Moreover, the Department claims that Severstal's own documents claim that two of the three required lines will be finished by December 2011. Only an annealing line valued at one-third of the amount of the loan is awaiting final approval, and the Department's own Web site states, ''Loans will not be available on a retroactive basis.''

Here we have a situation where the Department's own release and justification of the loan states a number of construction jobs to be put in place when the construction is virtually finished. Second, when most of the completion includes, with one exception, what only amounts to one-third of the loan that is being asked for, it makes you wonder why the loan is two-thirds greater than that.

We have to ask the question, is it proper to give a company nearly $¾ billion for facilities that have already been built and for production of a product that is already manufactured and in excess supply in the United States—particularly for two States that are impacted by this, the State of Indiana and the State of Pennsylvania? Here we are back in a situation where the Federal Government is picking winners and losers in a fully functioning and growing product market.

Based on these concerns, I sent a letter to the Department of Energy Secretary Chu in August, seeking answers to a number of these questions I have been raising. Unfortunately the Department sent back a very nonresponsive reply that did not address any of my concerns.

As a result, I believe it is necessary to call on the inspector general of the Department of Energy to investigate the Severstal loan and report back to Congress his findings. American taxpayers deserve to know what is happening with our tax dollars and the hardworking employees of other steel companies manufacturing the same steel deserve to know why the Department of Energy is attempting to undercut their job security by subsidizing a competitor.

Today I am introducing an amendment to the Energy and Water Appropriations bill that would direct the Energy Department's inspector general to submit a report to Congress on the conditional loan agreement currently in place to Severstal. Such a report by the inspector general can help clarify why or why not this conditional loan to Severstal should be granted. The Department needs to be more transparent and forthcoming with how it is using taxpayers' dollars. We need to learn lessons from the disaster that is Solyndra and the cost to the taxpayer. The last thing the Department of Energy, this administration, or this Congress needs to do is to authorize a nearly $¾ billion loan for a product that is already being manufactured by domestic steel suppliers and is not needed. We need that determination. That is why I am offering this amendment.

Mr. President, if time permits, I wish also to step aside from the current topic to briefly discuss another matter. I do not want to exceed the time limitation that might be in place. It appears I can go forward with that without a problem.

Mr. President, I also want to discuss the subject of a vote last week by UNESCO, the United Nations Education and Scientific Cultural Organization, to grant membership to the Palestinian Authority even though it is not a recognized country. UNESCO should not have the authority to do so, but through a vote in the United Nations it did just that. The United States has been an on-and-off supporter of UNESCO. There has been a lot of controversy with UNESCO over its lack of effectiveness and the cost to the taxpayer. It has resulted in questions as to whether we should continue funding that organization. We currently support that.

This action that has been taken to admit the Palestinian Authority as a member state is, I submit, completely misguided and deeply damaging. UNESCO's decision has further dimmed prospects for a negotiated peace in the Middle East. My fear is that this step—which the Palestinians mistakenly regard as a success—will encourage them to press for membership in other U.N. bodies as well. Doing so will harm Israel, harm the Palestinians' own interests, harm the U.N. agencies involved, and harm our own national interests. As a consequence of this, the United States is obligated under law to terminate all funding for UNESCO and any other U.N. body that admits the Palestinian Authority. Public law 101–246, which passed in 1990, states that: ''no funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agency thereof which accords the Palestinian Liberation Organization [the PLO] the same standing as member states.''

That is the law. That is what has been enacted through votes in this body and signed by Presidents of the United States. In 1994, Congress passed Public Law 103–236, which prohibits ''voluntary or assessed contribution to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood,'' which the PLO does not have. The Senate, on a vote codifying these laws—or reaffirming them, I should say—passed this legislation 92 to 8, indicating that this clearly should be a noncontroversial and nonpartisan issue, clearly, a 92-to-8 vote.

The reason I am speaking here today is despite our legal obligation to suspend funding as a result of UNESCO's latest action, there has been some speculation that it may be possible to find alternative ways to financially support U.N. agencies such as UNESCO that have taken this step of admitting the Palestinians as a member. That

would be a total mistake. I want to reiterate the fact that it would be a violation of the law.

Therefore, I come to the floor today to introduce a bill that serves as an emphatic restatement of that law, making its consequences more certain.

Furthermore, I am introducing this language as an amendment to the current appropriations bill, that will clarify that no taxpayer dollars can be used to fund UNESCO. We must slam the door on any speculation of any kind of backdoor financial support for the United Nations agencies that grant membership to Palestine. This bill is exactly that. There is no reason why this purposeful reinstatement of existing law should not have bipartisan support. The threat to prospects for negotiated, just, and lasting peace that is posed by this recent Palestinian tactic is more tangible now than in the past. Our determination to discourage such a dangerous tactic should be stronger than ever.

I ask that my colleagues join in support of this legislation that makes it clear to UNESCO, the United Nations, Israel, the Palestinian Authority, and clear to the rest of the world that the United States will not tolerate attempts to admit the Palestinian Authority and undercut negotiated peace efforts in the Middle East.

I am hoping we will have a vote on this to once again reaffirm our determined commitment to live by the laws we have passed and to not allow an agency of the United Nations or any part of the United Nations be used to grant statesmanship and nationhood to an entity that has not qualified for that. I hope this reaffirmation will also put to rest any speculation or any attempts to circumvent the laws that exist on the books.

I yield the floor.

Mrs. FEINSTEIN. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSINESS-METHOD PATENTS

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter concerning section 18 of the America Invents Act, sent to me and others by the chairman of the House Judiciary Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC September 8, 2011.

Hon. JON KYL
U.S. Senate,
Washington, D.C.
Hon. CHARLES E. SCHUMER,
U.S. Senate,
Washington, D.C.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, D.C.
Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, D.C.

DEAR SENATORS KYL, SCHUMER, LEAHY AND GRASSLEY: I am writing to discuss further the importance of the transitional program for business method patents as included in H.R. 1249, the Leahy-Smith America Invents Act. As you know, this provision enables the U.S. Patent and Trademark Office ('USPTO') to correct egregious errors that were made in the granting of a wide range of business method patents.

Business methods were generally not patentable in the United States before the late 1990s, and generally are not patentable elsewhere in the world. The Federal Circuit, however, created this new class of patents in its 1998 State Street decision. In its 2010 decision in Bilski v. Kappos, the U.S. Supreme Court clamped down on the patenting of business methods and other patents of poor quality. It is likely that many or most of the business method patents that were issued after State Street are now invalid under Bilski.

There really is no sense in allowing expensive litigation over patents that are no longer valid in light of the Supreme Court's clarification of the law. The new transitional program included in the House bill creates an inexpensive and speedy alternative to litigation—allowing parties to resolve these disputes more efficiently rather than spending millions of dollars in litigation costs. In the process, the proceeding will also prevent nuisance litigation settlements.

Moreover, the new administrative proceeding allows business method patents to be reviewed by the experts at the USPTO under the correct (Bilski) standard. To use this proceeding, a challenger must make an upfront showing to the USPTO of evidence that the business method patent is more likely than not invalid. This is a high standard. Only the worst patents, which probably never should have been issued, will be eligible for review in this proceeding.

This program provides the Patent Office with a fast, precise vehicle to review low-quality business method patents, which the Supreme Court has acknowledged are often abstract and overly broad.

Specifically, the bill's provision applies to patents that describe a series of steps used to conduct every-day business applications in the financial products and retail services sectors. These are patents that can be and have been asserted against all types of businesses—from community banks and credit unions to retailers and businesses of all sizes and from all industries.

The provision is, indeed, limited to patents that are non-technological in nature (i.e., business methods) and that involve a process or related apparatus used in the practice, administration, or management of a financial product or service. The program's exception for ''technological inventions'' precludes review of patents for inventions based on application of the natural sciences or related engineering or inventions in computer operations. And by requiring that the covered patents be applicable to a financial product or service, the proceeding in the House bill ensures that the patents eligible for review will generally include only those that have some business or commercial orientation.

Nothing in the bill, however, limits use of the proceeding to one industry; rather, it applies to non-technological patents that can apply to financial products or services. Any business that sells or purchases goods or services ''practices'' or ''administers'' a financial service by conducting such transactions. Most business-method patents are fairly plastic in nature and could apply to a whole host of business activities. See 157 Cong. Rec. 1363, 1365 (daily ed. March 8, 2011) (statement of Sen. Schumer) (''To meet this requirement, the patent need not recite a specific financial product or service. Rather the patent claims must only be broad enough to cover a financial product or service.''). To be sure, the fact that a patent has been asserted against a financial institution with respect to products or processes that are unique to such institutions will be a fairly clear indicator that the patent applies to a ''financial product or service,'' and should provide guidance to the USPTO in administering the program. See 157 Cong. Rec. 1368, 1379 (daily ed. March 8, 2011) (statement of Sen. Kyl).

The transitional program can be used to review patents for ''a method or a corresponding apparatus.'' The distinction between a ''process'' and a ''machine'' (two of the terms used in section 101 of the patent code to define what is patentable) is not a firm one, and many inventions can be characterized either way. A ''corresponding apparatus'' for a business method would include, for example, a computer that was programmed to carry out the business process. Wary of the stigma that attaches to business-method patents, many applicants try to obscure the nature of these patents by characterizing a computer that has been programmed to execute the process as the invention, and thus asserting that the process is really a ''machine'' or a ''system.''

The program's definition of ''covered business-method patent'' includes a ''corresponding apparatus'' in order to prevent such obvious evasions. Any other approach would elevate claim-drafting form over invention substance. Finally, any ''apparatus'' that is subject to review under the program would need to be used to implement or effect a business method. Legitimate inventions in technological fields will not be subject to review under this program.

The transitional program also extends to privies of parties charged with infringement. This was done specifically to prevent downstream customers or users from being dragged into frivolous litigation over suspect or improperly granted patents. H.R. 1249 also extends the time frame for the transitional program. This change is important to prevent patent trolls from waiting out the program. This issue of folks ''lying in wait'' may actually be a significant argument for extending or making permanent this program in the future. Similarly, the program's definition was expanded in H.R. 1249 so that it is not limited to class 705 patents. This change is key to the program's success, because many business method patents are assigned to classes other than 705, and it makes no sense to exclude them because of the quirks of USPTO's classification regime.

This program is not tied to one industry or sector of the economy—it affects everyone. The provision as developed in the Senate and later perfected in the House will ensure that the vast majority of non-technological business method patents will be eligible for review under this program. As the USPTO had a presumption to grant many of these erroneous patents, they should now have a presumption to allow most non-technological

business method patents that have a commercial nexus into this new program for review. This program was designed to be construed as broadly as possible and as USPTO develops regulations to administer the program that must remain the goal.

The strength of our patent system relies on not simply the mechanical granting of a patent, but the granting of strong patents, ones that are truly novel and non-obvious inventions, that are true innovations and not the product of legal gamesmanship. This provision is an integral component of H.R. 1249 and will not only help correct past mistakes but ensure a stronger U.S. patent system going forward.

Sincerely,

LAMAR SMITH,
Chairman, Committee on the Judiciary, House of Representatives.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGE THOMAS

• Mr. CARDIN. Mr. President, today I honor Marge Thomas, who is retiring as the president and chief executive officer of Goodwill Industries of the Chesapeake. Ms. Thomas began her career with Goodwill in Milwaukee in 1974 and rose to become the first woman executive in the enterprise to win a national Goodwill Industries leadership award, to go along with Outstanding Management and Distinguished Career Awards.

Ms. Thomas took over Goodwill Industries of the Chesapeake in 1994 and transformed the agency into one of Baltimore's largest nonprofit organizations during her nearly 18-year tenure. When she joined Goodwill Chesapeake in 1994, the agency served 453 people, operated 17 stores, and had total revenues of $8 million. Today, it serves more than 17,000 people, and the organization has expanded to include nine training sites and 26 retail stores, and it has government contracts throughout the greater Baltimore region and the Eastern Shore. Total revenues have grown to $40 million, with nearly $30 million generated through the agency's retail operations. Her accomplishments include expanding Goodwill services to provide a variety of training and employment needs for individuals who have mental and physical disabilities, including those needing public assistance, and those who have criminal backgrounds or face other employment challenges.

Congress would do well to learn from Ms. Thomas, who has found ways during these trying economic times to create jobs, train employees, and increase revenues. She has offered a helping hand and, more important, hope to many people struggling to climb onto the first rung of the economic ladder. I ask my colleagues to join me in thanking Ms. Thomas for a job well done; for her lifelong commitment to public service and for her many outstanding contributions in helping the less fortunate among us. She has made a positive difference in so many people's lives. I know her future plans include some travel, attending some classes at Anne Arundel Community College, and serving as a mentor to women nonprofit executives. Please join me in sending best wishes to Marge Thomas for a happy, productive, and well-deserved retirement.•

TRIBUTE TO TERIGI ROSSI

• Mr. KERRY. Mr. President, today I would like to join the Massachusetts relatives and friends of Massachusetts native son Terigi Rossi in celebrating 15 remarkable years as a police officer in Dallas, TX, the last 10 as a member of that city's elite SWAT Team.

The name Terigi Rossi may be familiar to television viewers. Officer Rossi was featured in ''Dallas SWAT,'' a reality television series on the A&E Network that followed members of the Dallas SWAT Team in 2006–2007. The TV cameras captured the gritty, life-on-the-line experiences of Officer Rossi and his fellow SWAT Team members, but they also followed them home, showing the family life of officers whose lives are always in danger but who always put family first.

In Officer Rossi's case, viewer had an intimate view of a man who with his fellow officer is called out to capture a bank robbery suspect barricaded inside a garage, or responding to another call, trying to stop a suspected drug dealer from destroying evidence. But when the work day is done, the cameras followed Officer Rossi through training for an amateur boxing match, then back home where he cooks chicken cutlets for dinner with his wife Grace and their two sons, 15-year-old Antonio and 11-year-old Terigi. Then, it is off to his part time job as a security guard to supplement the family income.

As a prosecutor in Middlesex County in the 1970s, I worked with hundreds of police officers. And it was clear how much we ask of these officers. They are required to be many things to many people—minister, social worker, keeper of the peace, the lawman with the courage to face the armed suspects at great personal risk. And since the late 1960s, some of the best of these lawmen have been recruited into elite tactical units to perform dangerous and high-risk operations—lawmen like Terigi Rossi.

Terigi Rossi grew up on Harley Avenue in the city of Everett, MA. He graduated from Malden Catholic High School where, not surprisingly, this 6-foot 230-pound athlete was a lineman on the football team, playing offense and defense. He graduated from Suffolk University where he was recruited by the city of Dallas to serve on their police force, one of the largest in the Nation, with 2,977 sworn officers and 556 civilians.

And I have to say—Massachusetts's loss was Texas's gain, because Terigi Rossi would have been a great addition to any police force in our State. Just look at the 15 years this always-on-the-go officer has spent on the Dallas police force, including 10 years with the city's always-ready-to-go 50-member SWAT Team as a specialist in gas and chemical weaponry.

Officer Rossi's family and friends back home in Massachusetts, particularly my friend Tom Ciulla, are justifiably proud of his record of public service. I join them in celebrating not only his 15 years in a police uniform but also his 10 years in the armor of the Dallas SWAT Team. And I send thanks to Grace, Antonio and Terigi for their support of Officer Rossi. They know as well as any that law enforcement officers are never off duty. They protect the public any time and any place that the peace is threatened. And we should give them all they help they need.•

TRIBUTE TO JUDGE BRUCE Q. MORIN

• Mr. WHITEHOUSE. Mr. President, today I express my thanks and congratulations to a son and servant of my State of Rhode Island. Bruce Q. Morin, associate judge of the Rhode Island Workers' Compensation Court, has recently retired after a long career in public service.

I first had the pleasure of getting to know Judge Morin in the early 1990s, when I was a policy adviser to then-Rhode Island Governor Bruce Sundlun. At the time, the Rhode Island worker's compensation system was broken and on the verge of insolvency. Costs had risen to unbearable levels. Insurers were departing the Rhode Island system. The problem seemed politically intractable. And worst of all, the means of providing adequate support to injured workers in Rhode Island was in danger.

Well, working together we completely overhauled the system. A central component of the overhaul was the creation of Rhode Island's Workers' Compensation Court, specifically designed to hear and decide all disputes between an injured employee and an employer relating to workers' compensation benefits. Governor Sundlun appointed Bruce Morin to the court in 1991, the year it was created, and he has dutifully and honorably served both the state of Rhode Island and the citizens who have come before his bench for 20 years.

Today, the Rhode Island workers' compensation system stands as a national model. Rhode Island has been able to permanently reduce costs, stabilize the workers' compensation market, eliminate fraud, protect injured workers, and save Rhode Island businesses hundreds of millions of dollars. Rhode Island's system now has the lowest average medical cost per employee per year in the entire country.

We owe a great measure of that success to Judge Morin, Chief Judge Healey, former Chief Judge Arrigan, and the rest of the court for implementation of the law in the best interests of the State of Rhode Island.

From his days serving his country, both with the Judge Advocate General

Corps of the U.S. Naval Reserve and as an instructor at the Naval Justice School in Newport; to his time as a member of the Rhode Island State senate; to his distinguished tenure on the Workers' Compensation Court, Bruce Morin has been a lifelong public servant.

After a long and successful career in Rhode Island, I know Judge Morin is looking forward to an enjoyable retirement, more hours on the links, and more time to share with his two wonderful children Jeffrey and Amy. I congratulate him on his many accomplishments and wish him great luck and happiness in all his future endeavors.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 14, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 296. A resolution commemorating the 50th anniversary of the Combined Federal Campaign.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 1860. A bill to clarify prohibitions for any United Nations entity that admits Palestine as a member state; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. DURBIN):

S. Res. 322. A resolution designating November 2011 as ''COPD Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 381

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 815

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1616

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) 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. 1703

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1703, a bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1848

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1848, a bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes.

S. RES. 199

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 199, a resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

S. RES. 316

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 316, a resolution expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution.

S. RES. 317

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 317, a resolution expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 322—DESIGNATING NOVEMBER 2011 AS ''COPD AWARENESS MONTH''

Mr. CRAPO (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas chronic obstructive pulmonary disease (referred to in this preamble as ''COPD''), also known as chronic bronchitis and emphysema, is the third leading cause of death in the United States and is the only 1 of the top 5 causes of death with a rising prevalence and death rate;

Whereas COPD is a chronic and progressive disease that affects over 24,000,000 people in the United States, ½ of whom have not been properly diagnosed;

Whereas COPD claims the lives of more than 120,000 people of the United States each year, with a person dying every 4 minutes from COPD;

Whereas COPD is considered to be the second leading cause of disability in the United States;

Whereas in 2011 COPD cost the United States approximately $49,900,000,000 per year;

Whereas the major risk factor for COPD is smoking and other risk factors include exposure to air pollution, industrial irritants, and burned biomass fuels;

Whereas COPD can also result from genetic conditions, such as alpha-1 antitrypsin deficiency;

Whereas many patients suffering with COPD are not diagnosed until they have reached an advanced stage of COPD;

Whereas a diagnostic test for COPD, known as spirometry, is available for office use, allowing early diagnosis of COPD;

Whereas the National Institutes of Health, Centers for Disease Control and Prevention, and the Department of Veterans Affairs play a critical role in advancing the prevention, diagnosis, treatment, and ultimately a cure for COPD;

Whereas primary care physicians are in a key position to provide optimal care to patients with COPD and need to be trained to diagnose and treat the disease;

Whereas individuals with COPD who are able to receive education from allied health professionals, such as respiratory therapists, have better health outcomes;

Whereas appropriately treating COPD with medication and health management can reduce hospital readmissions and costly exacerbations; and

Whereas increased public awareness, screening, early detection, and treatment of COPD are crucial in the prevention or slowing the progression of lung disease and can lead to reduced costs and better quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2011 as ''COPD Awareness Month'';

(2) encourages all people of the United States to become more informed about chronic obstructive pulmonary disease (referred to in this resolution as ''COPD'') and get screened if they are at risk; and

(3) encourages further partnership between the Federal government and private entities to enhance patient education about COPD.

AMENDMENTS SUBMITTED AND PROPOSED

SA 945. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 946. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 947. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 948. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 949. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 945. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. None of the funds made available by this Act may be used by the Corps of Engineers to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations (or successor regulation).

SA 946. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 480, between lines 15 and 16, insert the following:

VIETNAM EDUCATION FOUNDATION

SEC. 70__. (a) GRANTS AUTHORIZED.—The Secretary of State may award 1 or more grants, using a transparent and competitive selection process, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and not-for-profit organizations in the United States engaged in promoting institutional innovation in Vietnamese higher education: *Provided*, That grant funds awarded under this subsection shall be used to support the establishment of 1 or more independent, not-for-profit academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965, with graduate level programs in public policy, management, and related fields, that support the equitable and sustainable socioeconomic development of Vietnam, feature teaching and research components, promote the development of institutional capacity and innovation in Vietnam, operate according to core principles of good governance, and are autonomous: *Provided further*, That each institution of higher education and not-for-profit organization desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require: *Provided further*, That the Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection: *Provided further*, That the Secretary of State shall submit an annual report to the appropriate congressional committees that summarizes the activities carried out under this subsection during the most recent fiscal year.

(b) TRANSFER OF FUNCTIONS AND ASSETS.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(c) USE OF FUNDS.—In addition to the purpose set forth in paragraph (2) of section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note), during each of the fiscal years 2012 through 2018, the amounts deposited into the Vietnam Debt Repayment Fund pursuant to paragraph (1) of such section shall be made available by the Secretary of the Treasury, upon the request of the Secretary of State, to—

(1) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), selected by the Secretary of State through a transparent and competitive process, for the purpose of supporting the establishment of 1 or more independent, not-for-profit academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965, with graduate level programs in public policy, management, and related fields; and

(2) not-for-profit organizations in the United States, selected by the Secretary of State through a transparent and competitive process, for the purpose of supporting the establishment of a new, independent Vietnamese academic institution that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965.

SA 947. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Energy to provide the cost of loan guarantees that, in any circumstances at the time of, or subsequent to, the issuance of a loan guarantee, make the Secretary subordinate to other financing.

SA 948. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. _____. (a) None of the funds made available by this Act to carry out the Advanced Technology Vehicles Manufacturing Loan Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) may be used by the Secretary to approve any loan for the design, manufacture, construction, or modification of any facility to produce advanced high-strength steel until the Inspector General completes and makes public the report described in subsection (b).

(b) The Inspector General shall—

(1) conduct an investigation of any conditional loan commitment issued by the Secretary for the design, manufacture, construction, or modification of any facility to produce advanced high-strength steel under the Advanced Technology Vehicles Manufacturing Loan Program; and

(2) not later than 180 days after the date of enactment of this Act, prepare a report that describes the results of the investigation conducted under paragraph (1).

(c) The report prepared under in subsection (b)(2) shall address the following issues:

(1) Whether the Secretary properly considered advanced high strength steel a ''component'' under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

(2) Whether the Secretary conducted a proper market analysis to determine what advanced high strength steel products were in the marketplace and in what volumes.

(3) Whether the Secretary estimated the current or future capacity for production of advanced high strength steel in the United States.

(4) Whether the Secretary estimated the future demand for advanced high strength steel from automakers.

(5) Whether it was proper for the Secretary to fund a nearly complete project for facilities already built.

(6) Whether the Secretary conducted a thorough jobs-impact analysis before issuing the conditional loan commitment, including an analysis of what jobs would be lost or redistributed from other companies that produce advanced high strength steel.

(7) Whether and to what extent the loan office was improperly influenced outside groups or the White House, including the Office of Management and Budget.

SA 949. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. (a) Congress makes the following findings:

(1) The decision by the membership of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to admit the Palestinian Authority as a full member state of the organization is counterproductive, harms efforts to reach a negotiated, lasting, and just peace in the Middle East, and is contrary to United States interests.

(2) The Palestinian Authority may use this vote as a precedent to pursue membership in other United Nations affiliated organizations, contrary to the best interests of those organizations and the Palestinians themselves.

(3) Palestinian statehood can emerge only from negotiations with Israel, not from actions by third parties, including the United Nations and its affiliated organizations.

(4) Existing United States law prohibits appropriation of funds for the United Nations or any specialized agency affiliated with the United Nations that grant full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood.

(5) The President does not have the discretion to identify alternative methods of providing funds to any United Nations agency that admits Palestine as a member state.

(b) None of the amounts appropriated or otherwise made available by this Act shall be obligated or expended in contravention of section 410 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 454; 22 U.S.C. 287e note) or section 414 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 104 Stat. 70; 22 U.S.C. 287e note).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any 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:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN635 COAST GUARD nomination of Walter L. Ouzts, Jr., which was received by the Senate and appeared in the Congressional Record of June 7, 2011.

PN749 COAST GUARD nomination of Kathleen A. Duignan, which was received by the Senate and appeared in the Congressional Record of July 5, 2011.

PN1021 COAST GUARD nomination of Gregory L. Parsons, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1022 COAST GUARD nominations (17) beginning Michael B. Bee, and ending James W. Whitley, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1023 COAST GUARD nominations (78) beginning Paul Albertson, and ending Michael L. Woolard, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1024 COAST GUARD nominations (143) beginning Ricardo M. Alonso, and ending Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1041 COAST GUARD nomination of Kenneth W. Megan, which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1042 COAST GUARD nomination of Jennifer A. Ketchum, which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1069 COAST GUARD nominations (290) beginning Alonzo D. Alday, and ending Peter J. Zauner, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CROHN'S AND COLITIS AWARENESS WEEK

Mr. REID. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 199, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 199) supporting the goals and ideals of ''Crohn's and Colitis Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas Crohn's disease and ulcerative colitis are serious, chronic inflammatory diseases of the gastrointestinal tract;

Whereas Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, afflict approximately 1,400,000 people in the United States, 30 percent of whom are diagnosed as children;

Whereas the cause of Crohn's disease and ulcerative colitis are unknown and no medical cure exists;

Whereas Crohn's disease and ulcerative colitis can affect anyone, at any age, and is being diagnosed with increased frequency in children;

Whereas Crohn's disease and ulcerative colitis patients are at high risk for developing colorectal cancer;

Whereas a lack of awareness among health professionals and the general public may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be $6,100,000,000;

Whereas the goals of ''Crohn's and Colitis Awareness Week'' are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated ''Crohn's and Colitis Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''Crohn's and Colitis Awareness Week'';

(2) encourages media organizations to participate in ''Crohn's and Colitis Awareness Week'' by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative

colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

COPD AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 322) designating November 2011 as ''COPD Awareness Month.''

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 be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas chronic obstructive pulmonary disease (referred to in this preamble as ''COPD''), also known as chronic bronchitis and emphysema, is the third leading cause of death in the United States and is the only 1 of the top 5 causes of death with a rising prevalence and death rate;

Whereas COPD is a chronic and progressive disease that affects over 24,000,000 people in the United States, ½ of whom have not been properly diagnosed;

Whereas COPD claims the lives of more than 120,000 people of the United States each year, with a person dying every 4 minutes from COPD;

Whereas COPD is considered to be the second leading cause of disability in the United States;

Whereas in 2011 COPD cost the United States approximately $49,900,000,000 per year;

Whereas the major risk factor for COPD is smoking and other risk factors include exposure to air pollution, industrial irritants, and burned biomass fuels;

Whereas COPD can also result from genetic conditions, such as alpha-1 antitrypsin deficiency;

Whereas many patients suffering with COPD are not diagnosed until they have reached an advanced stage of COPD;

Whereas a diagnostic test for COPD, known as spirometry, is available for office use, allowing early diagnosis of COPD;

Whereas the National Institutes of Health, Centers for Disease Control and Prevention, and the Department of Veterans Affairs play a critical role in advancing the prevention, diagnosis, treatment, and ultimately a cure for COPD;

Whereas primary care physicians are in a key position to provide optimal care to patients with COPD and need to be trained to diagnose and treat the disease;

Whereas individuals with COPD who are able to receive education from allied health professionals, such as respiratory therapists, have better health outcomes;

Whereas appropriately treating COPD with medication and health management can reduce hospital readmissions and costly exacerbations; and

Whereas increased public awareness, screening, early detection, and treatment of COPD are crucial in the prevention or slowing the progression of lung disease and can lead to reduced costs and better quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2011 as ''COPD Awareness Month'';

(2) encourages all people of the United States to become more informed about chronic obstructive pulmonary disease (referred to in this resolution as ''COPD'') and get screened if they are at risk; and

(3) encourages further partnership between the Federal government and private entities to enhance patient education about COPD.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112–4

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 14, 2011, by the President of the United States: Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, Treaty Document No. 112–4. I further ask consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, on November 22, 2009 (the ''Agreement''). I also transmit, for the information of the Senate, the report of the Department of State with respect to the Agreement.

The Agreement established, for the first time at the global level, legally binding minimum standards for port states to control port access by foreign fishing vessels, as well as by foreign transport and supply ships that support fishing vessels. The Agreement also encourages Parties to apply similar measures to their own vessels. Involved Federal agencies and stakeholders strongly support the Agreement. The Agreement establishes practical provisions to prevent fish from illegal, unreported, and unregulated fisheries from entering the stream of commerce. If widely ratified and properly implemented, the Agreement will thereby serve as a valuable tool in combating illegal, unreported, and unregulated fishing worldwide.

The legislation necessary to implement the Agreement will be submitted separately to the Congress. I recommend that the Senate give early and favorable consideration to this Agreement and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, *November 14, 2011.*

ORDERS FOR TUESDAY, NOVEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, November 15, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session, as provided for under the previous order; that following the votes in executive session, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; and at 2:15 p.m. the Senate resume consideration of H.R. 2354.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators, then, should expect two rollcall votes at noon tomorrow. Those votes will be on the confirmation of Sharon Gleason to be U.S. District Judge for the District of Alaska and Yvonne Rogers to be U.S. District Judge for the District of Northern California.

ADJOURNMENT UNTIL 10 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 4:58 p.m., adjourned until Tuesday, November 15, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, November 14, 2011:

IN THE COAST GUARD

COAST GUARD NOMINATION OF WALTER L. OUZTS, JR., TO BE LIEUTENANT.

COAST GUARD NOMINATION OF KATHLEEN A. DUIGNAN, TO BE COMMANDER.

COAST GUARD NOMINATION OF GREGORY L. PARSONS, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH MICHAEL B. BEE AND ENDING WITH JAMES W. WHITLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATIONS BEGINNING WITH PAUL ALBERTSON AND ENDING WITH MICHAEL L. WOOLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH TORRENCE B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

COAST GUARD NOMINATION OF KENNETH W. MEGAN, TO BE CAPTAIN.

COAST GUARD NOMINATION OF JENNIFER A. KETCHUM, TO BE COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH ALONZO D. ALDAY AND ENDING WITH PETER J. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

EXTENSIONS OF REMARKS

IN RECOGNITION OF GERARD AND LILO LEEDS' COMMITMENT TO IMPROVING EDUCATION FOR AMERICA'S YOUTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay tribute to two people who have dedicated their lives to improving the educational outcomes for our Nation's youth. Gerard and Lilo Leeds are a shining example of two people who are giving something important back to a society that once offered them the opportunity to experience so much success in their own lives.

The Leeds came to the United States in 1939 as refugees from Hitler's Germany. After launching a successful media corporation, Mr. and Mrs. Leeds founded the Institute for Student Achievement—an organization that partners with low-income middle schools and high schools to improve student achievement for at-risk youth. They also created the Campaign for Fiscal Equity, Inc, a coalition of concerned parents and education advocates seeking to reform New York State's school finance system. The Leeds also established the Caroline and Sigmund Schott Foundation—an organization that works on early childhood education and care, gender equity, and education financing issues.

The Leeds continued their philanthropic efforts on behalf of adolescent youth by founding the Alliance for Excellent Education in 2001 and charged it with reducing the nation's high school dropout rate and preparing each secondary school student to graduate ready for success at the college level.

Gerard and Lilo Leeds are recipients of many civic awards, including Socially Responsible Entrepreneurs of the Year, the Long Island Association Humanitarian Award, and Outstanding Philanthropists of the year for the Long Island chapter of the National Society of Fund Raising Executives.

The couple also has been honored by the Urban League of Long Island, the New York State chapter of the NAACP, the New York State United Teachers union, and the American Jewish Committee. They were cited by Newsday in its report on ''100 Who Shaped a Century,'' and were among the ten honorees selected by WCBS–TV for recognition in its annual ''Fulfilling the Dream'' celebration of the birthday of Dr. Martin Luther King, Jr.

Their spirit is filled with humanitarianism, kindness, and commitment to serve others. As displayed by their social ventures, they are fully dedicated to helping disadvantaged youth achieve and exceed expectations. When asked where their sense of responsibility comes from, they said the only thing that allowed them to succeed, especially as immigrants fleeing Germany during World War II, was a quality education. As lifetime learners earning both a bachelors and masters degree, they believe the same academic experience they received should be the standard—not the exception—for every boy and girl in the United States.

Mr. Speaker, I would like to thank Gerard and Lilo Leeds for their tremendous leadership and dedication to helping students across the United States receive a quality education.

HONORING SERGEANT MAJOR HENRY WELFORD JACKSON II'S 33 YEARS OF SERVICE IN THE UNITED STATES ARMY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. MORAN. Mr. Speaker, I rise today to recognize and pay tribute to Sergeant Major Henry Welford Jackson II for 33 years of exceptional service to the United States Army. Sergeant Major Jackson plans to retire from active duty on December 3, 2011.

Henry W. Jackson II entered the United States Army on July 5, 1977. His extensive military education and training has allowed him to excel as both a soldier and a teacher. He received an Associate Degree in Criminal Justice from the University of Hawaii in Honolulu, Hawaii, a Bachelor of Arts Degree in Criminal Justice from Park University in Parkville, Missouri and is currently pursuing a Masters in Criminal Justice with Troy University.

Since 2004, Sergeant Major Jackson has served as the Inspector General Sergeant Major with the Office of the Inspector General, where he worked with utmost distinction as the senior enlisted advisor and assistant to the Inspector General, Senior Noncommissioned Officer, and Senior Assistant Inspector General.

His outstanding leadership during his final tour of a distinguished 33-year active duty career exemplifies the highest traditions of service while positively influencing virtually every major aspect of the Army. During this period, Sergeant Major Jackson's record of accomplishments set a standard of excellence in keeping with the proudest traditions of military service. As the principal enlisted advisor, his candid and insightful counsel was essential in informing senior Army leadership on issues impacting the force and representing the Soldier's perspective on these issues.

Within the Agency, he supervised readiness and training of IG offices worldwide for attendance in the Army's premiere training institution—the Inspector General School; and he was instrumental in the selection of senior non-commissioned officers for Inspector General assignments across the Army. He also served as a trusted confidant to the Sergeant Major of the Army, advising him on all aspects of Army and Soldier issues. During his time with the United States Army Inspector General Agency, he personally mentored and inspired over 4,230 officers, non-commissioned officers, and civilians to graduate from the Inspector General School. He meticulously ensured that Inspectors General across the Army provide only the finest support to the Army's senior leaders, and that those personnel selected to be Army Inspectors General were only soldiers and civilians of the highest caliber. He has continuously trained and mentored Inspector General Personnel across the Army, ensuring they maintain the highest degree of professionalism and expertise in their assignments as Army Inspectors General.

Prior to his current assignment, SGM Jackson served as the Chief Operations Sergeant and the Assistance and Investigations Non-Commissioned Officer for Headquarters, Fifth United States Army at Fort Sam Houston.

SGM Jackson has served in a variety of staff and leadership positions both in the states and overseas. Throughout his military career, he has served in a variety of units such as Airborne, Light & Mechanized Infantry assignments. Additionally, he has served as a Rifleman, Drill Sergeant, Senior Drill Sergeant, Platoon Sergeant, Operations Sergeant, and as an S–2 Non-Commissioned Officer.

He has honorably been decorated with numerous awards and decorations, all of which are a true testament to his hard work and commitment to making our country a safer, more peaceful place.

I would like to give my utmost sincere thanks to Henry for his 33 years of service. SGM Jackson's decisive leadership and mentorship has left a lasting impression on the thousands of Soldiers he has interacted while in service, helping to develop Army Values and Warrior Ethos within all of them. Throughout his entire career, he has embodied the Noncommissioned Officer Creed and ensured mission accomplishment while always taking care of soldiers. I congratulate Sergeant Major Jackson on the completion of an exemplary active-duty career and wish him and his wife Jennifer well on the next phase of their life.

COMMEMORATING BOBBY THOMSON, A BASEBALL LEGEND AND COMMUNITY ACTIVIST

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the life and accomplishments of Bobby Thomson, a baseball legend and pillar of his community.

Bobby Thomson was born in 1923 in Glasgow, Scotland, the youngest of 6 children and emigrated to the United States with his mother and siblings in 1925 to join his father in Staten Island, New York. He grew up in Staten Island and quickly became a baseball standout both in school athletic leagues and on the city's sandlots. After graduating from high school in 1942, he signed with the New York Giants for $100 a month.

Despite his fledgling professional baseball career, Bobby Thomson left the Giants in 1943 to enlist in the Army Air Corps and trained as a bombardier in Victorville, California, and served until 1945. After leaving the Army Air Corps he rejoined the New York Giants and became a starter by 1947. He played with the Giants through 1953 with a batting average of .279 and an average of 25 home runs and 94 runs batted in (RBI) each season. He had a career-best season in 1949 with a .309 batting average, 27 home runs, and 109 RBI.

On October 3, 1951, Bobby Thomson hit what became known as ''The Shot Heard 'Round the World.'' It was in the the bottom of the ninth inning in the deciding game of a playoff for the National League pennant. The New York Giants were trailing the Brooklyn Dodgers two runs to four and there were runners on second and third. Thomson stepped up and proceeded to knock Dodger pitcher Ralph Branca's second pitch down the left-field line and over the fence for a game- and pennant-winning three run home run. The ''Shot Heard 'Round the World'' was so spectacular that it caused WMCA–AM broadcaster Russ Hodges to famously exclaim, ''The Giants win the pennant! The Giants win the pennant! The Giants win the pennant! Bobby Thomson hits into the lower deck of the left-field stands! The Giants win the pennant and they're goin' crazy, they're goin' crazy!''

Forever the humble hardworker, Bobby Thomson continued his baseball career through 1963 and thereafter worked as a sales executive in order to, in his own words, ''stay home more with my wife and daughter and live a normal life.'' His integrity, work ethic, and positive outlook helped him excel in private business and led him to become involved in nonprofit foundations, such as New Jersey Arthritis Foundation, Tomorrow's Children Fund, and the Optimist Club. In 2006, he moved to Savannah, Georgia, to be closer to his daughter and he quickly made friends in the community due to his warm demeanor and he continued to live the life of a humble living legend, father, uncle, and grandfather.

After a long and fruitful life, Bobby Thomson passed away during the evening of August 16, 2010, in his Skidaway Island home in Savannah at the age of 86.

We commend Bobby Thomson on his outstanding baseball career and his famous three run home run known as the ''Shot Heard 'Round the World'' and express admiration for the devotion of Bobby Thomson to various charities and nonprofit foundations after his retirement from baseball.

IN RECOGNITION OF CONNIE CORVELO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CARDOZA. Mr. Speaker, it is with great honor that I rise today to recognize a faithful and tireless volunteer in the Atwater community, Connie Corvelo.

Connie grew up in the Visalia area on her family dairy in Goshen where her parents, Joseph Pereira and Balvina Orique Pereira, were dairy farmers dating back to 1935. Connie's father immigrated to the United States from the Azores Islands and her mother was born in California. She attended schools in Goshen and graduated from Mt. Whitney High School in Visalia in 1955.

Connie married her loving husband George Corvelo in 1988. George farmed and Connie worked for the Merced Sun Star as an Administrative Assistant to the General Manager for 10 years. Connie and George purchased ''Out to Lunch'' in 1993 and started a catering business. As Atwater Chamber members, Connie and George have catered meals for organizations, reunions, birthdays and many other events. Connie and George retired from the restaurant business in 2000 but have continued their catering company to this day. Their catering company was named Business of the Year in 2004–2005 by the Atwater Chamber of Commerce.

Shortly thereafter, Connie embarked on a cookbook writing adventure. Her first cookbook, titled My Portuguese Mother's Kitchen, was published in 2010. Her second cookbook, Out to Lunch: Memories and Recipes, has recently been released.

Connie is an active member of the Atwater community. George and Connie have been members of the Atwater-Winton Lions club for many years. In 2006, as a member of the Atwater Women's Club, Connie volunteered to share her prized chicken salad recipe and expertise as a fundraiser for the restoration of the clubhouse and yard. Within a few years, this spirit of volunteerism has spread throughout the community and the historic building has been painted, fenced, landscaped, air conditioned and much more. Connie and George continue to help with the salad event twice a year. It is this selfless volunteerism that has earned Connie the Atwater Women's Club Volunteer of the Year Award.

Connie has three children whom she adores spending time with. Her son, Dr. Jon Nunes, is a scientist with Roche and is married to Kelly Tanner Nunes. They have two daughters, Jordan and Julie. Connie's daughter, Annemarie Nunes Cousino, lives with her husband Richard ''Rick'' Cousino in Maryland. Rick recently retired from the United States Air Force after serving as Crew Chief for many years on Air Force One. They have two children, Gabrielle and Zachary. Connie's third child, Allison Nunes, is a meeting and event planner for an international company in Phoenix.

Mr. Speaker, I ask that my colleagues join me, and the Atwater Women's Club, in honoring a truly wonderful member of the Atwater community, Connie Corvelo.

ARTICLE OF CHINESE TELECOM FIRM HUAWEI'S ROLE IN ENABLING IRAN'S STATE SECURITY NETWORK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. WOLF. Mr. Speaker, I submit an October 27 Wall Street Journal article that summarizes Chinese telecom firm Huawei's role in enabling Iran's state security network. At the same time that the U.S. and its allies are increasing efforts to support pro-democracy and human rights activists, Huawei is empowering the Iranian regime to suppress these groups.

[From the Wall Street Journal, Oct. 27, 2011]

CHINESE TECH GIANT AIDS IRAN

(By Steve Stecklow, Farnaz Fassihi and Loretta Chao)

When Western companies pulled back from Iran after the government's bloody crackdown on its citizens two years ago, a Chinese telecom giant filled the vacuum.

Huawei Technologies Co. now dominates Iran's government-controlled mobile-phone industry. In doing so, it plays a role in enabling Iran's state security network.

Huawei recently signed a contract to install equipment for a system at Iran's largest mobile-phone operator that allows police to track people based on the locations of their cellphones, according to interviews with telecom employees both in Iran and abroad, and corporate bidding documents reviewed by The Wall Street Journal. It also has provided support for similar services at Iran's second-largest mobile-phone provider. Huawei notes that nearly all countries require police access to cell networks, including the U.S.

Huawei's role in Iran demonstrates the ease with which countries can obtain foreign technology that can be used to stifle dissent through censorship or surveillance. Many of the technologies Huawei supports in Iran—such as location services—are available on Western networks as well. The difference is that, in the hands of repressive regimes, it can be a critical tool in helping to quash dissent.

Last year, Egyptian state security intercepted conversations among pro-democracy activists over Skype using a system provided by a British company. In Libya, agents working for Moammar Gadhafi spied on emails and chat messages using technology from a French firm. Unlike in Egypt and Libya, where the governments this year were overthrown, Iran's sophisticated spying network remains intact.

In Iran, three student activists described in interviews being arrested shortly after turning on their phones. Iran's government didn't respond to requests for comment.

Iran beefed up surveillance of its citizens after a controversial 2009 election spawned the nation's broadest antigovernment uprising in decades. Authorities launched a major crackdown on personal freedom and dissent. More than 6,000 people have been arrested and hundreds remain in jail, according to Iranian human-rights organizations.

This year Huawei made a pitch to Iranian government officials to sell equipment for a mobile news service on Iran's second-largest mobile-phone operator, MTN Irancell. According to a person who attended the meeting, Huawei representatives emphasized that, being from China, they had expertise censoring the news.

The company won the contract and the operator rolled out the service, according to this person. MTN Irancell made no reference to censorship in its announcement about its ''mobile newspaper'' service. But Iran routinely censors the Internet using sophisticated filtering technology. The Journal reported in June that Iran was planning to create its own domestic Internet to combat Western ideas, culture and influence.

In winning Iranian contracts, Huawei has sometimes partnered with Zaeim Electronic Industries Co., an Iranian electronics firm whose website says its clients include the intelligence and defense ministries, as well as the country's elite special-forces unit, the Islamic Revolutionary Guards Corps. This month the U.S. accused a branch of the Revolutionary Guards of plotting to kill Saudi

Arabia's ambassador to the U.S. Iran denies the claim. Huawei's chief spokesman, Ross Gan, said, ''It is our corporate commitment to comply strictly with all U.N. economic sanctions, Chinese regulations and applicable national regulations on export control. We believe our business operations in Iran fully meet all of these relevant regulations.''

William Plummer, Huawei's vice president of external affairs in Washington, said the company's location-based-service offerings comply with ''global specifications'' that require lawful-interception capabilities. ''What we're doing in Iran is the same as what we're doing in any market,'' he said. ''Our goal is to enrich people's lives through communications.''

Huawei has about 1,000 employees in Iran, according to people familiar with its Iran operations. In an interview in China, a Huawei executive played down the company's activities in Iran's mobile-phone industry, saying its technicians only service Huawei equipment, primarily routers.

But a person familiar with Huawei's Mideast operations says the company's role is considerably greater, and includes a contract for ''managed services''—overseeing parts of the network—at MTN Irancell, which is majority owned by the government. During 2009's demonstrations, this person said, Huawei carried out government orders on behalf of its client, MTN Irancell, that MTN and other carriers had received to suspend text messaging and block the Internet phone service, Skype, which is popular among dissidents. Huawei's Mr. Plummer disputed that the company blocked such services.

Huawei, one of the world's top makers of telecom equipment, has been trying to expand in the U.S. It has met resistance because of concerns it could be tied to the Chinese government and military, which the company denies.

Last month the U.S. Commerce Department barred Huawei from participating in the development of a national wireless emergency network for police, fire and medical personnel because of ''national security concerns.'' A Commerce Department official declined to elaborate.

In February, Huawei withdrew its attempt to win U.S. approval for acquiring assets and server technology from 3Leaf Systems Inc. of California, citing opposition by the Committee on Foreign Investment in the United States. The panel reviews U.S. acquisitions by foreign companies that may have national-security implications. Last year, Sprint Nextel Corp. excluded Huawei from a multibillion-dollar contract because of national-security concerns in Washington, according to people familiar with the matter.

Huawei has operated in Iran's telecommunications industry since 1999, according to China's embassy in Tehran. Prior to Iran's political unrest in 2009, Huawei was already a major supplier to Iran's mobile-phone networks, along with Telefon AB L.M. Ericsson and Nokia Siemens Networks, a joint venture between Nokia Corp. and Siemens AG, according to MTN Irancell documents.

Iran's telecom market, which generated an estimated $9.1 billion in revenue last year, has been growing significantly, especially its mobile-phone business. As of last year, Iran had about 66 million mobile-phone subscribers covering about 70% of the population, according to Pyramid Research in Cambridge, Mass. In contrast, about 36% of Iranians had fixed-line phones.

As a result, mobile phones provide Iran's police network with far more opportunity for monitoring and tracking people. Iranian human-rights organizations outside Iran say there are dozens of documented cases in which dissidents were traced and arrested through the government's ability to track the location of their cellphones.

Many dissidents in Iran believe they are being tracked by their cellphones. Abbas Hakimzadeh, a 27-year-old student activist on a committee that published an article questioning the actions of Iran's president, said he expected to be arrested in late 2009 after several of his friends were jailed. Worried he could be tracked by his mobile phone, he says he turned it off, removed the battery and left Tehran to hide at his father's house in the northeastern city of Mashhad.

A month later, he turned his cellphone back on. Within 24 hours, he says, authorities arrested him at his father's house. ''The interrogators were holding my phone records, SMS and emails,'' he said.

He eventually was released and later fled to Turkey where he is seeking asylum. In interviews with the Journal, two other student activists who were arrested said they also believe authorities found them in hiding via the location of their cellphones.

In early 2009, Siemens disclosed that its joint venture with Nokia, NSN, had provided Iran's largest telecom, government-owned Telecommunications Company of Iran, with a monitoring center capable of intercepting and recording voice calls on its mobile networks. It wasn't capable of location tracking. NSN also had provided network equipment to TCI's mobile-phone operator, as well as MTN Irancell, that permitted interception. Like most countries, Iran requires phone networks to allow police to monitor conversations for crime prevention.

NSN sold its global monitoring-center business in March 2009. The company says it hasn't sought new business in Iran and has established a human-rights policy to reduce the potential for abuse of its products.

A spokesman for Ericsson said it delivered ''standard'' equipment to Iranian telecom companies until 2008, which included built-in lawful-interception capabilities. ''Products can be used in a way that was not the intention of the manufacturer,'' the spokesman said. He said Ericsson began decreasing its business in Iran as a result of the 2009 political upheaval and now doesn't seek any new contracts.

As NSN and Ericsson pulled back, Huawei's business grew. In August 2009, two months after mass protests began, the website of China's embassy in Tehran reprinted a local article under the headline, ''Huawei Plans Takeover of Iran's Telecom Market.'' The article said the company ''has gained the trust and alliance of Major governmental and private entities within a short period,'' and that its clients included ''military industries.''

The same month the Chinese embassy posted the article, Creativity Software, a British company that specializes in ''location-based services,'' announced it had won a contract to supply a system to MTN Irancell. ''Creativity Software has worked in partnership with Huawei, where they will provide first and second level support to the operator,'' the company said.

The announcement said the system would enable ''Home Zone Billing''—which encourages people to use their cellphones at home (and give up their land lines) by offering low rates—as well as other consumer and business applications that track user locations. In a description of the service, Creativity Software says its technology also enables mobile-phone operators to ''comply with lawful-intercept government legislation,'' which gives police access to communications and location information.

A former telecommunications engineer at MTN Irancell said the company grew more interested in location-based services during the antigovernment protests. He said a team from the government's telecom-monitoring center routinely visited the operator to verify the government had access to people's location data. The engineer said location tracking has expanded greatly since the system first was installed.

An official with Creativity Software confirmed that MTN Irancell is a customer and said the company couldn't comment because of ''contractual confidentiality.''

A spokesman for MTN Group Ltd., a South African company that owns 49% of the Iranian operator, declined to answer questions, writing in an email, ''The majority of MTN Irancell is owned by the government of Iran.'' He referred questions to the telecommunications regulator, which didn't respond.

In 2008, the Iranian government began soliciting bids for location-based services for the largest mobile operator, TCI's Mobile Communication Co. of Iran, or MCCI. A copy of the bidding requirements, reviewed by the Journal, says the contractor ''shall support and deliver offline and real-time lawful interception.'' It also states that for ''public security,'' the service must allow ''tracking a specified phone/subscriber on map.''

Ericsson participated in the early stages of the bidding process, a spokesman said. Internal company documents reviewed by the Journal show Ericsson was partnering with an Estonian company, Reach-U, to provide a ''security solution'' that included ''Monitor Security—application for security agencies for locating and tracking suspects.''

The Ericsson spokesman says its offering didn't meet the operator's requirements so it dropped out. An executive with Reach-U said, ''Yes, we made an offer but this ended nowhere.''

One of the ultimate winners: Huawei. According to a Huawei manager in Tehran, the company signed a contract this year to provide equipment for location-based services to MCCI in the south of Iran and is now ramping up hiring for the project.

One local Iranian company Huawei has done considerable business with is Zaeim Electronic Industries. ''Zaeim is the security and intelligence wing of every telecom bid,'' said an engineer who worked on several projects with Zaeim inside the telecom ministry. Internal Ericsson records show that Zaeim was handling the ''security part'' of the lawful-interception capabilities of the location-based services contract for MCCI.

On its Persian-language website, Zaeim says it launched its telecommunications division in 2000 in partnership with Huawei, and that they have completed 46 telecommunications projects together. It says they now are working on the country's largest fiber-optic transfer network for Iran's telecom ministry, which will enable simultaneous data, voice and video services.

Zaeim's website lists clients including major government branches such as the ministries of intelligence and defense. Also listed are the Revolutionary Guard and the president's office.

Mr. Gan, the Huawei spokesman, said: ''We provide Zaeim with commercial public use products and services.'' Zaeim didn't respond to requests for comment.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. DELAURO. Mr. Speaker, I was unavoidably detained addressing matters related to a

historic snow storm in Connecticut and so I missed rollcall vote No. 817 regarding S. 1280, the "Kate Puzey Peace Corps Volunteer Protection Act of 2011." Had I been present, I would have voted "yes."

IN RECOGNITION OF MR. WAYNE DIBOFSKY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize the outstanding efforts of Mr. Wayne Dibofsky, Associate Director of Government Relations at the New Jersey Education Association (NJEA). On November 13, 2011, members of the NJEA will honor Mr. Dibofsky at his retirement ceremony in Princeton, New Jersey. His commitment to serve the members of the community is truly worthy of this body's recognition.

Mr. Dibofsky has made a significant impact on the quality of education in New Jersey public schools and has continued to advocate for members rights and labor initiatives for employees in the New Jersey public school system. Mr. Dibofsky joined NJEA in 1982 as a lobbyist. During his tenure he has assisted in drafting many legislative initiatives relating to increased school safety, health care, labor rights, school funding, higher education funding and various regulatory measures. He remained a key advocate in the drafting and passage of over 1,000 pieces of legislation. Most recently he has been a catalyst in the passage of legislation protecting confidentiality of employees who seek support through various employee assistance programs. Mr. Dibofsky was also a key political operative in the passage of school budgets and school bond referendums in Old Bridge, Teaneck, Edison and East Brunswick, New Jersey. Today he continues to ensure that both Federal and State legislation protect NJEA members and assure that public school employees continue to retain their rights and benefits. His impeccable quality of work is continuously reflected in his high success record and flawless ability to inspire and motivate others.

In conjunction with his professional responsibilities, Mr. Dibofsky serves on countless boards and foundations. His generous actions continue to impress and serve the members of the community. Mr. Dibofsky is an alumnus of Monmouth University and has also completed a Masters program at Rutgers University. He currently resides in Franklin Park, New Jersey with his wife Ricky.

Mr. Speaker, once again, please join me in thanking Mr. Wayne Dibofsky for his numerous years of service to the New Jersey Education Association. His outstanding efforts and dedication continue to resonate with the constituents throughout Monmouth County and New Jersey.

HONORING THE U.S. ARMY CORPS OF ENGINEERS BALTIMORE DISTRICT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor the U.S. Army Corps of Engineers, Baltimore District, on the successful completion of a record military construction and Base Realignment and Closure mission. The Baltimore District worked on this complex mission for six years in the State of Maryland and throughout the mid-Atlantic region.

In 2005, the U.S. Department of Defense was given the difficult task to reorganize itself to more efficiently and effectively support our forces, increase operational readiness and facilitate new ways of doing business. The Baltimore District was tasked with managing more than $4.2 billion in construction projects—more than any other in the Nation.

Their work has provided our service members, their families and our civilian workforce with cutting-edge facilities that will allow the Department of Defense to continue its mission of protecting our Nation for years to come. These include the U.S. Army Test and Evaluation Command at Aberdeen Proving Ground and the Defense Information Systems Agency Headquarters at Fort Meade, among others. I am proud to welcome these distinguished agencies to the State of Maryland.

The Baltimore District's work extends beyond Maryland's boundaries. In Pennsylvania, the Defense Distribution Depot Susquehanna, Letterkenny Army Depot and Tobyhanna Army Depot are now better prepared to meet the needs of our service members. Fort Belvoir in Virginia has expanded exponentially and is now home to the National Geospatial-Intelligence Agency, the U.S. Army Legal Services Agency and the Northern Regional Medical Command. Their new proximity to Washington, D.C. is critical for the continued security of our Nation.

The Baltimore District also contributed significantly to the economic stability of the region when we needed it most. The mission was executed with the help of many small businesses, including some owned by veterans, and created thousands of new jobs.

Mr. Speaker, the Department of Defense set high expectations and aggressive schedules for this round of BRAC and expected them to be met. I applaud the Baltimore District, the North Atlantic Division and the U.S. Army Corps of Engineers for their hard work, dedication, and persistence. I ask that you join me in thanking them for their excellent construction, design and engineering services.

COMMEMORATING WORLD STROKE DAY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. FOXX. Mr. Speaker, I rise today to commemorate World Stroke Day and to help increase awareness of stroke, stroke prevention and the challenges faced by stroke survivors and their families. Although I was unable to mark this day when it occurred last month, it is an important cause that is worth recognizing.

A stroke is a brain attack. It occurs when a blood clot blocks an artery, or a blood vessel breaks, interrupting blood flow to an area of the brain. While most strokes occur in older adults, it's a myth that strokes only occur in this population—anyone can have a stroke. Risk factors include high blood pressure, irregular heartbeat, smoking, high cholesterol, diabetes, lack of regular exercise and poor diet. Family history of stroke is also a risk factor.

The state of North Carolina is part of the "Stroke Belt" where death rates due to stroke are consistently more than 10 percent higher than in other parts of the country. The higher mortality rate may be linked to a higher than average population of African Americans and elderly residents, who are more likely to have a stroke than other ethnicities and age groups, as well as dietary factors.

In the United States, about 795,000 people will have a stroke this year, averaging one every 40 seconds. While stroke kills 137,000 people and is the fourth leading cause of death, there are seven million adult stroke survivors in the United States. Stroke is also a leading cause of serious, long-term disability. Although between 50 and 70 percent of stroke survivors regain functional independence, many survivors require the support of a caregiver or have difficulties returning to work.

The estimated direct and indirect cost of stroke was $73.7 billion in 2010. While these statistics by themselves are startling, the impact of stroke goes beyond my district/State or even our Nation. Stroke is a global health crisis that kills one person worldwide every six seconds—that's six million people annually. If nothing is done, the predicted number of people who will die from stroke will increase to almost seven million each year by 2015.

The goal of World Stroke Day is to bring attention to the risk factors and warning signs of stroke as well as to honor those living with the impacts of stroke around the world. I urge my colleagues and constituents to know their stroke risk and learn the warning signs. Stand with me today in support of the seven million stroke survivors, their caregivers and families and the rest of the stroke community around the globe to do our part to reduce the impact of stroke in the future.

RECOGNIZING MAYOR JEFFREY SLAVIN, 2011 COMMUNITY FOUNDATION FOR MONTGOMERY COUNTY'S PHILANTHROPIST OF THE YEAR

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Mayor Jeffrey Slavin on being named the Community Foundation for Montgomery County's Philanthropist of the Year.

Mayor Slavin is among the most generous people I have ever met. He donates his time, his money, and his tremendous wisdom to others on a daily basis. Mayor Slavin's persistent dedication to the needs of the underserved in his community, in addition to his invaluable role supporting dozens of non-profit

organizations and service on the boards of many charitable organizations have made him such an incredible asset to Montgomery County, the State of Maryland and the nation as a whole. It is with great honor and privilege that I congratulate Mayor Jeffrey Slavin for his work as a public servant and philanthropist.

SUPPORT FOR STROKE SURVIVORS AND CAREGIVERS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in support for stroke survivors and caregivers. Although World Stroke Day has passed, support for stroke victims and caregivers must never end. As a long-time nurse, I have seen first-hand the effects of debilitating diseases. I understand the hard work and dedication of many of our caregivers in helping these victims get back to health.

Awareness is integral in reducing the occurrence of a stroke. According to the American Stroke Association, one in every six people worldwide is expected to die from a stroke. This disease is also the number three cause of death in United States. These numbers are alarming, and I believe Congress must do all that it can to raise awareness and provide policies to address the needs of stroke victims.

Last Congress, the Democratic House passed H.R. 1032, the Heart Disease Education, Analysis Research, and Treatment for Women Act, which would have required the Secretary of Health and Human Services to report on the quality of and access to care for women affected by a stroke. In this report, the HHS Secretary would have been required to include guidance on reducing these disparities in improving treatment for women suffering from a stroke. While this legislation did not become law, I hope Congress can continue in its efforts to reduce the occurrence of and effects of a stroke.

I ask my colleagues to join me in support of stroke survivors and their caregivers. Congress must continue to fight for research and quality healthcare, so that all Americans affected by a stroke can live healthy, productive lives.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,979,610,349,742.69.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,341,184,603,448.89 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN RECOGNITION OF MICHAEL MELLO AND HIS MANY YEARS OF SERVICE TO INSIGHT TECHNOLOGY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. GUINTA. Mr. Speaker, Michael Mello is commended for his years of dedication in the pursuit of excellence, critical information and security that has enhanced our national defense. Michael Mello's combination of intelligence and dedication exemplifies the finest qualities of professionalism and leadership enabling him to make significant contributions over the many years to Insight Technology and the brave service men and women of the United States Military who have fought and served in the Wars in Iraq and Afghanistan.

Michael has been instrumental in keeping our soldiers out of harm's way by providing significant technical and security infrastructure, as well as important information vital for the development and production of mission-critical night vision and electro-optical systems. This work has enabled operational success while saving countless American lives.

America is grateful for Michael Mello's dedication and many years of outstanding service to his country.

IN HONOR OF THE 75TH ANNIVERSARY OF SOROPTIMIST INTERNATIONAL OF MODESTO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to join the members of Soroptimist International of Modesto in celebration of the club's 75th Anniversary. It is my privilege to honor this organization that has for so many years remained committed to a world where women and girls together achieve their individual and collective potential, realize aspirations, and have an equal voice in creating strong, peaceful communities worldwide.

Soroptimist International of Modesto was chartered November 28, 1936 with 120 members. It has since grown to an organization of dedicated members committed to volunteer service. For seventy-five years, SI of Modesto has worked tirelessly to improve the lives and status of women and girls locally and around the world. Its members strive daily to uphold the organization's values of human rights for all, global peace and international goodwill, advancing women's potential, integrity and democratic decision making, and promoting volunteerism, diversity, and friendship. Through regular meetings featuring guest speakers and programs, the members are able to network, collaborate on ideas, and stay informed on the various issues affecting women throughout the world.

Among the organization's top priorities is a devotion to supporting service projects in our community, throughout the Nation, and worldwide in such areas as education, environment, health, human rights and status of women, international goodwill, and social and economic development. Over the years, the club has worked collaboratively with other Soroptimist groups on various projects to serve the residents of our community. These projects include the Medical Outreach Mobile, the ''Live Your Dream'' event for young girls, the Soroptimist Community Christmas Tree, the Youth Literacy Program, Modesto Junior College's Soroptimist Youth Learning Center, and the Salvation Army homeless shelter medical assistance project.

The organization has also provided monetary support, service, and volunteer time to such community organizations as Memorial Hospital, the McHenry Mansion, Interfaith Ministries, Haven Women's Center, Girl Scouts of America, and Foothill Horizon Outdoor Education, and many other important programs. The club also strives to ensure that women have access to equal education by providing cash awards for scholarships and recognition programs; thus, taking important steps to assist women in their professional careers and personal lives.

It is truly an honor to have a local chapter located in California's 18th Congressional District, whose efforts have made a positive impact on the community and in the lives that its services have touched. Its members truly exemplify benevolence and set a high level of excellence for all to admire and follow. It is a pleasure to represent Soroptimist International of Modesto in Congress and to pay tribute to their seventy-five years of service and success.

HONORING ALONZO JAMISON, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. BURGESS. Mr. Speaker, today I rise to remember the life of a remarkable public servant, Alonzo Jamison, Jr. On October 29, 2011, Mr. Jamison passed away, leaving behind a memorable example to be followed. A long time resident of Denton County, Mr. Jamison was in the farming and cattle-raising business for twenty-five years, a faculty member of the University of North Texas and Texas Women's University, and was as a Member of the Texas State House of Representatives from 1955–1969.

Mr. Jamison proudly served his country during World War II as a First Lieutenant. He earned a bronze star while courageously serving in an anti-aircraft unit in Germany, France, Italy, and North Africa and would go onto to retire as a Colonel in the U.S. Army Reserve in 1974.

In 1954, Mr. Jamison was elected to represent Denton County in the Texas State Legislature, where he served seven consecutive terms. After retiring from this role he joined the faculty of Texas Women's University. As a government professor and chairman of his department, he would be an inspiration to all students seeking life as a public servant in government.

Mr. Speaker, it is with great honor that I rise to remember the life and legacy of Alonzo Jamison, Jr. My thoughts and prayers are with his friends and family. He was a great Texan, a devoted husband, and we are all thankful for his brave and dedicated community service.

IN HONOR OF STEPHEN JEROME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. ENGEL. Mr. Speaker, this year marks the 45th year of Mr. Stephen Jerome's work as president of Monroe College, who has given four and a half decades to providing service to the faculty, staff, and students. Mr. Jerome's efforts have been truly outstanding. Because of his work, Monroe has become a regionally-accredited college that provides a core value of unmatched personal and professional service to more than ten thousand students. He achieves this by providing an environment that solidifies the fullest potential of each student.

As President, Mr. Jerome has fostered many new applications to the university. These new programs include the introduction of the college's championship-caliber athletic programs and a unique foundation that can only be described as an excellent work environment; this has lead to the college becoming the number one provider of undergraduate degrees to minority students in New York State. As well as supporting award-winning student academic organizations, Mr. Jerome is thoroughly involved in the community. He has helped to provide lighting, security, street cleaning, and holiday parties for children. Mr. Jerome also provides entrepreneurial assistance to the local neighborhood residents and businesses. In accordance with his community efforts, Mr. Jerome has offered college-level classes at the high school level, through the Jumpstart program, to encourage young students to attend college.

Even as the active President of Monroe College, Mr. Jerome continues to assume many leadership roles. He is currently the President of the New York State Association of Proprietary Colleges and has held this position for over two decades. He also holds a position as a Trustee of the Bronx Chamber of Commerce. Mr. Jerome has formerly been a member of the College Presidents' Council for the Governor's office on New York State Financial Aid and been the former Commissioner of the Accrediting Commission of the Association of Independent Colleges and Schools. As a former member of the New York State Education Commissioner's Advisory Council on Higher Education and the former President of the Fordham Road Area Development corporation, it is apparent that no amount of work can deter Mr. Jerome's efforts in providing for the community and improving many systems of education.

With all of the years of service Mr. Jerome has given, and all of the leadership positions that he has taken upon himself, he still remains a family man. With his wife Leslie, he instills the importance of hard work and education to their three children: Marc, Evan, and Laura, who pass along his teachings to his 9 young grandchildren. Stephen Jerome has gone above and beyond for Monroe College and the community. This 45th anniversary of his time at the college can act as a reminder to all who were ever inspired, given an opportunity, or thrived within the higher standards he implemented that these effects came from the hard work and drive of one man, the President of Monroe College, The Leader of many institutions, the family man, Mr. Stephen Jerome.

TRIBUTE TO JOE FRAZIER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a notable South Carolinian, who rose from humble beginnings to make an indelible mark on the world. Smokin' Joe—Joe Frazier—passed from this life on November 7, 2011, but his legacy lives on through his extraordinary achievements in the boxing ring.

Joe Frazier was born to sharecroppers in Beaufort, South Carolina, on June 22, 1944. He was one of 13 children, who never had ''a little-boy life.'' He grew up helping his father chop wood. His father had lost his left arm after being shot as a young man, and Joe always took the left handle on a two-handed saw, which he attributes to helping him build his devastating left hook.

Most people know of Joe Frazier's athletic accomplishments as America's first gold-medal winning boxer and his thrilling defeat of Muhammad Ali in March 1971. It was what occurred on April 7, 1971, that provided me my greatest memory of the boxing legend.

At the time, I was the first African American to hold an advisory position with a sitting South Carolina governor. Governor John West hired me in January 1971 and just three months later, the governor and the South Carolina Legislature invited Joe Frazier, fresh off his defeat of Ali, to come speak to the South Carolina General Assembly.

This was a remarkable occasion. In January 1971, the first three African Americans since Reconstruction were sworn in as members of the South Carolina House of Representatives. Desegregation was just beginning to take hold in many public schools in the state. And the South Carolina Human Affairs Commission had not yet been established to eliminate and prevent unlawful discrimination.

Joe Frazier was the first African American since Reconstruction to receive an invitation to speak to the South Carolina General Assembly. As World Heavyweight Champion, he could have easily declined the opportunity. Instead, he chose to embrace it. He used the opportunity to try and build bridges and encourage race relations.

In his remarks, Smokin' Joe said our country could get beyond our racial problems if blacks and whites would ''play together, work together and pray together.'' He went on to say, ''We must save our people, and when I say 'our people' I mean white and black. We need to quit thinking about who drives the fanciest car or who is my little daughter going to play with, who is she going to sit next to in school. We don't have time for that.'' His 10-year-old daughter then stole the show by exclaiming, ''Float like a butterfly, sting like a bee. My daddy is the one who whipped Muhammad Ali.''

But Joe Frazier's most poignant comments were when he talked about attaining his dreams. ''I am here today as a young man whose boyhood dream was realized when I won the heavyweight championship of the world.'' That was proof he said ''you can do anything you want to do if you really put your heart and soul and mind into it.''

That young man with his dream fulfilled used that same trip back to South Carolina to purchase his mother, Dolly Frazier, a new home to fulfill one of her dreams. He moved his widowed mother and his sisters, who remained at home, into what became known as the Frazier Plantation near Yemassee, South Carolina. This was a far cry from the small home he grew up in without indoor plumbing and holes in the roof.

I had the great fortune of visiting and dining with Joe, his mother and sisters in the new Frazier homestead. They were great supporters of my political endeavors, and they remained salt-of-the-earth people despite the success of the youngest Frazier son.

Joe Frazier died at the age of 67 in his adopted home of Philadelphia, Pennsylvania. He, like so many other young African Americans born in the segregated South, left to find better opportunities in the world. In doing so, Smokin' Joe made the world a better place.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the remarkable life of Joe Frazier. He will always represent the extraordinary combination of talent and tenacity. He was blessed with tremendous determination and a mental toughness that served him well as a boxer and outstanding human being. He served as an inspiration to so many, and that is a true sign of a life well lived.

HONORING RON GASTIA FOR HIS SERVICE TO THE PEOPLE OF BANGOR, ME

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Bangor Police Chief Ron Gastia for his remarkable leadership in raising awareness on the bath salts crisis that is currently sweeping through the nation.

Chief Gastia has been a trusted and effective member of Maine law enforcement for nearly three decades. Since becoming chief of Bangor PD in 2007, Ron has gone above and beyond to make the city safer for its residents. In particular, his exemplary response to the sudden emergence of the synthetic drug known as ''bath salts'' illustrates the impressive scope of his leadership.

In the last year, Bangor and several surrounding areas have been flooded with a synthetic hallucinogenic stimulant known as ''bath salts.'' Although largely unknown a year ago, bath salts have become one of the preeminent health and safety issues in Maine. The reported incidents involving this highly dangerous drug have skyrocketed in recent months, reaching epidemic levels in Maine and throughout the country.

Chief Gastia's efforts to raise awareness about this crisis have been remarkable. In addition to being vocal in the media, he was instrumental in working with state legislators to criminalize the drug in Maine. Further, on October 20, 2011 Chief Gastia briefed me, the Office of National Drug Control Policy Deputy Director Benjamin Tucker and an assembled body of federal law enforcement officials on

Bangor's experience with bath salts. His testimony will be a valuable resource as drug enforcement agencies develop comprehensive strategies to address the emergency of synthetic drugs like bath salts.

While much work still needs to be done to address the threat of bath salts, I know that the Bangor community and the State of Maine are fortunate to have Chief Gastia on watch. I wish him and the Bangor Police Department the best of luck as we continue to tackle this important problem.

Mr. Speaker, I ask you to join me in thanking Chief Ron Gastia for his tremendous service to the people of the City of Bangor and the State of Maine.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, November 4, 2011, I was unable to be present for part of a series of recorded votes. Had I been present, I would have voted:

"No" on rollcall vote No. 830 (on agreeing to H. Res. 455, providing for consideration of the bill H.R. 2838);

"Yes" on rollcall vote No. 831 (on the motion to suspend the rules and pass H.R. 3321);

"Yes" on rollcall vote No. 832 (on agreeing to the Cummings amendment to H.R. 2838);

"Yes" on rollcall vote No. 833 (on agreeing to the Thompson amendment to H.R. 2838);

"Yes" on rollcall vote No. 834 (on agreeing to the Napolitano amendment to H.R. 2838);

"Yes" on rollcall vote No. 835 (on agreeing to the Bishop amendment to H.R. 2838); and

"Yes" on rollcall vote No. 836 (on agreeing to the Slaughter amendment to H.R. 2838).

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on November 4, 2011 and would like the record to reflect that I would have voted as follows:

Rollcall No. 829: "no"; rollcall No. 830: "no"; rollcall No. 831: "yes"; rollcall No. 832: "yes"; rollcall No. 833: "yes"; rollcall No. 834: "yes"; rollcall No. 835: "yes"; rollcall No. 836: "yes."

THE PASSING OF ''MR. WINCHESTER,'' BEN DUTTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. WOLF. Mr. Speaker, I share with the House today the sad news of the passing of iconic Winchester, Virginia, native, Benjamin Dutton, Jr., 86. Known as "Mr. Winchester," Ben died November 9 at his home with his wife Jean, fondly called "Whip," at his side.

A man of honor and the highest moral character, Ben was one of the finest Virginia gentlemen that I have ever known.

After Whip and their three daughters and their families, Ben's lifelong love was Winchester and especially the annual Shenandoah Apple Blossom Festival. He was one of the festival's longest serving contributors, holding positions of executive director, president, and board member. Ben continued to be involved in "the Bloom" up until his passing.

The son of the late Dr. Benjamin and Ann Dutton, Ben attended Winchester public schools, graduating from Handley High School in 1943. He served his country in the U.S. Army infantry from 1943–46 and afterward attended the University of Virginia in Charlottesville, receiving an A.B. degree in 1950. After college, he began a career in the insurance industry, serving as an agent in Louisiana and Roanoke, Virginia, from 1951–63. But the tug of his native city brought him back to Winchester in 1963 and he became associated with J.V. Arthur Inc. as a vice president and partner, retiring from there in 1987.

Never one to sit idly, Ben soon found a second career as a public servant. He first served as the field representative in the Winchester office of our former colleague, the late D. French Slaughter Jr., who represented Winchester and Frederick and Clarke counties until 1991 when the area was part of the 7th Congressional District, and later served in the same position for George Allen, who succeeded Congressman Slaughter for a year before his successful election as governor of Virginia. When redistricting in 1992 brought that area of Virginia into the 10th District, I was proud that Ben became a member of my constituent services staff in my Winchester office, serving for 15 years until his retirement in 2010.

Ben was a "people" person. When you met Ben, you became his friend for life. He had a warm and infectious smile and always made time for anyone who crossed his path. His foremost motivation in life was helping people and thousands of residents of Winchester and the surrounding area can attest to his servant's heart.

Ben also was a "doer." He was involved throughout his long life in city government and numerous civic and community organizations. Among his citations of public recognition were the Outstanding Citizen Award from the Winchester-Frederick County Chamber of Commerce and the President's Award for Community Service from Shenandoah University. I will submit for the RECORD, Ben's obituary from the Winchester Star, which includes greater detail on Ben's illustrious life.

Ben truly fulfilled in his life the biblical praise: "Well done, good and faithful servant." We are all better for having had the honor of knowing Ben and calling him our friend.

To Whip, his wife of 59 years, and their daughters Fay, Virginia, and Whipple, and their families, I express on behalf of the people of the 10th District our heartfelt sympathy and also our gratitude to you for sharing Ben with us.

BENJAMIN BLANTON DUTTON, JR.

Benjamin Blanton Dutton, Jr., 86, died on Wednesday. November 9, 2011, in his home in Winchester, Virginia.

Mr. Dutton was born in 1925, in Winchester, Virginia, the son of the late Dr. Benjamin and Ann Dutton. He attended Winchester Public Schools and graduated from Handley High School, Class of 1943. Mr. Dutton served in the United States Army, in the Infantry, from 1943–1946 achieving the rank of Sergeant. He attended University of Virginia in Charlottesville, Virginia where he received, an A.B. Degree in 1950. He was employed by Hartford Fires Insurance Company from 1951–1963 and served as Special Agent for The Hartford in Louisiana and Roanoke, Virginia.

Mr. Dutton returned to Winchester in 1963 to become associated with J. V. Arthur, Inc., as a Vice President and partner, remaining in that position until his retirement in June 1987. He was employed by Congressman D. French Slaughter, Jr., as Field Representative in the Winchester, Virginia office and served in that capacity until Mr. Slaughter's resignation in November 1991. Mr. Dutton continued as a Field Representative for Congressman George Allen during his tenure In congress, from November 1991 until December 1992. Mr. Dutton then became the Field Representative for Congressman Frank R. Wolf from January, 1993 until April, 1995.

He served as Executive Director of the Shenandoah Apple Blossom Festival from April 1995 until July 1997 and was then rehired by Congressman Wolf as a Field Representative in July, 1997 until his retirement in 2010.

Mr. Dutton was a member of Christ Episcopal Church in Winchester, a member of the Winchester Rotary from 1963 to present and served on the Board of Directors several times as well as Secretary and Treasurer. He was active in the Shenandoah Apple Blossom Festival since childhood and was President of the festival in 1970, 1971, and 1972. He volunteered as Executive Director in 1972 and currently is on the Festival Board of Directors. Mr. Dutton was a two term President of the Winchester-Frederick County Chamber of Commerce, member of the Winchester Common Council for three terms, from 1966–1978, Winchester Parking Authority from 1966–1990 and Chairman 1980–1990; Winchester Transportation Safety Commission from 1968–1988. In addition he was a member of and Secretary-Treasurer of the Winchester Regional Airport Authority from 1987–1994; and served as Past Chairman of the Salvation Army Advisory Board.

Mr. Dutton was an Honorary member of the Winchester Medical Center Board; a licensed Amateur Radio operator and was licensed as a Glider Pilot.

His Virginia State activities include past chairman, State Insurance Board, Commonwealth of Virginia; past member, State Fire Services Commission, Commonwealth of Virginia; Past President, Independent Insurance Agents of Virginia, Inc.; past member, Board of Directors, Virginia Financial Services Corporation and past member, Regional Economic Development Advisory Council for District 5, Commonwealth of Virginia.

He was Past President of the Independent Insurance Agents of Winchester, Inc.; a member of the Board of Directors Emeritus and the Wayside Theatre, Middletown, Virginia from 1976–1979; and currently a member of the Corporation of Valley Health System, Inc and current member of the Advisory Committee of the Institute for Government and Public Policy at Shenandoah University.

Mr. Dutton was awarded the Honorable Order of Kentucky Colonels in 1970; Outstanding Citizen Award, Winchester-Frederick County Chamber of Commerce, 1975; Rotary International Paul Harris Fellow; Winchester-Frederick County Chamber of Commerce Transportation Award, 1992, and Presidents Award for Community Service (Shenandoah University), 2002.

He married Jean Rogers Whipple on June 14, 1952, in Vienna, Georgia.

Surviving with his wife of 59 years, are three daughters, Fay Dutton and her husband, Jim Moyer, Virginia Dutton, and Whipple Rickman and her husband, Glen; and one grandson, Benjamin Rickman.

A graveside service will be conducted at 11 a.m. on Saturday, in Mount Hebron Cemetery, Winchester, Virginia, with Reverend Webster Gibson officiating.

Memorial contributions may be made to Blue Edge Hospice, 333 West Cork Street, Suite 405, Winchester, Virginia 22601.

Arrangements are being handled by Omps Funeral Home, Amherst Chapel, Winchester, Virginia.

Please view obituaries and tribute wall at www.ompsfuneralhome.com.

IN RECOGNITION OF MS. PHYLLIS KINSLER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Ms. Phyllis Kinsler, President and Chief Executive Officer of Planned Parenthood of New Jersey. After thirty-seven years of service to the Planned Parenthood community, Ms. Kinsler will be retiring in December of 2011. Her outstanding commitment and dedication to protecting and defending women's health and reproductive rights are worthy of this body's recognition.

Phyllis Kinsler's advocacy work, spanning three decades, for women's health issues is the backbone of the success of Planned Parenthood. Planned Parenthood of Central New Jersey (PPCNJ) serves over 15,000 women each year, providing a wide range of contraception, cancer screening and various other services to women throughout Monmouth, Middlesex and Ocean Counties. The organization remains the leading provider of women's reproductive health care. Under Ms. Kinsler's leadership, the organization has maintained their strong commitment to providing women with affordable, high quality heath care services. PPCNJ continues to advocate for public policies that guarantee privacy and essential rights to women, ensuring access to various reproductive services.

In conjunction with her professional responsibilities, Ms. Kinsler has served on numerous community boards and task forces which include Family Planning Association of New Jersey, New Brunswick Tomorrow Health Task Force and America Task Forces on Public Policy and Post Roe Abortion Services. Women and families throughout Monmouth County and New Jersey have continued to benefit from the outstanding advocacy and commitment Ms. Kinsler has demonstrated throughout her thirty-seven years of service.

Prior to joining the Planned Parenthood team, Ms. Kinsler assisted in family service casework, child abuse prevention/child protection services, hotline counseling and a variety of community planning and advocacy projects in support of women, children and families. She is an alumna of Clark University and earned a Masters degree from Niagra University.

Mr. Speaker, once again, please join me in thanking Ms. Phyllis Kinsler for her thirty-seven years of service to the Planned Parenthood community. Her outstanding record of leadership and service continues to prove valuable to women throughout New Jersey.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. DELAURO. Mr. Speaker, I was unavoidably detained addressing matters related to a historic snow storm in Connecticut and so I missed rollcall vote No. 816 regarding H. Con. Res. 13, "Reaffirming 'In God We Trust' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions." Had I been present, I would have voted "yes".

RECOGNIZING THE 2011 WORLDSKILLS PARTICIPANTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the SkillsUSA World Skills Team for their success in the 2011 WorldSkills competition in London, winning four medals, and their overall dedication to improving their vocational training.

SkillsUSA began in 1965 as the Vocational Industrial Clubs of America, an organization founded by teachers and students to promote increased leadership training in their various vocational fields. The participants in SkillsUSA are high school graduates who have taken the initiative to improve their capabilities in their chosen field. The technical expertise and leadership qualities they learn not only better prepare them to succeed individually; they also enable the participants to impart that knowledge and skill-set to their classmates and coworkers.

Seventeen participants represented America in the 2011 WorldSkills competition in a variety of skills: Cameron McCreery competed in Autobody Repair. Daniel Lehmkuhl competed in Automobile Technology and received a Medallion for Excellence. Raychel Bland competed in Beauty Therapy. Bradley Wright competed in Bricklaying. Brett Ottinger competed in Cabinetmaking. Joseph King competed in Computer Numerical Control Milling. Maxwell Hershey competed in Computer Numerical Control Turning. Rachel Koppelman competed in Cooking and received a Medallion for Excellence. Victoria Brown competed in Graphic Design. Laina Call competed in Hairdressing and received a Medallion for Excellence. Matthew Vicari competed in IT/PC Networking. Ryan Spinden competed in Plumbing. Ben Phillips competed in Printing. John Huhn competed in Refrigeration. Melissa Rubincan competed in Restaurant Service. Brett Patterson competed in Web Design. Bradley Clink competed in Welding and received the Silver medal.

Mr. Speaker, the participants in SkillsUSA embody the American worker at his and her best—proactively seeking innovation and improvement. I ask that my colleagues join me in congratulating the SkillsUSA WorldTeam 2011 in their accomplishments both during this year's competition, and throughout their vocational careers.

IN RECOGNITION OF CHAPLAIN DALE GOETZ

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to pay tribute to a fallen American hero—Army Chaplain Dale Allen Goetz. Goetz is the first Army clergyman killed in action since the Vietnam War. Goetz was killed a year ago while serving his country in Afghanistan.

On August 30, 2010, Goetz was riding with a resupply convoy when the enemy attacked with an improvised explosive device near the Arghandab River Valley.

Four of his fellow soldiers from Fort Carson died with him in that attack.

Army Chaplains are considered noncombatants and do not carry weapons. Chaplains do not go on combat patrol, but do go onto battlefields to conduct services and counsel soldiers.

Goetz was serving with the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team with the 4th Infantry Division of Fort Carson, Colorado.

Goetz grew up in Hood River, Oregon. His first job after high school was working at an old-fashioned dairy where he processed milk and sold ice cream cones at a drive-up window. A year before graduating from high school, Goetz became a Christian. After graduating, he joined the Air Force then attended Maranatha Baptist Bible College. He later earned his Master of Divinity at Central Baptist Theological Seminary. Goetz moved to White, South Dakota where he was pastor before joining the Army to serve our soldiers.

Goetz served his country for nearly 11 years before he was killed. It was his third deployment.

Goetz, who was 43-years old, left behind his wife, Christy, and their three young boys. He is also survived by his mother, Hope, and his sisters, Kim Sumner and Ann Senetar.

In paying tribute to Chaplain Goetz, I would like to enter into the CONGRESSIONAL RECORD a short poem written by a longtime Capitol Tour Guide Bert Caswell.

THE FAITH OF HIS FATHER IN HONOR OF A FALLEN HERO CHAPLAIN CAPTAIN DALE GOETZ THE LORD AND THE UNITED STATES ARMY

Goodness!
Evil!
Darkness!
Light!
Those brave hearts who evil must fight!
Who bring their light!
All in the darkness of war. . . .
Unarmed. . . .
There are but all of those on battlefields of honor,
Chaplains who so ensure. . . .
The Faith of our Father. . . .
Who but bring our Lord's light!
The Faith of Our Father, to help souls to endure. . . .
Armed, with but only Bible in hand. . . .
As it was there midst of such evil, Dale, you were to so stand!

Bringing hope and so comfort, to woman and man. . . . .
In the darkest of all places. . . .
While, at death's door they'd so stand!
Giving them the strength to so pray. . . .
Offering your hand, while reaching out on each day. . . .
As from out of that darkness, the light you so gave!
Something, far much more precious than what of gold is so made!
To so find the right words, as you were so heard. . . .in the sacred moments of death. . . .
Giving such strength to all of their hearts to so bless. . . .
For War is Hell, and Hell is War!
And for all your sons, all of the ones. . . . you cared for so deep . . . .
As upon each day, all in their beautiful faces. . . .to us you will so speak!
And to your fine wife, who has suffered the greatest lost of her life. . . .
We pray to our Lord to let her find peace!
It's for you now, Dale, the Angels up in heaven now so weep!
And to his family, somehow so find the strength. . . .
All in what his fine life has meant!
As now we they lay your fine body, Dale, down to sleep. . . .
As into this soft cold dark quiet ground, Dale, so deep. . . .
As, it was you, Dale, our Lord's son. . . .
Who to Him, your promises did so keep!
As a new Angel up in Heaven, one day again you'll meet!
To watch over us now as we so sleep!
With The Faith of His Father So Very Deep!
Amen!

COMMENDING THE ACHIEVEMENTS OF ALBERT BIERSTADT AND SANFORD ROBINSON GIFFORD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to commend the achievements of two 19th century Hudson River School painters, Albert Bierstadt and Sanford Robinson Gifford. Two of Albert Bierstadt's paintings are currently displayed in the Capitol Visitor Center, ''Discovery of the Hudson River'' and ''Entrance into Monterey.'' The paintings were part of the first American school of painting, the Hudson River School, which focused on accurately capturing nature and a close attention to detail as a new style of romantic landscapes became popular.

A fellow Hudson River School painter, Sanford Robinson Gifford, used the District of Columbia as a backdrop in many paintings about the Civil War, including ''Sunday Morning at Camp Cameron,'' which depicts soldiers listening to a Sunday sermon on the grassy hills of an area in the Northwest part of the city now known as Meridian Hill Park. Gifford, who traveled to Europe, the Middle East, and North Africa seeking new sources of inspiration, was known particularly for his use of indistinct light, which sometimes masked the landscape and was achieved through tiny, delicate brushstrokes, a characteristic of the Hudson River School.

As we recognize the 150th anniversary of the start of the Civil War, I ask the House of Representatives to commend the achievements of Albert Bierstadt and Sanford Robinson Gifford, and the impact and legacy of the Hudson River School.

RECOGNIZING THE 10TH ANNIVERSARY OF HONDA MANUFACTURING OF ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully request the House's attention today to help congratulate Honda Manufacturing of Alabama on its 10th anniversary as an economic engine and community partner in Lincoln, Alabama.

Ten years ago, on November 14, 2001, Honda Manufacturing of Alabama (HMA) started production of the first customer-ready Odyssey minivans and V–6 engines at its new plant in Lincoln. Today, the plant is Honda Motor Co.'s largest global light truck production source, with the capacity to produce more than 300,000 vehicles and engines each year. Its 3.5 million square foot manufacturing facility represents a capital investment of more than $2 billion.

In the midst of challenging economic times, HMA has provided a stable work environment for many people across the 3rd Congressional District and surrounding region. HMA employs more than 4,000 associates and recently announced plans to hire an additional 50 workers in manufacturing, engineering, purchasing and production management positions. Along with its 35 suppliers, HMA is responsible for more than 45,000 direct and indirect jobs in Alabama. Annually, Honda purchases more than $2 billion in goods and services from suppliers and businesses located in the state.

Honda's flexible manufacturing system allows the Lincoln facility to produce multiple models on the same assembly line, including Odyssey minivans, Pilot sport utility vehicles and Ridgeline pickup trucks. The plant will also begin manufacturing the Acura MDX sport utility vehicle in 2013, making it the first Acura product built by Alabama associates.

HMA is also a generous community partner and good neighbor. Over the last decade, HMA philanthropic contributions to Alabama charities, community and civic groups have totaled more than $7 million. Just this year, HMA associates committed both time and money to support local tornado relief efforts, in addition to Honda's corporate commitment of $150,000.

Mr. Speaker, I ask that my colleagues join me today in recognizing Honda Manufacturing of Alabama on its lot anniversary. HMA has been a dedicated partner to the citizens of Alabama in strengthening the relationships with the communities where its associates live and work. I am proud to congratulate them on their first ten years in our community, and wish them well in the coming decades.

CONGRATULATIONS TO STANISLAUS FOOD PRODUCTS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. DEHNAM. Mr. Speaker, I rise today to recognize and congratulate Stanislaus Food Products and the Cortopassi Family who were inducted as Stanislaus County Ag Hall of Fame ''Legends in Agriculture'' during a ceremony in Modesto, California on November 10, 2011.

Stanislaus Food Products employs about 160 people year-round and nearly 1,400 during the peak of packing each summer. It was founded in 1942 by the Quartaroli family, which sold it to the Piciullo family in 1969. The Cortopassi family bought it in 1978.

The son and grandson of Italian immigrants, Dean Cortopassi was born in 1937. Even though his family worked hard, he remembers plenty of laughter in their home. For the first 10 years of Cortopassi's life, the family lived on a farm. In 1947, they moved to a working-class Italian neighborhood, and Cortopassi's father commuted to their farm on the outskirts of town. ''In my community everyone was focused on 'getting ahead' to achieve a better life. It was a very insular community that was strong on values and family honor. My parents concentrated on work and 'getting ahead.' They would constantly say 'go to school, get a good job, and have a good life.' They both saw farming as a tough way to make a living and they didn't want that for their children, but it was all I ever wanted to do.''

As a youngster, Cortopassi clearly remembers playing farmer in his sandbox with toy wooden tractors his father had made for him. ''My father was a hero for me,'' he says, ''and I think that's why I loved farming so much.'' Cortopassi began working on the farm when he was 10, driving a grain truck from field to bin, and when he was 12, graduated to the top tractor job on the farm: pulling the grain harvester.

Cortopassi attended a one-room schoolhouse during his first three years and was skipped ahead one grade when the family moved to town. In his last semester of high school, Cortopassi contracted rheumatic fever, which left him with a damaged heart valve and a prohibition against physical activity. He attended junior college for two semesters, trying to catch up with friends away at college, but quit school to work full time as a commercial/truck driver. Within six months his high-energy work habits resulted in a mild heart attack and complete prohibition from any physical labor for two years.

Having few options, Cortopassi enrolled in a two-year agriculture course at the University of California-Davis, graduating in 1958. He joined the Pillsbury Company as a grain buyer/trader, and at the same time he and his younger brother began farming 65 rented acres with rented equipment. By 1961, the brothers were into full-time farming, followed by years of both adversities and success. Twenty years later, Cortopassi Farms included 10,000 acres.

By 1968, Cortopassi had achieved his dream of farming on a large scale, but felt limited by farming's strategic limitations, so he went into partnership with another farmer and bought a small Los Angeles-based food specialties company that sold its products through

the supermarket channel. Ten years later, the partners sold the specialties company and raised a larger partnership to buy a tomato processing company, Stanislaus Food Products (SFP), which became Cortopassi's primary endeavor as he began scaling down farming activities.

Following a poor farming year in 1982, his partner elected to sell his SFP stock ownership, which Cortopassi bought with borrowed bank debt. In 1986, he re-mortgaged his entire SFP ownership to buy out all remaining shareholders. Over the past 25 years, SFP has become the largest ''fresh-pack'' cannery in the world, and is the market-share leader of tomato products for Italian restaurants/pizzerias throughout the United States and Canada.

Cortopassi currently serves as CEO of San Tomo Group, and in that position provides ''coaching'' to younger presidents of agribusiness entities in which his family are shareholders, including Stanislaus Food Products, Cortopassi Partners, Cocoa Farms, Lodi Farming Company, and Del Rio Partners.

When asked how he defines success, Cortopassi says, ''It's constantly striving to perform at maximum potential without compromising personal values. It's about my word, my family, and my honor. I always remember a metaphor from the Greek classics about Plato's ring. Plato told his students that to know your own morality, imagine slipping on a magic ring that made you invisible and therefore able to do bad deeds without anyone ever knowing. If you had such a ring, how would you behave? The answer to that question is the definition of your morality.''

Cortopassi advises young people to choose a line of work they can be passionate about, and then to seek work from the best company in that industry. ''When you go to work for the best doing something you like, you're earning double pay because in addition to salary you're learning keys to success.''

Outside of his family and business, Cortopassi is passionate about America. He says, ''I'm glad for my Italian roots, but I'm proud to be an American. My parents were particularly passionate about their American citizenship and are a living example of moving from meager circumstances in Italy and through determination and hard work achieving a better life in America. I believe in free enterprise and I want our country to continue providing 'getting ahead' opportunities for entrepreneurs.''

The company stresses quality in the products, whether it's sauce for a pizza or tomato strips with the trademarked name Filets. ''We only pack in the 70 days when the tomatoes are vine-ripe,'' Executive Vice President Bill Butler said. ''We do not remanufacture from paste.''

The products are sold under several labels, such as Alta Cucina, Saporito, Full Red and 7/11. These are not household names, and the company is fine with that. The growth in demand has slowed since the boom in Italian cuisine from the 1970s to 1990s, but the market remains strong. The products are widely distributed in the United States and Canada. The company works with growers to assure tomatoes with the right traits. It cooks the sealed cans for as short a time as possible, in the belief that overcooking impairs the flavor.

Stanislaus is part of a processing tomato industry that remains fairly strong in California, thanks to ideal growing conditions and the demand for pasta sauce, ketchup, salsa and other products. And food processing in general has kept people at work amid the economic slump.

Mr. Speaker, please join me in praising Stanislaus Food Products and the Cortopassi Family for their significant contributions to agriculture and to the people of the local community.

IN RECOGNITION OF THE HUMANITARIAN CONTRIBUTIONS OF CHARLES L. PERKINS SR.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to commend Charles L. Perkins, Sr. for his selfless dedication and commitment to our community. Charlie was recently honored by Youth for Tomorrow for his humanitarian activities, specifically his actions in providing food, clothing, and financial support to assist those in need in Northern Virginia.

I have had the privilege of personally knowing Charlie and his wife, Marian, for many years. Throughout this time, I have been struck by Charlie's persistent efforts to improve the lives of those in our community. Charlie, both personally and through his charitable trust foundation, has supported numerous organizations including Youth for Tomorrow, Homestretch, Legal Services of Northern Virginia, Special Olympics, as well as religious organizations that provide a path to escape gang violence and feed the hungry.

In addition to the many contributions to community non-profits, Charlie and his foundation provide assistance to individuals who have experienced financial hardships due to illness, unemployment or monetary shortages. Always looking ahead to build a better life for the next generation, the foundation also provides college tuition assistance. Charlie's mission is brilliant in its simplicity—to help those in need and enhance the dignity and quality of life of individuals, families, and communities by seeking out those in need. Charlie has more than accomplished this mission, and he has previously received the Lions of Virginia Distinguished Humanitarian Award and was named the Jobs for Virginia Graduates ''Man of the Decade''.

Through his own hard work and perseverance, Charlie rose from humble beginnings to become a highly successful business owner; however, he never rested on his many accomplishments and he always sought to give back to the community with great fervor, but little fanfare. In fact, Charlie eschews personal recognition, and it is only through the insistence of others that his many noble efforts receive the accolades they so richly deserve.

Mr. Speaker, I ask that my colleagues rise to join me in recognizing Charles L. Perkins, Sr. and in thanking him for his steadfast support of those in need within our community. I personally feel blessed to call Charlie a friend, and extend to him my deepest appreciation and respect.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 15, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 16

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine contractors.

SD–342

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine a progress report on management and structural reforms at the Securities and Exchange Commission (SEC).

SD–538

10:30 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the need for continued innovation in forecasting and prediction.

SR–253

2 p.m.

Joint Economic Committee

To hold hearings to examine manufacturing in the United States of America, focusing on paving the road to job creation.

SH–216

2:30 p.m.

Budget

To hold hearings to examine improving regulatory performance, focusing on lessons from the United Kingdom.

SD–608

Judiciary

To hold hearings to examine the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.

SD–226

United States Senate Caucus on International Narcotics Control

To hold hearings to examine the United States-Caribbean Security Cooperation, focusing on drug-related violence in the Caribbean and United States security assistance through the Caribbean Basin Security Initiative.

SD–562

NOVEMBER 17

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, Department of Defense, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

SD–G50

Energy and Natural Resources

To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

SD–366

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Maurice A. Jones, of Virginia, to be a Deputy Secretary, and Carol J. Galante, of Virginia, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

SD–538

Environment and Public Works

Superfund, Toxics and Environmental Health Subcommittee

To hold joint hearings to examine the ''Safe Chemicals Act''.

SD–406

Finance

To hold hearings to examine the nominations of Mary John Miller, of Maryland, to be an Under Secretary, and Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary, both of the Department of the Treasury, Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court, and Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine ''The Americans with Disabilities Act'' and accessible transportation, focusing on challenges and opportunities.

SD–430

Judiciary

Business meeting to consider S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas.

SD–226

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine NASA's human space exploration, focusing on direction, strategy and progress.

SR–253

Joint Economic Committee

To hold hearings to examine if tax reform can boost business investment and job creation.

SH–216

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD–628

2:30 p.m.

Commerce, Science, and Transportation

Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine tourism in America, focusing on moving our economy forward.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR–418

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD–226

DECEMBER 8

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7395–S7419

Measures Introduced: One bill and one resolution were introduced, as follows: S. 1860, and S. Res. 322. **Page S7415**

Measures Reported:

S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign. **Page S7415**

Measures Passed:

Crohn's and Colitis Awareness Week: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 199, supporting the goals and ideals of ''Crohn's and Colitis Awareness Week'', and the resolution was then agreed to. **Pages S7417–18**

COPD Awareness Month: Senate agreed to S. Res. 322, designating November 2011 as ''COPD Awareness Month''. **Page S7418**

Measures Considered:

Energy and Water Development and Related Agencies Appropriations Act—Agreement: Senate began consideration of H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012. **Pages S7396–S7413**

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:15 p.m., on Tuesday, November 15, 2011. **Page S7418**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (Treaty Doc. No. 112–4).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S7418**

Gleason and Rogers Nominations—Agreement: A unanimous-consent agreement was reached providing that at 11 a.m., on Tuesday, November 15, 2011, Senate begin consideration of the nominations of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California, under the order of Thursday, November 10, 2011. **Page S7418**

Nominations Confirmed: Senate confirmed the following nominations:

Routine lists in the Coast Guard.

Pages S7417, S7418–19

Enrolled Bills Presented: **Page S7415**

Additional Cosponsors: **Page S7415**

Statements on Introduced Bills/Resolutions: **Pages S7415–16**

Additional Statements: **Pages S7414–15**

Amendments Submitted: **Pages S7416–17**

Adjournment: Senate convened at 2 p.m. and adjourned at 4:58 p.m., until 10 a.m. on Tuesday, November 15, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7418.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 3404–3421; and 5 resolutions, H.J. Res. 86; and H. Res. 462–465 were introduced.

Pages H7577–78

Additional Cosponsors: **Pages H7578–79**

Reports Filed: Reports were filed today as follows:

H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse" (H. Rept. 112–282);

H. Res. 463, providing for consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State (H. Rept. 112–283); and

Conference report on 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 (H. Rept. 112–284).

Pages H7433–H7576, H7577

Speaker: Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today. **Page H7407**

Recess: The House recessed at 2:05 p.m. and reconvened at 4:32 p.m. **Page H7408**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Redesignating the Noxubee National Wildlife Refuge: H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; **Pages H7408–09**

Officer John Maguire Post Office Designation Act: S. 1412, to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office", by a ⅔ yea-and-nay vote of 385 yeas with none voting "nay", Roll No. 837;

Pages H7411–12, H7418

Army Specialist Matthew Troy Morris Post Office Building Designation Act: H.R. 298, to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building", by a ⅔ yea-and-nay vote of 391 yeas with none voting "nay", Roll No. 838; and **Pages H7412–13, H7418–19**

Sergeant Angel Mendez Post Office Designation Act: H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office", by a ⅔ yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 839. **Pages H7413–14, H7419–20**

Recess: The House recessed at 5:51 p.m. and reconvened at 6:30 p.m. **Page H7417**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Private First Class Alejandro R. Ruiz Post Office Building Designation Act: H.R. 3004, to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building"; **Pages H7409–11**

Tomball Veterans Post Office Designation Act: H.R. 2660, to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office"; **Pages H7414–15**

Trooper Joshua D. Miller Post Office Building Designation Act: H.R. 2415, to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building"; and **Pages H7415–16**

Alto Lee Adams, Sr., United States Courthouse Designation Act: H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse". **Pages H7416–17**

Late Report: Agreed that the managers on the part of the House have until midnight tonight, November 14th, to file the conference report to accompany H.R. 2112. **Page H7418**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H7407–08.

Senate Referrals: S. 363 was referred to the Committee on Natural Resources. **Pages H7407–08, H7433**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7418, H7418–19 and H7419–20. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 9:16 p.m.

Committee Meetings

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Committee on Rules: Full Committee held a hearing on H.R. 822, the ''National Right-to-Carry Reciprocity Act of 2011.'' The Committee granted, by voice vote, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

Testimony was heard from Chairman Smith of Texas; Rep. Scott of Virginia; Rep. Nadler; Rep. Jackson Lee of Texas; Rep. Johnson of Illinois; and Rep. Maloney.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 15, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: To hold hearings to examine security issues relating to Iraq, 9:30 a.m., SH–216.

Full Committee, closed business meeting to consider proposed changes to the fiscal year 2012 National Defense Authorization Act, 2:30 p.m., SR–236.

Committee on Banking, Housing, and Urban Affairs: To hold an oversight hearing to examine the Federal Housing Finance Agency, 10 a.m., SD–538.

Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine financial security issues facing older Americans, 3 p.m., SD–538.

Committee on the Budget: To hold hearings to examine the economic effects of fiscal policy choices, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: To hold hearings to examine the nominations of Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, and Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: To hold hearings to examine the Department of Energy's Quadrennial Technology Review (QTR), and S. 1703, to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and S. 1807, to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, 10 a.m., SD–366.

Committee on Foreign Relations: Business meeting to consider S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, S. Res. 317, expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi, and the nominations of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, all of the Department of State, and routine lists in the Foreign Service, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine medical devices, focusing on protecting patients and promoting innovation, 2:30 p.m., SD–G50.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security, 3 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Crime and Terrorism, to hold hearings to examine the ''Fix Gun Checks Act'', focusing on better state and Federal compliance, and smarter enforcement, 2:30 p.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 3:30 p.m., SH–219.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Belarus, focusing on the ongoing crackdown and forces for change, including the extent and impact of the crackdown on the lives of its victims and on the larger society, and what more can be done by the United States and European partners to promote democratic change in Belarus, 10:30 a.m., 210, Cannon Building.

Commission on Security and Cooperation in Europe: to hold hearings to examine the Arab Spring and Coptic Winter, focusing on sectarian violence and democratic transition in Egypt, 2 p.m., 210, Cannon Building.

CONGRESSIONAL PROGRAM AHEAD

Week of November 15 through November 19, 2011

Senate Chamber

On *Tuesday,* at approximately 11 a.m., Senate will begin consideration of the nominations of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California, and vote on confirmation of the nominations at approximately 12 noon.

On *Tuesday,* at 2:15 p.m., Senate will continue consideration of H.R. 2354, Energy and Water Development and Related Agencies Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: November 15, to hold hearings to examine security issues relating to Iraq, 9:30 a.m., SH–216.

November 15, Full Committee, closed business meeting to consider proposed changes to the fiscal year 2012 National Defense Authorization Act, 2:30 p.m., SR–236.

November 17, Full Committee, to hold hearings to examine the nominations of Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, Department of Defense, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: November 15, to hold an oversight hearing to examine the Federal Housing Finance Agency, 10 a.m., SD–538.

November 15, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine financial security issues facing older Americans, 3 p.m., SD–538.

November 16, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine a progress report on management and structural reforms at the Securities and Exchange Commission (SEC), 9:30 a.m., SD–538.

November 17, Full Committee, to hold hearings to examine the nominations of Maurice A. Jones, of Virginia, to be a Deputy Secretary, and Carol J. Galante, of Virginia, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, 10 a.m., SD–538.

Committee on the Budget: November 15, to hold hearings to examine the economic effects of fiscal policy choices, 10 a.m., SD–608.

November 16, Full Committee, to hold hearings to examine improving regulatory performance, focusing on lessons from the United Kingdom, 2:30 p.m., SD–608.

Committee on Commerce, Science, and Transportation: November 15, to hold hearings to examine the nominations of Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, and Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner, 2:30 p.m., SR–253.

November 16, Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine the need for continued innovation in forecasting and prediction, 10:30 a.m., SR–253.

November 17, Subcommittee on Science and Space, to hold hearings to examine NASA's human space exploration, focusing on direction, strategy and progress, 10 a.m., SR–253.

November 17, Subcommittee on Competitiveness, Innovation, and Export Promotion, to hold hearings to examine tourism in America, focusing on moving our economy forward, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: November 15, to hold hearings to examine the Department of Energy's Quadrennial Technology Review (QTR), and S. 1703, to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and S. 1807, to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, 10 a.m., SD–366.

November 17, Full Committee, to hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management, 9:30 a.m., SD–366.

Committee on Environment and Public Works: November 17, with the Subcommittee on Superfund, Toxics and Environmental Health, to hold joint hearings to examine the "Safe Chemicals Act", 10 a.m., SD–406.

Committee on Finance: November 17, to hold hearings to examine the nominations of Mary John Miller, of Maryland, to be an Under Secretary, and Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary, both of the Department of the Treasury, Kathleen

Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court, and Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board, 10 a.m., SD–215.

Committee on Foreign Relations: November 15, business meeting to consider S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, S. Res. 317, expressing the sense of the Senate regarding the liberation of Libya from the dictatorship led by Muammar Qaddafi, and the nominations of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, all of the Department of State, and routine lists in the Foreign Service, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: November 15, to hold hearings to examine medical devices, focusing on protecting patients and promoting innovation, 2:30 p.m., SD–G50.

November 17, Full Committee, to hold hearings to examine ''The Americans with Disabilities Act'' and accessible transportation, focusing on challenges and opportunities, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: November 15, to hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security, 3 p.m., SD–342.

November 16, Full Committee, to hold hearings to examine contractors, 9 a.m., SD–342.

Committee on Indian Affairs: November 17, to hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes, 2:15 p.m., SD–628.

Committee on the Judiciary: November 15, Subcommittee on Crime and Terrorism, to hold hearings to examine the ''Fix Gun Checks Act'', focusing on better state and Federal compliance, and smarter enforcement, 2:30 p.m., SD–226.

November 16, Full Committee, to hold hearings to examine the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri, 2:30 p.m., SD–226.

November 17, Full Committee, business meeting to consider S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas, 10 a.m., SD–226.

Select Committee on Intelligence: November 15, to hold closed hearings to examine certain intelligence matters, 3:30 p.m., SH–219.

November 17, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

United States Senate Caucus on International Narcotics Control: November 16, to hold hearings to examine the United States-Caribbean Security Cooperation, focusing on drug-related violence in the Caribbean and United States security assistance through the Caribbean Basin Security Initiative, 2:30 p.m., SD–562.

House Committees

Committee on Armed Services, November 16, Subcommittee on Tactical Air and Land Forces, hearing on United States Marine Corps Acquisition and Modernization, 2 p.m., 2118 Rayburn.

November 17, Panel on Defense Financial Management and Audibility Reform, hearing on Industry Perspectives on Achieving Audit Readiness, 8 a.m., 2212 Rayburn.

November 18, Panel on Business Challenges within the Defense Industry, hearing on Creating a 21st Century Defense Industry, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, November 16, Subcommittee on Early Childhood, Elementary, and Secondary Education, hearing entitled ''Education Research: Identifying Effective Programs to Support Students and Teachers.'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, November 15, Subcommittee on Health, markup of H.R. 1173, the ''Fiscal Responsibility and Retirement Security Act of 2011.'' 10 a.m., 2123 Rayburn.

November 16, Subcommittee on Communications and Technology, markup of the following: H.R. 3309, the ''Federal Communications Commission Process Reform Act of 2011''; and H.R. 3310, the ''Federal Communications Commission Consolidated Reporting Act of 2011.'' 9 a.m., 2123 Rayburn.

November 17, Subcommittee on Oversight and Investigations, hearing entitled ''The Solyndra Failure: Views from DOE Secretary Chu.'' 9 a.m., 2123 Rayburn.

November 18, Subcommittee on Commerce, hearing entitled ''Internet Gaming: Regulating in an Online World.'' 9 a.m., 2123 Rayburn.

Committee on Financial Services, November 15, full Committee, markup of H.R. 1221, the ''Equity in Government Compensation Act of 2011.'' 10 a.m., 2128 Rayburn.

November 15, Subcommittee on Capital Markets and Government Sponsored Enterprises, markup of the following: H.R. 2586, the ''Swap Execution Facility Clarification Act''; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; H.R. 3045, the ''Retirement Income Protection Act of 2011''; H.R. 1838, to repeal a provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act prohibiting any Federal bailout of swap dealers or participants; and H.R. 2308, the ''SEC Regulatory Accountability Act.'' Noon (or at the conclusion of the full Committee markup), 2128 Rayburn.

November 16, Subcommittee on Financial Institutions and Consumer Credit; and the Subcommittee on Capital Markets and Government Sponsored Enterprises, joint hearing on H.R. 1697, the ''Communities First Act.'' 2 p.m., 2128 Rayburn.

November 16, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''Insurance Oversight and Legislative Proposals.'' 10 a.m., 2128 Rayburn.

November 17, Subcommittee on Financial Institutions and Consumer Credit, markup of the following: H.R. 1588, the ''Consumer Rental Purchase Agreement Act''; and H.R. 1723, the ''Common Sense Economic Recovery Act of 2011.'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, November 15, Subcommittee on Europe and Eurasia, hearing entitled ''The State of Affairs in the Balkans.'' 11 a.m., 2200 Rayburn.

November 15, Subcommittee on Asia and the Pacific, hearing entitled ''Feeding the Dragon: Reevaluating U.S. Development Assistance to China.'' 11:30 a.m., 2172 Rayburn.

November 16, full Committee, hearing entitled ''Righting the Enduring Wrongs of the Holocaust: Insurance Accountability and Rail Justice.'' 10 a.m., 2172 Rayburn.

November 17, full Committee, mark-up of the following: H.R. 2918, the ''Taiwan Policy Act of 2011;'' and H.R. 2992, the ''Taiwan Airpower Modernization Act of 2011.'' 10 a.m., 2172 Rayburn.

November 17, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled ''The 2011 International Religious Freedom Report.'' 3 p.m., 2172 Rayburn.

November 17, Subcommittee on Terrorism, Nonproliferation, and Trade, ''Narcoterrorism and the Long Reach of U.S. Law Enforcement, Part II.'' 2 p.m., 2200 Rayburn.

Committee on Homeland Security, November 15, Subcommittee on Border and Maritime Security, hearing entitled ''Protecting the Homeland: How can DHS use DOD Technology to Secure the Border?'' 10 a.m., 311 Cannon.

November 15, Subcommittee on Counterterrorism and Intelligence, markup of H.R. 3140, to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems. 2 p.m., 311 Cannon.

November 17, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies will hold a hearing entitled ''S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation and Strengthen Homeland Security.'' 10 a.m., 311 Cannon.

November 17, Subcommittee on Emergency Preparedness, Response, and Communications, hearing entitled ''Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security.'' 2 p.m., 311 Cannon.

Committee on the Judiciary, November 15, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled ''Cyber Security: Protecting America's New Frontier.'' 10 a.m., 2141 Rayburn.

November 15, Subcommittee on Courts, Commercial and Administrative Law, hearing entitled ''Recognition and Enforcement of Foreign Judgments.'' 1:30 p.m., 2141 Rayburn.

November 16, full Committee, hearing on H.R. 3261, the ''Stop Online Piracy Act.'' 10 a.m., 2141 Rayburn.

November 17, full Committee, markup of the following: H.R. 1996, the ''Government Litigation Savings Act''; H.R. 1864, the ''Mobile Workforce State Income Tax Simplification Act of 2011''; H.R. 3256, the ''Deport Convicted Foreign Criminals Act of 2011''; and H.R. 2815, to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership. 10 a.m., 2141 Rayburn.

Committee on Natural Resources, November 15, Subcommittee on National Parks, Forests and Public Lands, hearing on ''Forest Service Regulatory Roadblocks to Productive Land Use and Recreation: Proposed Planning Rule, Special-use Permits, and Travel Management.'' 10 a.m., 1324 Longworth.

November 16, full Committee, hearing entitled ''The Future of U.S. Oil and Natural Gas Development on Federal Lands and Waters.'' 10 a.m., 1324 Longworth.

November 18, full Committee, hearing entitled ''ANWR: Jobs, Energy and Deficit Reduction.'' 2 p.m., 1324 Longworth.

November 18, Subcommittee on Energy and Mineral Resources, hearing on the following: the ''American-Made Energy and Infrastructure Jobs Act''; the ''Alaskan Energy for American Jobs Act''; ''Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act;'' and the ''Coal Miner Employment and Domestic Energy Infrastructure Protection Act.''

Committee on Oversight and Government Reform, November 15, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing entitled ''Back to the Basics: Is OPM Meeting its Mission?'' 9:30 a.m., 2154 Rayburn.

November 15, Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled ''Progress of the Obama Administration's Policy Toward Iran.'' 10 a.m., 2247 Rayburn.

November 15, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled ''How Roadblocks in Public Markets Prevent Job Creation on Main Street.'' 9:30 a.m., 2203 Rayburn.

November 16, full Committee, hearing entitled ''Pay for Performance: Should Fannie and Freddie Executives Be Receiving Millions in Bonuses?'' 10 a.m., 2154 Rayburn.

November 16, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled ''On the Frontlines in the Acquisition Workforce's Battle Against Taxpayer Waste.'' 1:30 p.m., 2247 Rayburn.

November 17, full Committee, business meeting, 9:30 a.m., 2154 Rayburn.

Committee on Rules, November 15, full Committee, hearing on providing for consideration of motions to suspend the rules, 3 p.m., H–313 Capitol.

November 16, full Committee, markup of H.R. 10, the ''Regulations From the Executive in Need of Scrutiny (REINS) Act of 2011.'' 2 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, November 15, Subcommittee on Space and Aeronautics, hearing entitled ''Exploring Mars and Beyond: What's Next for U.S. Planetary Science?'' 10 a.m., 2318 Rayburn.

November 15, Subcommittee on Technology and Innovation, markup of the ''Natural Hazards Risk Reduction Act of 2011.'' 1 p.m., 2318 Rayburn.

November 17, Subcommittee on Energy and Environment, hearing entitled ''Fostering Quality Science at EPA: The Need for Common Sense Reform.'' 2 p.m., 2318 Rayburn.

Committee on Small Business, November 17, Subcommittee on Agriculture, Energy and Trade, hearing entitled ''Adrift in New Regulatory Burdens and Uncertainty: A Review of Proposed and Potential Regulations on Family Farmers.'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, November 16, Subcommittee on Water Resources and Environment, hearing entitled ''Hydraulic Fracturing of Shale Beds: Ensuring Regulatory Approaches that Will Help Protect Jobs and Domestic Energy Production.'' 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, November 15, full Committee, hearing on Potential Budgetary Savings Within VA: Recommendations from Veterans' Service Organizations, 10 a.m., 334 Cannon.

Committee on Ways and Means, November 15, Subcommittee on Oversight, hearing on the Small Business Health Insurance Tax Credit created by the Patient Protection and Affordable Care Act, 10:30 a.m., 1100 Longworth.

November 17, Subcommittee on Select Revenue Measures, hearing on the international tax reform discussion draft released on October 26, 2011 by the Committee on Ways and Means, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, November 17, full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

Joint Meetings

Commission on Security and Cooperation in Europe: November 15, to hold hearings to examine Belarus, focusing on the ongoing crackdown and forces for change, including the extent and impact of the crackdown on the lives of its victims and on the larger society, and what more can be done by the United States and European partners to promote democratic change in Belarus, 10:30 a.m., 210, Cannon Building.

Joint Economic Committee: November 17, to hold hearings to examine if tax reform can boost business investment and job creation, 10 a.m., SH–216.

Joint Economic Committee: November 16, to hold hearings to examine manufacturing in the United States of America, focusing on paving the road to job creation, 2 p.m., SH–216.

Commission on Security and Cooperation in Europe: November 15, to hold hearings to examine the Arab Spring and Coptic Winter, focusing on sectarian violence and democratic transition in Egypt, 2 p.m., 210, Cannon Building.

Next Meeting of the SENATE

10 a.m., Tuesday, November 15

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will begin consideration of the nominations of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California, with votes on confirmation of the nominations at approximately 12 noon. At 2:15 p.m., Senate will continue consideration of H.R. 2354, Energy and Water Development and Related Agencies Appropriations Act.

(Senate will recess following the votes on confirmation of the nominations until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, November 15

House Chamber

Program for Tuesday: Complete consideration of H.R. 2838—Coast Guard and Maritime Transportation Act of 2011. Begin consideration of H.R. 822—National Right-to-Carry Reciprocity Act of 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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