JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Wednesday, the fifth day of January, in the year of our Lord two thousand and eleven, being the *first session* of the ONE HUNDRED TWELFTH CONGRESS, held under the Constitution of the United States, and in the two hundred and thirty-fifth year of the independence of the United States.

THURSDAY, OCTOBER 27, 2011 (140)

¶140.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WOMACK, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
October 27, 2011.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶140.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WOMACK, announced he had examined and approved the Journal of the proceedings of Wednesday, October 26, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶140.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3617. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index; Commission Certification Procedures (RIN: 3038-AC54) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3618. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Isopyrazam; Pesticide Tolerances [EPA-HQ-OPP-2009-0906; FRL-8874-6] received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3619. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothicocnazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0053; FRL-8884-2] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3620. A letter from the Senior Counsel, Financial Stability Oversight Council, transmitting the Council's final rule — Authority To Designate Financial Market Utilities as Systemically Important (RIN: 4030-AA01) received August 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3621. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0160; FRL-9477-6] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3622. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Determination of Clean Data for the Annual 1997 Fine Particle Standard for the Charleston Area [EPA-R03-OAR-2011-0454; FRL-9477-5] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3623. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0471-201071; FRL-9476-5] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3624. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — California: Final Authorization of State Hazardous Waste Management Program Revision [FRL-9476-2] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3625. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado Regulation Number 3: Revisions to the Air Pollutant Emission Notice Requirements and Exemptions [EPA-R08-OAR-2007-0649; FRL-9290-2] received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3626. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2011 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2008-0321; FRL-9473-5] (RIN: 2060-AP92) received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3627. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-8880-2] (RIN: 2070-AB27) received September 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3628. A letter from the Speaker of the House of Representatives, Parliamentary Assembly of Bosnia and Herzegovina, transmitting a letter expressing sympathy for the families of the victims of the September 11, 2001 terrorist attacks; to the Committee on Foreign Affairs.

3629. 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; Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA587) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3630. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH [Docket No.: USCG-2011-0708] (RIN: 1625-AA11) received

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Georgetown Channel, Washington, DC [Docket No.: USCG-2011-0760] (RIN: 1625-AA87) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation and Safety Zones; Marine Events in Captain of the Port Long Island Sound Zone [Docket No.: USCG-2011-0553] (RIN: 1625-AA08; 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; August Fireworks Displays and Swim Events in the Captain of the Port New York Zone [Docket No.: USCG-2011-0688] (RIN: 1625-AA00) September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the National Adjuntant, Chief Executive Officer, Disabled American Veterans, transmitting the report of the proceedings of the organization's National Convention, including their annual audit report of receipts and expenditures as of December 31, 2011, pursuant to 44 U.S.C. 1332; (H. Doc. No. 112—68); to the Committee on Veterans' Affairs and ordered to be printed.

3635. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2010 Findings on the Worst Forms of Child Labor"; to the Committee on Ways and Means.

¶140.4 3 PERCENT WITHHOLDING

Mr. CAMP, pursuant to House Resolution 448, called up for consideration the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities.

Pending consideration of said bill,

Pursuant to House Resolution 448, the following amendment, printed in House Report 112-261, was considered as agreed to:

Page 3, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "3% Withholding Repeal and Job Creation Act".

Page 3, line 3, strike "SECTION 1." and insert "SEC. 2.".

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 448, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the bill were postponed.

¶140.5 HEALTHCARE-RELATED PROGRAMS

Mr. CAMP, pursuant to House Resolution 448, called up for consideration the bill (H.R. 2576) to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 448, the previous question was ordered on the bill.

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

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Mr. LEVIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 262 / Nays 157

¶140.6 [Roll No. 813]

YEAS—262

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

NAYS—157

Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Woolsey
Yarmuth

NOT VOTING—14

Ackerman
Bachmann
Clay
Giffords
Grimm
Hinchey
Miller, Gary
Polis
Ros-Lehtinen
Ryan (OH)
Turner (NY)
Visclosky
Wilson (FL)
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶140.7 3 PERCENT WITHHOLDING

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities.

Mr. ANDREWS moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF RELIEF TO COMPANIES FOUND DELINQUENT IN PAYING THEIR FEDERAL TAXES.

(a) IN GENERAL.—Paragraph (1) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking ''any person providing'' and inserting ''any Federal tax delinquent which provides''.

(b) FEDERAL TAX DELINQUENT.—Subsection (t) of section 3402 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) FEDERAL TAX DELINQUENT.—The term 'Federal tax delinquent' means any person who owes a delinquent tax debt (as defined in section 6103(l)(22)(C)).''.

(c) CONFORMING AMENDMENT.—Subsection (t) of section 3402 of such Code is amended by inserting ''TO FEDERAL TAX DELINQUENTS'' after ''PAYMENTS MADE BY GOVERNMENT ENTITIES'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. DENHAM, announced that the nays had it.

Mr. ANDREWS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 183 / Nays ..... 235 }

¶140.8 [Roll No. 814]

AYES—183

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

NOES—235

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

NOT VOTING—15

Ackerman
Bachmann
Cicilline
Giffords
Grimm
Hinchey
Miller, Gary
Platts
Poe (TX)
Polis
Ros-Lehtinen
Turner (NY)
Visclosky
Wilson (FL)
Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays ..... 16 }

¶140.9 [Roll No. 815]

YEAS—405

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett

Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
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
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—16

Clarke (NY)
Edwards
Fudge
Gutierrez
Jackson Lee (TX)
Kucinich
Lee (CA)
Lofgren, Zoe
Olver
Payne
Richmond
Schakowsky
Stark
Thompson (MS)
Waters
Woolsey

NOT VOTING—12

Ackerman
Bachmann
Giffords
Grimm
Hinchey
Johnson (IL)
Miller, Gary
Polis
Visclosky
Wilson (FL)
Woodall
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 3(b) of House Resolution 448, H.R. 2576 was laid on the table.

¶140.10 ADJOURNMENT OVER

On motion of Mr. THOMPSON of Pennsylvania, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 1 p.m. on Monday, October 31, 2011.

And then,

¶140.11 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 12 o'clock and 58 minutes p.m., the House adjourned until 1 p.m. on Monday, October 31, 2011.

¶140.12 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. OLSON (for himself, Ms. MCCOLLUM, Mr. PRICE of Georgia, Mr. LATHAM, Mr. HARRIS, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mrs. BLACKBURN, Mr. BUCSHON, Mr. LANCE, Mr. HARPER, Mr. BROUN of Georgia, Mr. POE of Texas, Mr. BURGESS, Mr. OWENS, Mr. BARROW, Mr. DAVID SCOTT of Georgia, Mr. ROTHMAN of New Jersey, Mr. COURTNEY, Ms. MATSUI, Ms. FUDGE, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. MURPHY of Connecticut, Mrs. BONO MACK, Ms. JENKINS, Mr. DAVIS of Illinois, Mr. RUNYAN, Mr. BOREN, Mr. TIBERI, Mr. BONNER, Mr. STIVERS, and Mr. SCHOCK):

H.R. 3269. A bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. BILBRAY (for himself, Mr. FILNER, Mrs. DAVIS of California, Mr. ROHRABACHER, Mr. HUNTER, Mrs. NAPOLITANO, Ms. PELOSI, Ms. SPEIER, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mrs. BONO MACK, Mr. COSTA, Ms. RICHARDSON, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. SCHIFF, Mr. THOMPSON of California, Mr. DREIER, Mr. LANGEVIN, Mr. CICILLINE, Mr. CAMPBELL, Mr. GALLEGLY, Mr. LEWIS of California, Mr. STARK, Mr. FARR, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. NUNES, Mr. MCCLINTOCK, Mr. GARAMENDI, Ms. WOOLSEY, and Ms. LEE of California):

H.R. 3270. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; to the Committee on Transportation and Infrastructure.

By Ms. ROYBAL-ALLARD (for herself and Mr. POE of Texas):

H.R. 3271. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, 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. NEUGEBAUER:

H.R. 3272. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, 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. RIGELL:

H.R. 3273. A bill to amend title 46, United States Code, to authorize the Secretary of Homeland Security or of any other department in which the Coast Guard is operating to enter into agreements with foreign governments or international organizations for the performance of port security assessments on behalf of the Secretary, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, 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. CAMPBELL (for himself, Mr. POSEY, Mr. MANZULLO, Mrs. BLACKBURN, Mr. HUNTER, and Mr. BARROW):

H.R. 3274. A bill to direct the National Highway Traffic Safety Administration to establish a program allowing small volume vehicle manufacturers to produce not more than 1,000 vehicles annually within a regulatory system that addresses the unique safety and financial issues associated with limited production, and to direct the Environmental Protection Agency to allow low volume vehicle manufacturers to rely upon certificates of conformity issued to engines from certified vehicles; to the Committee on Energy and Commerce.

By Mr. BUCSHON:

H.R. 3275. A bill to amend the Internal Revenue Code of 1986 to disallow the refundable portion of the child credit to taxpayers using individual taxpayer identification numbers issued by the Internal Revenue Service; to the Committee on Ways and Means.

By Ms. CASTOR of Florida:

H.R. 3276. A bill to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building''; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Mr. TOWNS, Ms. RICHARDSON, Mr. RANGEL, Mr. NADLER, and Mr. JACKSON of Illinois):

H.R. 3277. A bill to amend title 38, United States Code, to improve and make permanent the Department of Veterans Affairs loan guarantee for the purchase of residential cooperative housing units, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself and Mr. CALVERT):

H.R. 3278. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal

land in the District of Columbia to commemorate the national significance of the fair housing movement in America; to the Committee on Natural Resources.

By Mr. REYES:

H.R. 3279. A bill to amend title 38, United States Code, to clarify that caregivers for veterans with serious illnesses are eligible for assistance and support services provided by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 3280. A bill to amend the Federal Power Act to establish a regional transmission planning process, and for other purposes; to the Committee on Energy and Commerce.

¶140.13 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 3281) for the relief of Ayded Reyes Benitez; which was referred to the Committee on the Judiciary.

¶140.14 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. SERRANO and Mr. TOWNS.
H.R. 210: Mr. CONNOLLY of Virginia.
H.R. 234: Mr. RIBBLE.
H.R. 569: Mrs. MYRICK.
H.R. 644: Mr. BOSWELL and Mr. WELCH.
H.R. 721: Mr. SCHILLING.
H.R. 735: Mr. ADERHOLT and Mr. DANIEL E. LUNGREN of California.
H.R. 749: Mr. NUNES.
H.R. 798: Ms. MOORE.
H.R. 1084: Mr. LARSON of Connecticut.
H.R. 1103: Mr. CLEAVER.
H.R. 1312: Mr. WEBSTER.
H.R. 1342: Mr. POLIS and Mr. GONZALEZ.
H.R. 1474: Mr. DESJARLAIS.
H.R. 1477: Mr. ACKERMAN.
H.R. 1513: Mr. LATOURETTE.
H.R. 1609: Mr. LABRADOR.
H.R. 1648: Ms. ZOE LOFGREN of California and Mr. DOGGETT.
H.R. 1653: Mr. MEEHAN, Mr. GRIFFIN of Arkansas, Mr. QUAYLE, Mrs. LUMMIS, Mr. DUFFY, and Mr. MCHENRY.
H.R. 1674: Mr. NUGENT.
H.R. 1834: Mr. MCCAUL, Mr. KING of New York, Mrs. BIGGERT, and Mr. HONDA.
H.R. 1842: Mr. CROWLEY.
H.R. 1865: Mr. HUIZENGA of Michigan.
H.R. 1925: Mr. HIGGINS.
H.R. 1965: Mr. KLINE.
H.R. 2020: Mr. ROTHMAN of New Jersey, Mr. PAULSEN, and Mr. DESJARLAIS.
H.R. 2053: Mr. HEINRICH.
H.R. 2063: Mr. RANGEL, Ms. BASS of California, and Ms. LEE of California.
H.R. 2070: Mr. LUETKEMEYER.
H.R. 2088: Mr. SCHIFF, Ms. EDWARDS, Ms. TSONGAS, Mr. LEWIS of Georgia, Mr. CAPUANO, and Ms. SPEIER.
H.R. 2214: Mr. PEARCE, Mr. WILSON of South Carolina, Mr. THORNBERRY, Mr. SCHOCK, Mr. GRAVES of Georgia, Mrs. CAPITO, Mr. GARRETT, Mr. DUFFY, Mr. LONG, Mr. WALSH of Illinois, and Mr. MULVANEY.
H.R. 2245: Mr. KING of New York.
H.R. 2264: Mr. LEVIN.
H.R. 2299: Mr. BERG.
H.R. 2367: Mr. SIMPSON.
H.R. 2369: Mr. WOODALL, Mr. BROUN of Georgia, Mr. AMODEI, and Mr. BISHOP of Utah.
H.R. 2412: Ms. ZOE LOFGREN of California.
H.R. 2446: Mr. BACA, Mr. ROE of Tennessee, and Mrs. BLACKBURN.
H.R. 2487: Mr. STARK.
H.R. 2514: Mr. HULTGREN and Mr. ROONEY.
H.R. 2516: Mr. NUGENT.
H.R. 2538: Mr. DANIEL E. LUNGREN of California.
H.R. 2563: Mr. BARTLETT.
H.R. 2853: Mr. GARAMENDI.
H.R. 2874: Mr. FLEMING.
H.R. 2888: Mr. FLORES.
H.R. 2910: Mr. POSEY.
H.R. 2945: Mr. LANKFORD.
H.R. 2967: Mr. FRANK of Massachusetts.
H.R. 2969: Mr. NADLER, Mr. FRANK of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. TIERNEY, Mr. BARTLETT, and Mr. JACKSON of Illinois.
H.R. 3029: Mr. LABRADOR, Mr. DESJARLAIS, Mr. SCOTT of South Carolina, Mr. MACK, Mrs. BONO MACK, Mr. SOUTHERLAND, Mr. MCHENRY, Mr. BILBRAY, Mr. MCCLINTOCK, Mr. GUINTA, Mr. HARRIS, Mr. KELLY, Mr. FARENTHOLD, Mr. JORDAN, Mr. STUTZMAN, and Mr. GOHMERT.
H.R. 3033: Mr. ISSA, Mr. CANSECO, and Mr. HINOJOSA.
H.R. 3044: Mr. LAMBORN, Mr. GOHMERT, Mr. POSEY, and Mr. DUNCAN of South Carolina.
H.R. 3046: Mr. DAVIS of Kentucky, Mr. OWENS, and Mr. HONDA.
H.R. 3055: Ms. LEE of California.
H.R. 3056: Mr. SCOTT of Virginia.
H.R. 3059: Mr. NUNNELEE and Mr. SMITH of Washington.
H.R. 3074: Mr. BACHUS, Mr. CRAVAACK, Mr. HURT, and Mr. HUIZENGA of Michigan.
H.R. 3088: Mr. POLIS and Mr. COHEN.
H.R. 3094: Mr. CANSECO, Mr. RIBBLE, Mr. WALSH of Illinois, Mrs. MYRICK, Mrs. SCHMIDT, Mr. DUNCAN of South Carolina, Mr. HARRIS, Mr. PEARCE, and Mr. BARTLETT.
H.R. 3102: Ms. NORTON.
H.R. 3123: Mr. MARCHANT, Mr. PAULSEN, and Mr. NUNES.
H.R. 3151: Ms. MOORE, Ms. LEE of California, Mr. SERRANO, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Ms. NORTON, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, and Mr. VAN HOLLEN.
H.R. 3156: Mr. MARCHANT.
H.R. 3178: Mr. LOEBSACK and Ms. RICHARDSON.
H.R. 3200: Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. KIND, Mr. SHIMKUS, and Mr. MCKINLEY.
H.R. 3206: Mr. CULBERSON.
H.R. 3211: Mr. CULBERSON.
H.R. 3218: Mr. WALSH of Illinois, Mr. ROKITA, Mr. REHBERG, Mr. POE of Texas, and Mr. BROOKS.
H.R. 3236: Mr. FARR.
H.R. 3262: Mr. GOWDY, Mr. HUIZENGA of Michigan, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. KELLY, Mr. ROSKAM, Mr. FLORES, Mr. CRAWFORD, and Mr. CRAVAACK.
H.R. 3268: Mr. FILNER, Ms. JACKSON LEE of Texas, and Mr. CONNOLLY of Virginia.
H. Res. 111: Mr. RANGEL, Mr. BERG, Mr. HEINRICH, Mrs. ADAMS, Mr. TIPTON, Mr. BOREN, Mr. PERLMUTTER, and Ms. SCHWARTZ.
H. Res. 295: Mr. RIVERA.
H. Res. 416: Mr. JOHNSON of Illinois.
H. Res. 435: Mr. GERLACH.
H. Res. 449: Mr. CONNOLLY of Virginia.

¶140.15 PETITIONS

Under clause 3 of rule XII,

27. The SPEAKER presented a petition of Government Contractor Services, Tampa, Florida, relative to a letter protesting the the serious inequities in the procurement system; which was referred to the Committee on Oversight and Government Reform.

MONDAY, OCTOBER 31, 2011 (141)

¶141.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ROONEY, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
October 31, 2011.

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

JOHN A. BOEHNER,
Speaker.

¶141.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ROONEY, announced he had examined and approved the Journal of the proceedings of Thursday, October 27, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶141.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3636. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-198, ''New Issue Bond Program Tax Exemption Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3637. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-215, ''Meridian Public Charter School-Harrison Campus Property Tax Exemption Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3638. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-200, ''Closing of a Portion of a Public Alley in Square 1027, S.O. 06-5762, Act of 2011''; to the Committee on Oversight and Government Reform.

3639. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-201, ''Health Benefits Plan Grievance Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3640. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-176, ''KIPP DC — Shaw Campus Property Tax Exemption Act of 2011''; to the Committee on Oversight and Government Reform.

3641. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-175, ''Daylight Savings Time Extension of Hours Act of 2011''; to the Committee on Oversight and Government Reform.

3642. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-177, ''Health Professional Recruitment Program Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3643. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-174, ''Howard Theater Redevelopment Project Great Streets Initiative Tax Increment Financing Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3644. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-173, ''Accountant Mobility Act of 2011''; to the Committee on Oversight and Government Reform.

3645. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-172, ''Community Council for the Homeless at Friendship Place Equitable Real Property Tax Relief Act of 2011''; to the Committee on Oversight and Government Reform.

3646. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-171, ''Interstate Compact for Juveniles Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3647. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-170, ''Returning Citizens and Ex-Offender Services Reform Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3648. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-202, ''Child Abuse Prevention and Treatment Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3649. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-189, ''Creditor Calling Act of 2011''; to the Committee on Oversight and Government Reform.

3650. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-188, ''Mayor's Council on Physical Fitness, Health, and Nutrition Establishment Act of 2011''; to the Committee on Oversight and Government Reform.

3651. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-187, ''Martin Luther King, Jr., Drive Designation Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

3652. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-186, ''Real Property Tax Appeals Commission Establishment Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

3653. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-183, ''Revised Fiscal Year 2012 Budget Support Technical Clarification Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3654. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-182, ''DOC Inmate Processing and Release Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3655. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-180, ''Disposed Real Property Procurement Clarification Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3656. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-179, ''Pedestrian Safety Reinforcement Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3657. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-178, ''Public Space Permit Fee Waiver Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3658. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-185, ''Workforce Intermediary Task Force Establishment Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

3659. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-184, ''Caver 2000 Low-Income and Senior Housing Project Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

3660. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-181, ''United House of Prayer for All People Real Property Tax Exemption Act of 2011''; to the Committee on Oversight and Government Reform.

3661. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-210, ''Closing a Portion of the Public Alley in Square 2905, S.O. 11-4751, Act of 2011''; to the Committee on Oversight and Government Reform.

3662. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-211, ''Martin Luther King, Jr. Drive Designation Act of 2011''; to the Committee on Oversight and Government Reform.

3663. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-209, ''Rita B. Bright Family and Youth Center Designation Act of 2011''; to the Committee on Oversight and Government Reform.

3664. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-203, ''Residential Parking Protection Pilot Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3665. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-214, ''Green Building Technical Corrections Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3666. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-212, ''Public Sector Workers' Compensation Return to Work Clarifying Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3667. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-213, ''Public Space Permit Fee Waiver Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3668. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-199, ''The Park at LeDroit Designation Act of 2011''; to the Committee on Oversight and Government Reform.

3669. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory species; commercial Porbeagle Shark Fishery Closure (RIN: 0648-XA658) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3670. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA659) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3671. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA684) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3672. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA685) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3673. 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; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA673) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3674. 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; Other Rockfish, Other Flatfish, Sharks, and Skates in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA672) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3675. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Decrease for the Common Pool Fishery [Docket No.: 0910051338-0151-02] (RIN: 0648-XA652) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3676. 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; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Correction [Docket No.: 101029427-1413-03] (RIN: 0648-XY82) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3677. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River; Pittsburgh, PA [Docket No.: USCG-2011-0695] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Discovery World Private Wedding Firework Displays, Milwaukee, Wisconsin [Docket No.: USCG-2011-0717] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes [Docket No.: FAA-2011-0225; Directorate Identifier 2010-NM-211-AD; Amendment 39-16773; AD 2011-17-09] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Haviland, Inc.) [Docket No.: FAA-2011-0597; Directorate Identifier 2011-CE-019-AD; Amendment 39-16793; AD 2011-18-11] (RIN: 2120-AA64) received September 23,

2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2011-0476; Directorate Identifier 2010-NM-247-AD; Amendment 39-16787; AD 2011-18-05] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-28661 Directorate Identifier 2007-NM-013-AD; Amendment 39-16785; AD 2011-18-03] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N and SA-365N1 Helicopters [Docket No.: FAA-2011-0791; Directorate Identifier 2009-SW-29-AD; Amendment 39-16763; AD 2011-16-05] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-10E2A1; CF34-10E5; CF34-10E5A1; CF34-10E6; CF34-10E6A1; CF34-10E7; and CF34-10E7-B Turbofan Engines [Docket No.: FAA-2011-0187; Directorate Identifier 2011-NE-07-AD; Amendment 39-16784; AD 2011-18-02] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0515; Directorate Identifier 2009-NM-196-AD; Amendment 39-16776; AD 2011-17-12] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2011-0385; Directorate Identifier 2010-NM-256-AD; Amendment 39-16780; AD 2011-17-16] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No.: FAA-2009-1213; Directorate Identifier 2009-NM-097-AD; Amendment 39-16775; AD 2011-17-11] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2011-0088; Directorate Identifier 2010-CE-072-AD; Amendment 39-16779; AD 2011-17-15] (RIN: 2120-AA64) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

And then,

¶141.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. ROONEY, by unanimous consent, at 1 o'clock and 3 minutes p.m., declared the House adjourned.

¶141.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 2930. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; with an amendment (Rept. 112–262). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 2940. A bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D; with an amendment (Rept. 112–263). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. H.R. 2096. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; with an amendment (Rept. 112–264). Referred to the Committee of the Whole House on the state of the Union.

¶141.6 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. FALEOMAVAEGA:

H.R. 3282. A bill to amend title 39, United States Code, to increase the non-foreign area cost of living allowance for officers and employees of the United States Postal Service whose duty station is within American Samoa; to the Committee on Oversight and Government Reform.

By Mr. HIMES (for himself and Mr. GARRETT):

H.R. 3283. A bill to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to provide an exemption for certain swaps and security-based swaps involving Non-U.S. persons, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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:

H.R. 3284. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. ISSA:

H.R. 3285. A bill to amend the District of Columbia Home Rule Act to establish factors for making determinations on the suitability of individuals for employment with the District of Columbia Government, to require individuals to undergo criminal background checks as a condition of appointment in the excepted service of the District Government, and for other purposes; to the Committee on Oversight and Government Reform.

¶141.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. SHUSTER, Mr. ROGERS of Michigan, and Mr. MCCOTTER.
H.R. 140: Mr. DESJARLAIS.
H.R. 181: Mr. PRICE of North Carolina.
H.R. 459: Mr. LUCAS.
H.R. 668: Mr. BUCHANAN.
H.R. 708: Mr. SIRES.
H.R. 721: Mr. PEARCE.
H.R. 735: Mr. BURGESS.
H.R. 973: Mr. BROUN of Georgia.
H.R. 1093: Mr. HUELSKAMP, Mr. MCKEON, and Mr. HIGGINS.
H.R. 1113: Mr. OWENS.
H.R. 1173: Mr. HECK and Mr. TIBERI.
H.R. 1195: Ms. SEWELL.
H.R. 1244: Mr. FITZPATRICK and Mr. MCGOVERN.
H.R. 1370: Mr. NUNNELEE.
H.R. 1380: Mrs. ELLMERS.
H.R. 1394: Mr. MEEKS, Mr. TOWNS, Mr. CONNOLLY of Virginia, and Mr. PRICE of North Carolina.
H.R. 1478: Ms. SCHWARTZ.
H.R. 1488: Ms. CASTOR of Florida, Mr. DOGGETT, and Mr. SMITH of Washington.
H.R. 1639: Ms. BORDALLO, Mr. GRAVES of Georgia, Mr. SESSIONS, and Mr. DESJARLAIS.
H.R. 1723: Mr. HULTGREN.
H.R. 1873: Mr. HIGGINS and Ms. DEGETTE.
H.R. 1916: Mrs. MCCARTHY of New York, Mr. HIMES, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. LEWIS of Georgia, and Mr. HOLT.
H.R. 1957: Ms. HIRONO.
H.R. 2071: Mrs. BIGGERT.
H.R. 2128: Mr. NUNNELEE.
H.R. 2182: Mr. MILLER of North Carolina.
H.R. 2268: Mr. KINGSTON.
H.R. 2288: Mr. CARTER.
H.R. 2353: Mr. KING of New York.
H.R. 2443: Mr. BILIRAKIS and Mr. BENISHEK.
H.R. 2459: Mr. HANNA.
H.R. 2471: Mr. BUTTERFIELD.
H.R. 2505: Mr. TIERNEY and Mr. YOUNG of Indiana.
H.R. 2528: Mr. NUNNELEE.
H.R. 2541: Mr. ROGERS of Michigan, Mr. MCKINLEY, Mr. WITTMAN, Mr. FLEMING, and Mr. BENISHEK.
H.R. 2602: Mr. MANZULLO and Mr. SCHIFF.
H.R. 2662: Mr. DUNCAN of South Carolina, Mr. GOHMERT, Mr. BARTON of Texas, and Mr. HARRIS.
H.R. 2679: Mr. LATHAM, Mr. TOWNS, Mr. PETERS, Mr. BURGESS, and Mr. CICILLINE.
H.R. 2698: Mr. WALDEN and Mr. SCHRADER.
H.R. 2751: Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. MCDERMOTT, and Mr. LOEBSACK.
H.R. 2815: Mr. YOUNG of Florida.
H.R. 2833: Mr. FORBES and Mr. BURGESS.
H.R. 2866: Mr. RUSH, Mr. JOHNSON of Georgia, and Mr. QUIGLEY.
H.R. 2874: Mr. FRANKS of Arizona and Mr. CONAWAY.
H.R. 2996: Mr. HOLT.
H.R. 3000: Mr. WEST, Mr. CALVERT, and Mr. BENISHEK.
H.R. 3012: Mr. HOLT.
H.R. 3032: Mr. BENISHEK.
H.R. 3035: Mr. LANCE.
H.R. 3059: Mr. CALVERT and Mr. DENT.
H.R. 3158: Mr. NUNNELEE.
H.R. 3194: Mr. PAUL.
H.R. 3243: Mr. BURGESS, Mr. GINGREY of Georgia, Mr. KINGSTON, Mr. GOHMERT, Mr.

TERRY, Mr. MULVANEY, Mr. BROUN of Georgia, Mr. CALVERT, Mr. WESTMORELAND, Mr. SENSENBRENNER, and Mr. MILLER of Florida.

H.R. 3259: Mr. THOMPSON of Mississippi, Mr. CARSON of Indiana, Ms. JACKSON LEE of Texas, Ms. NORTON, and Ms. LEE of California.

H.R. 3270: Ms. HAHN, Mr. CALVERT, Mr. HONDA, and Ms. ESHOO.

H.J. Res. 20: Mr. PALAZZO.

H. Con. Res. 49: Mr. CONNOLLY of Virginia.

H. Con. Res. 72: Mr. PETERS and Mr. HASTINGS of Florida.

H. Res. 416: Mr. CONNOLLY of Virginia.

H. Res. 441: Mr. SCOTT of South Carolina and Mr. NUNNELEE.

TUESDAY, NOVEMBER 1, 2011 (142)

¶142.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at noon by the SPEAKER pro tempore, Mr. CAMPBELL, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 1, 2011.

I hereby appoint the Honorable JOHN CAMPBELL to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶142.2 RECESS—12:02 P.M.

The SPEAKER pro tempore, Mr. CAMPBELL, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 2 minutes p.m., until 2 p.m.

¶142.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶142.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, October 31, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶142.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3689. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Retail Foreign Exchange Transactions; Conforming Changes to Existing Regulations in Response to the Dodd-Frank Wall Street Reform and Consumer Protection Act received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3690. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Intergovernmental Review received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3691. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loan Fees (RIN: 0560-AH41) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3692. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Biomass Crop Assistance Program: Corrections (RIN: 0560-AI13) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3693. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3694. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Administering Trafficking in Persons Regulations (DFARS Case 2011-D051) (RIN: 0750-AH41) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3695. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Accelerate Small Business Payments (DFARS Case 2011-D008) (RIN: 0750-AH19) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3696. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Definition of ''Qualifying Country End Product'' (DFARS Case 2011-D028) (RIN: 0750-AH21) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3697. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Standards: Advanced Capital Adequacy Framework-Basel II; Establishment of a Risk-Based Capital Floor (RIN: 3064-AD58) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3698. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-109, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3699. A letter from the Assistant Administrator for Fisheries; NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Shark Management Measures [Docket No.: 110120049-1485-02] (RIN: 0648-BA69) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3700. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revision of Standard for Granting an Inter Partes Reexamination Request [Docket No.: PTO-P-2011-0037] (RIN: 0651-AC61) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3701. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures under the Leahy-Smith America Invents Act [Docket No.: PTO-P-2011-0039] (RIN: 0651-AC62) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3702. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi Madness Drag Boat Race, Mattaponi River, Wakema, Virginia [Docket No.: USCG-2011-0744] (RIN: 1625-AA08) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apache Pier Labor Day Weekend Fireworks Display, Atlantic Ocean, Myrtle Beach, SC [Docket No.: USCG-2011-0713] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2011-48) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3705. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2011-47) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance on Electing Portability of Deceased Spousal Unused exclusion Amount [Notice 2011-82] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3707. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Voluntary Classification Settlement Program [CASE-MIS Number: NOT-118310-11] (Announcement 2011-64) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — October 2011 (Rev. Rule. 2011-22) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶142.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CAMPBELL, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2011.

Hon. JOHN A. BOEHNER
The Speaker, 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 of November 1, 2011 at 9:44 a.m.:

That the Senate passed with amendments H.R. 394.

That the Senate passed without amendment H.R. 368.

That the Senate passed S. 1637.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶142.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. CAMPBELL, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2011.

Hon. JOHN A. BOEHNER
The Speaker, 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, I have the honor to transmit a sealed envelope received from the White House on November 1, 2011, at 12:19 p.m., and said to contain a message from the President whereby he submits a copy of the notice filed earlier with the Federal Register on the national emergency with respect to Sudan.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶142.8 NATIONAL EMERGENCY WITH RESPECT TO SUDAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2011.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *November 1, 2011.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 112–69).

¶142.9 RECESS—2:12 P.M.

The SPEAKER pro tempore, Mr. CAMPBELL, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 12 minutes p.m., until approximately 4:45 p.m.

¶142.10 AFTER RECESS—4:48 P.M.

The SPEAKER pro tempore, Mr. HARRIS, called the House to order.

¶142.11 OFFICIAL MOTTO

Mr. FORBES moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 13):

Whereas ''In God We Trust'' is the official motto of the United States;

Whereas the sentiment, ''In God We Trust'', has been an integral part of United States society since its founding;

Whereas in times of national challenge or tragedy, the people of the United States have turned to God as their source for sustenance, protection, wisdom, strength, and direction;

Whereas the Declaration of Independence recognizes God, our Creator, as the source of our rights, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'';

Whereas the national anthem of the United States says ''praise the power that hath made and preserved us a nation . . . and this be our motto: in God is our trust.'';

Whereas the words ''In God We Trust'' appear over the entrance to the Senate Chamber and above the Speaker's rostrum in the House Chamber;

Whereas the oath taken by all Federal employees, except the President, states ''I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.'';

Whereas John Adams said, ''Statesmen may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand.'';

Whereas if religion and morality are taken out of the marketplace of ideas, the very freedom on which the United States was founded cannot be secured;

Whereas as President Eisenhower said and President Ford later repeated, ''Without God, there could be no American form of government, nor, an American way of life.''; and

Whereas President John F. Kennedy said, ''The guiding principle and prayer of this Nation has been, is now, and ever shall be 'In God We Trust.' '': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress reaffirms ''In God We Trust'' as the official motto of the United States and supports and encourages the public display of the national motto in all public buildings, public schools, and other government institutions.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. FORBES and Mr. NADLER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FORBES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶142.12 WIRELESS TAX FAIRNESS

Mr. FRANKS of Arizona, moved to suspend the rules and pass the bill (H.R. 1002) to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; as amended.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. FRANKS of Arizona, and Ms. CHU, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶142.13 KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill of the Senate (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The SPEAKER pro tempore, Mr. HARRIS, recognized Ms. ROS-LEHTINEN and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶142.14 CORRECT ENROLLMENT OF S. 1280

On motion of Ms. ROS-LEHTINEN, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 31):

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) 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, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(e) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(g) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking ''The President shall annually conduct'' and inserting ''Annually through September 30, 2018, the President shall conduct'';

(2) in subsection (d)—

(A) in subparagraph (A), by striking ''a biennial report'' and inserting ''a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018,''; and

(B) in subparagraph (B), by striking ''not later than two years after the date of the enactment of this section and every three years thereafter'' and inserting ''not later than two years and five years after the date of the enactment of this section''; and

(3) by adding at the end the following new subsection:

''(e) PORTFOLIO REVIEWS.—

''(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

''(A) An evaluation of the country's commitment to the Peace Corps program.

''(B) An analysis of the safety and security of volunteers.

''(C) An evaluation of the country's need for assistance.

''(D) An analysis of country program costs.

''(E) An evaluation of the effectiveness of management of each post within a country.

''(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

''(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.''.

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting ''through September 30, 2018,'' after ''annually''.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶142.15 RECESS—6:06 P.M.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 6 minutes p.m., until approximately 6:30 p.m.

¶142.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CHAFFETZ, called the House to order.

¶142.17 H. CON. RES. 13—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHAFFETZ, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (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.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

It was decided in the affirmative ..... { Yeas ..... 396; Nays ..... 9; Answered present 2

¶142.18 [Roll No. 816]

YEAS—396

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
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
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
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
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—9

Ackerman	Cleaver	Nadler
Amash	Honda	Scott (VA)
Chu	Johnson (GA)	Stark

ANSWERED ''PRESENT''—2

Ellison	Watt

NOT VOTING—26

Akin	Diaz-Balart	Murphy (CT)
Bachmann	Fattah	Paul
Bishop (GA)	Filner	Renacci
Blumenauer	Giffords	Richmond
Carson (IN)	Griffith (VA)	Rush
Costello	Gutierrez	Speier
Courtney	Latta	Thompson (MS)
Cummings	Lewis (GA)	Tsongas
DeLauro	Lynch	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶142.19 S. 1280—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHAFFETZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 0

¶142.20 [Roll No. 817]

YEAS—406

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

NOT VOTING—27

Akin	Diaz-Balart	Paul
Bachmann	Farr	Renacci
Bishop (GA)	Fattah	Richmond
Blumenauer	Filner	Rooney
Carson (IN)	Giffords	Rush
Costello	Gutierrez	Speier
Courtney	Latta	Thompson (MS)
Cummings	Lynch	Tsongas
DeLauro	Murphy (CT)	Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶142.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Georgia, for today;

To Mr. CARSON of Indiana, for today; and

To Mr. FATTAH, for today.

And then,

¶142.22 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 45 minutes p.m., the House adjourned.

¶142.23 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 Ms. PINGREE of Maine (for herself, Mr. BLUMENAUER, Mr. COURTNEY, Mr. DEFAZIO, Mr. ELLISON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE of California, Mr. MARKEY, Mr. MCGOVERN, Mr. MORAN, Mr. NADLER, Mr. OLVER, Ms. SLAUGHTER, Mr. WELCH, Ms. WOOLSEY, Mr. HOLT, Mr. KIND, Mr. SABLAN, Ms. HAHN, Mr. MICHAUD, Mr. LUJÁN, Ms. RICHARDSON, Mr. HIGGINS, Ms. MOORE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CICILLINE, and Ms. FUDGE):

H.R. 3286. A bill to promote local and regional farm and food systems, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, 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. SAM JOHNSON of Texas (for himself and Mr. NEAL):

H.R. 3287. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to loans made from a qualified employer plan, and for other purposes; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. MANZULLO, Mr. SMITH of Washington, Mr. COFFMAN of Colorado, Mr. RUPPERSBERGER, Mr. BISHOP of Utah, Mr. CONNOLLY of Virginia, Mr. CHAFFETZ, and Mr. HEINRICH):

H.R. 3288. A bill to authorize the President to remove commercial satellites and related components from the United States Munitions List subject to certain restrictions, and

for other purposes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. CUMMINGS, Mr. PLATTS, and Mr. VAN HOLLEN):

H.R. 3289. A bill to amend title 5, United States Code, to provide clarification relating to disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements are in conformance with certain protections; to provide certain additional authorities to the Office of Special Counsel; and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Intelligence (Permanent Select), and Homeland Security, 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. BURGESS (for himself, Mr. HENSARLING, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. FORBES, Mr. MARCHANT, Mr. JONES, Mr. KING of New York, and Mr. HULTGREN):

H.R. 3290. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3291. A bill to authorize the Secretary of Agriculture to make grants to community-based organizations and local redevelopment agencies operating in low-income communities to promote increased access to and consumption of fresh fruits, fresh vegetables, and other healthy foods among residents of such communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, 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. AMODEI (for himself and Mr. HECK):

H.R. 3292. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. BASS of New Hampshire (for himself and Mr. GUINTA):

H.R. 3293. A bill to amend title 10, United States Code, to authorize the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) to issue, at no cost to the United States, a military service identification card to persons who served in the Armed Forces; to the Committee on Armed Services.

By Mr. BUCSHON (for himself, Mr. FARENTHOLD, and Mr. PENCE):

H.R. 3294. A bill to amend title 23, United States Code, to provide funding flexibility for transportation emergencies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO:

H.R. 3295. A bill to amend the charter of the Archeological Institute of America with respect to the principal office of the corporation; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H.R. 3296. A bill to amend the Public Works and Economic Development Act of 1965 with respect to grants for economic adjustment, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York (for herself, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. FILNER, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. NORTON, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. PAYNE, Mr. POLIS, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. STARK, Mr. TOWNS, Ms. WILSON of Florida, Mr. CLAY, and Ms. ZOE LOFGREN of California):

H.R. 3297. A bill to temporarily expand the (V) nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself and Mr. GRIMM):

H.R. 3298. A bill to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. FILNER, Mr. CLAY, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. SLAUGHTER, Ms. MOORE, and Mr. HOLT):

H.R. 3299. A bill to amend title XXVII of the Public Health Service Act to apply to retiree-only health plans the extension of dependent health coverage for individuals through 26 years of age provided for by the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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 Ms. LEE of California (for herself, Mr. STARK, Mr. LEWIS of Georgia, Mr. BACA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. BUTTERFIELD, Mr. SERRANO, Ms. BROWN of Florida, and Mr. KUCINICH):

H.R. 3300. A bill to establish the Federal Interagency Working Group on Reducing Poverty which will create and carry out a national plan to cut poverty in America in half in ten years; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 3301. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. ROONEY:

H.R. 3302. A bill to create private sector jobs by simplifying the tax code, increasing domestic energy production, reforming government regulations, and strengthening workforce training programs; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Oversight and Government Reform, Energy and Commerce, Rules, and Education and the Workforce, 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. RUPPERSBERGER:

H.R. 3303. 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. SABLAN (for himself and Mr. YOUNG of Alaska):

H.R. 3304. A bill to permit the Delegate from the Commonwealth of the Northern Mariana Islands to designate depository libraries; to the Committee on House Administration.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 3305. A bill to establish a meaningful opportunity for parole or similar release for child offenders sentenced to life in prison, and for other purposes; to the Committee on the Judiciary.

By Mr. LOEBSACK (for himself, Mr. PETRI, Mr. RYAN of Ohio, and Mr. TOWNS):

H. Res. 450. A resolution expressing support for designation of the week beginning on November 14, 2011, as National School Psychology Week; to the Committee on Education and the Workforce.

By Ms. CLARKE of New York (for herself, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MEEKS, Ms. MOORE, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. RUSH, Mr. SERRANO, Ms. SEWELL, Mr. TOWNS, Mr. WATT, and Ms. WILSON of Florida):

H. Res. 451. A resolution honoring Shirley Anita St. Hill Chisholm on the 87th year of her birth; to the Committee on House Administration.

By Mr. PAYNE (for himself, Mr. GEORGE MILLER of California, Mr. BISHOP of New York, Mr. KUCINICH, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. HOLT, Ms. BASS of California, Mr. FARR, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. NADLER, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. FUDGE, Mr. MORAN, Mr. RANGEL, Ms. MOORE, Mr. LEVIN, Mr. HONDA, Ms. CLARKE of New York, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. BACA, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. DOYLE, Mr. FILNER, Mr. DEUTCH, Mr. GUTIERREZ, Mr. VISCLOSKY, Mr. LOEBSACK, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. SHERMAN, Ms. KAPTUR, Mr. SIRES, Ms. SLAUGHTER, Mr. MILLER of North Carolina, Ms. JACKSON LEE of Texas, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. BROWN of Florida, Mr. FATTAH, Mr. JOHNSON of Georgia, Mr. BOSWELL, Mr. BERMAN, Mr. TOWNS, Mr. BECERRA, Mr. CARNEY, Mr. HIGGINS, Ms. SPEIER, Mr. GRIJALVA, Mr. MURPHY of Connecticut, Mr. ELLISON, Ms. WILSON of Florida, Ms. LEE of California, Mr. DAVIS of Illinois, Ms. NORTON, Mr. CONYERS, Ms. MATSUI, Mr. CLEAVER, Mr. COHEN, Mr. LYNCH, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. KIND, Mr. MEEKS, Mr. CRITZ, Ms. LINDA T. SÁNCHEZ of California, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Mr. PASCRELL, Mr. KILDEE, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Mr. GARAMENDI, Mr. MICHAUD, Mr. MARKEY, Mr. PALLONE, Mr. RICHMOND, Mr. CUMMINGS, Ms. EDWARDS, Mr. ISRAEL, Ms. DELAURO, Mr. RYAN

of Ohio, Ms. SUTTON, Ms. BERKLEY, Mr. VAN HOLLEN, and Mr. PETERS):

H. Res. 452. A resolution recognizing the importance labor unions play in ensuring a strong middle class by advocating for more equitable wages, humane work conditions, improved benefits, and increased civic engagement by everyday workers; to the Committee on Education and the Workforce.

¶142.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CLEAVER and Mr. SMITH of Washington.
H.R. 66: Mr. RYAN of Ohio.
H.R. 104: Ms. EDWARDS, Mr. BROUN of Georgia, and Mr. JOHNSON of Ohio.
H.R. 176: Ms. HAHN and Mr. HIGGINS.
H.R. 186: Mr. BARTLETT.
H.R. 283: Mr. LEWIS of Georgia.
H.R. 284: Ms. BROWN of Florida.
H.R. 373: Mr. YODER.
H.R. 436: Mr. WALDEN, Mr. LEWIS of California, Mr. RIGELL, Mr. RIVERA, Mr. LANDRY, Mr. DUFFY, and Mr. WEST.
H.R. 466: Mr. CONYERS.
H.R. 623: Mr. HONDA.
H.R. 689: Mr. MILLER of North Carolina.
H.R. 721: Mr. CROWLEY and Mr. PALAZZO.
H.R. 724: Ms. DEGETTE.
H.R. 735: Mr. YOUNG of Florida, Mr. BARTLETT, Mr. FINCHER, and Mr. HULTGREN.
H.R. 798: Mr. GENE GREEN of Texas.
H.R. 873: Mr. CONYERS.
H.R. 890: Mr. PEARCE.
H.R. 891: Mr. PRICE of North Carolina and Mr. KING of New York.
H.R. 973: Mr. HUNTER and Mr. WALSH of Illinois.
H.R. 1004: Mr. HULTGREN.
H.R. 1037: Mr. PRICE of North Carolina.
H.R. 1041: Mr. GUTHRIE and Mr. MURPHY of Pennsylvania.
H.R. 1110: Mr. CONNOLLY of Virginia.
H.R. 1116: Mr. LEVIN and Mr. ANDREWS.
H.R. 1167: Mr. HULTGREN.
H.R. 1173: Mr. PENCE, Mrs. ELLMERS, Mr. BILBRAY, Mr. COFFMAN of Colorado, Mr. CRENSHAW, Mr. DENHAM, Mr. TERRY, and Mr. JOHNSON of Ohio.
H.R. 1179: Mr. CRAVAACK, Mr. MCKEON, and Mr. BARTLETT.
H.R. 1182: Mr. WILSON of South Carolina.
H.R. 1190: Mr. GENE GREEN of Texas, Ms. MCCOLLUM, and Mr. HOLT.
H.R. 1193: Mr. CONNOLLY of Virginia and Mr. DIAZ-BALART.
H.R. 1195: Mr. PETERS and Mr. KEATING.
H.R. 1206: Mr. DENT.
H.R. 1236: Mr. SIMPSON, Mr. LANGEVIN, Mr. NUNES, and Mr. CHABOT.
H.R. 1239: Mr. MURPHY of Connecticut.
H.R. 1254: Ms. PINGREE of Maine and Mr. GOWDY.
H.R. 1285: Mr. ROSS of Florida.
H.R. 1330: Mr. YOUNG of Florida.
H.R. 1340: Mr. BURGESS and Mr. RIVERA.
H.R. 1370: Mr. SCHILLING and Mrs. ELLMERS.
H.R. 1398: Mr. HULTGREN.
H.R. 1448: Ms. DEGETTE and Mr. TIERNEY.
H.R. 1474: Mr. FLEISCHMANN.
H.R. 1489: Mr. PETERSON.
H.R. 1546: Ms. MOORE, Mr. RAHALL, Ms. DEGETTE, and Ms. JENKINS.
H.R. 1558: Mr. DIAZ-BALART, Mr. HUIZENGA of Michigan, Mr. SULLIVAN, Mr. HASTINGS of Washington, Mr. STIVERS, and Mr. FORBES.
H.R. 1591. Mr. WEST.
H.R. 1612: Mr. CONNOLLY of Virginia.
H.R. 1621: Mr. RUPPERSBERGER and Mrs. DAVIS of California.
H.R. 1633: Mr. SULLIVAN and Mr. GIBSON.
H.R. 1653: Mr. YODER and Mr. BISHOP of Utah.
H.R. 1654: Mr. CONNOLLY of Virginia.
H.R. 1681: Mr. WELCH, Mr. JOHNSON of Georgia, Mr. SCHIFF, and Mr. SMITH of Washington.
H.R. 1738: Mr. MANZULLO.
H.R. 1744: Mr. MANZULLO, Mr. BURTON of Indiana, and Mr. DANIEL E. LUNGREN of California.
H.R. 1746: Ms. SCHAKOWSKY.
H.R. 1755: Mr. YARMUTH and Mr. GUTHRIE.
H.R. 1792: Mr. PRICE of North Carolina.
H.R. 1860: Mr. CALVERT.
H.R. 1905: Mr. DEFAZIO, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. HERGER, Mr. TURNER of New York, Ms. TSONGAS, and Mr. FARR.
H.R. 1958: Mr. ROSS of Arkansas.
H.R. 1964: Mr. KEATING, Mr. SENSENBRENNER, and Mr. HARPER.
H.R. 1966: Ms. BORDALLO and Mr. LEWIS of Georgia.
H.R. 1970: Mr. PRICE of North Carolina.
H.R. 2026: Mr. RYAN of Ohio.
H.R. 2030: Mr. BISHOP of New York.
H.R. 2040: Mr. PALAZZO, Mr. LATHAM, Mr. NUNNELEE, Mr. OLSON, Mr. SCHWEIKERT, Mr. MULVANEY, and Mr. HENSARLING.
H.R. 2052: Mr. MARCHANT.
H.R. 2063: Mr. FILNER.
H.R. 2085: Mr. AL GREEN of Texas, Mr. HONDA, Mr. BLUMENAUER, and Mr. POLIS.
H.R. 2086: Ms. HIRONO.
H.R. 2092: Mr. FINCHER.
H.R. 2105: Mr. TURNER of New York.
H.R. 2131: Ms. TSONGAS, Mr. CONAWAY, Mr. MILLER of North Carolina, and Mr. WITTMAN.
H.R. 2139: Mrs. MCCARTHY of New York, Mr. MCKEON, Mr. BISHOP of New York, and Mr. FINCHER.
H.R. 2164: Mr. SCHWEIKERT.
H.R. 2214: Mr. LANDRY, Mr. ROKITA, Mrs. BLACK, Mrs. ELLMERS, Mr. MCKINLEY, and Mr. RENACCI.
H.R. 2232: Mr. WEST.
H.R. 2245: Mr. YOUNG of Alaska, Mr. SARBANES, Ms. CASTOR of Florida, Ms. MOORE, Mr. VAN HOLLEN, and Ms. LEE of California.
H.R. 2277: Mr. BACA.
H.R. 2287: Mr. DEFAZIO and Mr. HINCHEY.
H.R. 2288: Mr. DAVID SCOTT of Georgia, Mr. SERRANO, and Mr. HINCHEY.
H.R. 2299: Mr. GOHMERT.
H.R. 2307: Ms. FOXX and Mr. ROHRABACHER.
H.R. 2334: Mr. MURPHY of Connecticut and Ms. BALDWIN.
H.R. 2337: Mr. REICHERT and Mr. HEINRICH.
H.R. 2369: Mr. TURNER of New York and Ms. WILSON of Florida.
H.R. 2387: Mrs. BIGGERT and Mr. CONNOLLY of Virginia.
H.R. 2407: Ms. DEGETTE.
H.R. 2459: Mr. RIBBLE.
H.R. 2471: Mr. CROWLEY.
H.R. 2478: Mr. MANZULLO.
H.R. 2505: Mr. ELLISON.
H.R. 2514: Mr. FORBES.
H.R. 2528: Mrs. BLACK and Mr. BROUN of Georgia.
H.R. 2541: Mr. HUIZENGA of Michigan.
H.R. 2543: Mr. SCHIFF.
H.R. 2569: Mrs. BLACK, Mr. CALVERT, Mr. NUNNELEE, Mr. BERG, Mr. BARROW, Mr. PETERS, Mr. RENACCI, and Mr. BROUN of Georgia.
H.R. 2571: Mr. ANDREWS.
H.R. 2580: Mr. BISHOP of New York, Mr. WOLF, and Ms. SLAUGHTER.
H.R. 2606: Mr. TURNER of New York.
H.R. 2655: Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. TONKO, Mr. CHABOT, Mr. BOREN, Mr. FRANK of Massachusetts, Mr. WELCH, Mr. CAPUANO, Mr. CROWLEY, Ms. FUDGE, and Mr. YARMUTH.
H.R. 2659: Ms. DEGETTE.
H.R. 2662: Mr. YODER and Mr. HULTGREN.
H.R. 2674: Mr. HASTINGS of Washington.
H.R. 2679: Mr. JACKSON of Illinois, Mr. BOSWELL, and Mr. CONNOLLY of Virginia.
H.R. 2697: Mr. CLEAVER and Mr. BUTTERFIELD.
H.R. 2705: Ms. BALDWIN, Ms. BERKLEY, Mr. PETERS, and Mr. INSLEE.
H.R. 2706: Mr. HARRIS and Mr. PIERLUISI.
H.R. 2716: Mr. MCINTYRE.
H.R. 2751: Mr. DEUTCH.
H.R. 2770: Ms. DEGETTE.
H.R. 2779: Ms. MOORE.
H.R. 2821: Mr. NUNNELEE, Mr. BONNER, Mr. HARPER, and Mr. RICHMOND.
H.R. 2829: Mr. LANKFORD.
H.R. 2866: Mr. ALTMIRE.
H.R. 2874: Mr. STIVERS, Mr. KINGSTON, Mr. NUNNELEE, and Mr. PEARCE.
H.R. 2875: Ms. LEE of California.
H.R. 2880: Mr. RUSH, Mr. COOPER, and Ms. SPEIER.
H.R. 2885: Mr. BURTON of Indiana, Mr. SCHWEIKERT, and Mr. GUINTA.
H.R. 2886: Mr. KEATING.
H.R. 2888: Mr. LUETKEMEYER.
H.R. 2898: Mr. CRAVAACK, Mr. NUNNELEE, Mr. YOUNG of Alaska, Mr. HANNA, and Mr. GRAVES of Missouri.
H.R. 2966: Ms. BROWN of Florida, Mr. CICILLINE, Ms. DEGETTE, Mr. YARMUTH, and Mr. BLUMENAUER.
H.R. 2970: Mr. JACKSON of Illinois.
H.R. 2972: Mr. POLIS.
H.R. 2977: Mr. BRALEY of Iowa and Mr. FRANKS of Arizona.
H.R. 2998: Mr. AL GREEN of Texas.
H.R. 3018: Mr. KUCINICH.
H.R. 3021: Mr. RANGEL.
H.R. 3042: Mr. TONKO.
H.R. 3046: Mr. CARSON of Indiana.
H.R. 3066: Mr. NUNNELEE.
H.R. 3074: Mrs. BACHMANN and Mr. ROGERS of Alabama.
H.R. 3083: Mr. GRIJALVA, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WAXMAN, and Mr. POLIS.
H.R. 3086: Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. RANGEL, Mr. ELLISON, and Mr. HINCHEY.
H.R. 3102: Mr. BISHOP of New York.
H.R. 3126: Ms. LEE of California and Mr. SCHIFF.
H.R. 3130: Mr. FORTENBERRY.
H.R. 3133: Mr. BRADY of Pennsylvania.
H.R. 3145: Ms. NORTON and Mr. STARK.
H.R. 3158: Mr. JOHNSON of Ohio.
H.R. 3159: Mr. JOHNSON of Ohio.
H.R. 3181: Mr. PAUL.
H.R. 3186: Ms. ESHOO and Mr. KUCINICH.
H.R. 3189: Ms. NORTON and Ms. DELAURO.
H.R. 3203: Mr. WALDEN and Mr. CALVERT.
H.R. 3213: Mr. PAUL.
H.R. 3218: Mr. NUNNELEE and Mr. PAUL.
H.R. 3245: Mr. BENISHEK and Ms. BUERKLE.
H.R. 3257: Mr. YOUNG of Indiana, Mr. RIBBLE, and Mr. PAUL.
H.R. 3262: Mr. HULTGREN and Mr. ROGERS of Michigan.
H.R. 3265: Mr. NUNNELEE, Mr. WITTMAN, and Mr. CARDOZA.
H.R. 3268: Mr. LEWIS of Georgia, Mr. RANGEL, Mr. ELLISON, and Mr. YOUNG of Alaska.
H.R. 3272: Mr. SMITH of Texas.
H. Con. Res. 63: Mr. WOLF.
H. Res. 98: Mr. FLEISCHMANN.
H. Res. 111: Mr. YOUNG of Florida, Mr. CALVERT, Mr. PRICE of North Carolina, Mr. SMITH of Texas, Mr. DEFAZIO, Mr. KIND, and Mr. MARKEY.
H. Res. 177: Mr. JOHNSON of Ohio.
H. Res. 220: Ms. WOOLSEY, Mr. LEVIN, and Mrs. LOWEY.
H. Res. 282: Mr. AL GREEN of Texas.
H. Res. 376: Mr. FALEOMAVAEGA, Mr. CONNOLLY of Virginia, Mr. WOLF, Mr. ROTHMAN of New Jersey, Mr. TOWNS, Mr. ISSA, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. MCCAUL, Mr. AL GREEN of Texas, Mr. KING of New York, and Mr. REICHERT.
H. Res. 429: Mr. GOSAR, Mr. HULTGREN, Mr. SCOTT of South Carolina, Mr. CONAWAY, Mr. CANSECO, Mr. MARINO, Mr. WALSH of Illinois, Mr. LAMBORN, Mr. COLE, Mr. GOHMERT, Mr.

PITTS, Mr. FORTENBERRY, Mr. STUTZMAN, and Mr. MCKINLEY.

H. Res. 432: Mr. SCOTT of South Carolina.

H. Res. 433: Mr. CALVERT, Mr. WOLF, Mr. CASSIDY, and Mr. CRAVAACK.

H. Res. 445: Mr. DANIEL E. LUNGREN of California.

WEDNESDAY, NOVEMBER 2, 2011 (143)

¶143.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. PAULSEN, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.
November 2, 2011.

I hereby appoint the Honorable ERIK PAULSEN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶143.2 RECESS—11:23 A.M.

The SPEAKER pro tempore, Mr. PAULSEN, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 23 minutes a.m., until noon.

¶143.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶143.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Tuesday, November 1, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶143.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Responsibility and Liability for Government Property (DFARS Case 2010-D018) (RIN: 0750-AG94) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3710. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3711. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix (RIN: 3133-AD79) October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3712. A letter from the Secretary, Department of Education, transmitting the Department's final rule — State Fiscal Stabilization Fund Program [Docket ID: ED-2011-OS-0010] (RIN: 1894-AA03) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3713. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Certification for Electric Motors [Docket No.: EERE-2010-BT-CE-0014] (RIN: 1904-AC23) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3714. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Countermeasures Injury Compensation Program (CICP); Administrative Implementation, Final Rule (RIN: 0906-AA83) received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles [EPA-HQ-OAR-2010-0162; NHTSA-2010-0079; FRL-9455-1] (RIN: 2060-AP61; 2127-AK74) received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3716. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard [Docket No.: RM10-29-000; Order No. 753] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3717. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Management Directive 11.6, ''Financial Assistance Program'' received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3718. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Final Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01: Staff Guidance Regarding the Nuclear Criticality Safety Analysis for Spent Fuel Pools received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3719. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury (RIN: 1505-AC38) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3720. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Grand Teton National Park, Bicycle Routes, Fishing and Vessels (RIN: 1024-AD75) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3721. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander [Docket No.: FWS-R8-ES-2009-0044] (RIN: 1018-AW86) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3722. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spinymussel and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2008-0107] (RIN: 1018-AV88) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3723. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat [Docket No.: FWS-R8-ES-2009-0019] (RIN: 1018-AV91) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3724. 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 Herring Fishery; Regulatory Amendment [Docket No.: 110131079-1521-02] (RIN: 0648-BA79) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3725. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2011-79] received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3726. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supplemental Procedures for Church Plan Letter Rulings (Rev. Proc. 2011-44) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Prevailing State Assumed Interest Rates (Rev. Rule. 2011-23) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3728. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-84] received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3729. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated Procedures for Opinion and Advisory Letter Rulings for Pre-approved Plans (Revenue Procedure 2011-49) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶143.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. TERRY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 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 2, 2011 at 9:19 a.m.:

That the Senate passed with amendments H.R. 2112.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶143.7 CIVILIAN SERVICE RECOGNITION

Mr. CHAFFETZ moved to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. CHAFFETZ and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶143.8 THRESHOLDS FOR SHAREHOLDER REGISTRATION

Mr. SCHWEIKERT moved to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SCHWEIKERT and Mr. HIMES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶143.9 SMALL COMPANY CAPITAL FORMATION

Mr. BACHUS moved to suspend the rules and pass the bill (H.R. 1070) to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BACHUS and Mr. PETERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶143.10 VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT

Mr. MILLER of Florida, moved to suspend the rules and pass the bill of the Senate (S. 894) to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. MILLER of Florida, and Mr. FILNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶143.11 H.R. 2061—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays ..... 0 }

¶143.12 [Roll No. 818]

YEAS—425

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
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
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler

Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Bachmann
Cardoza
Carson (IN)
Giffords
Lowey
Murphy (CT)
Ruppersberger
Rush

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.13 H.R. 1965—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 2

¶143.14 [Roll No. 819]

YEAS—420

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carnahan
Carney
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
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
Dingell

NOT VOTING—11

Bachmann
Barletta
Capps
Cardoza
Carson (IN)
Gerlach
Giffords
Gingrey (GA)
Murphy (CT)
Ruppersberger
Rush

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.15 H.R. 1070—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1070) to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 1

¶143.16 [Roll No. 820]

YEAS—421

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (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
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Dingell

NOT VOTING—11

Bachmann
Bass (NH)
Cardoza
Carson (IN)
Cleaver
Giffords
Gohmert
Hirono
Murphy (CT)
Ruppersberger
Sanchez, Loretta

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.17 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to 22 United States Code 6913, and the order of the House of January 5, 2011, announced that the Speaker appointed the following Members of the House to the Congressional-Executive Commission on the People's Republic of China: Messrs. WOLF, MANZULLO, and ROYCE.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶143.18 PROVIDING FOR CONSIDERATION OF H.R. 2930 AND H.R. 2940

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 112–265) the resolution (H. Res. 453) providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

When said resolution and report were referred to the House Calendar and ordered printed.

¶143.19 RECESS—5:27 P.M.

The SPEAKER pro tempore, Mr. PALAZZO, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 27 minutes p.m., subject to the call of the Chair.

¶143.20 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mr. PALAZZO, called the House to order.

¶143.21 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 368. An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

¶143.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARSON of Indiana, for today; and

To Mr. RUPPERSBERGER, for today and balance of the week.

And then,

¶143.23 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PALAZZO, by unanimous consent, at 6 o'clock and 33 minutes p.m., declared the House adjourned.

¶143.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 453. Resolution providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D (Rept. 112–265). Referred to the House Calendar.

¶143.25 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. FLORES:

H.R. 3306. A bill to repeal the Advanced Technology Vehicle Manufacturing loan program; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. BLUMENAUER, Mr. LUCAS, Mr. KING of Iowa, Mr. LATHAM, Mr. DOLD, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. BOSWELL, and Mr. THOMPSON of California):

H.R. 3307. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit; to the Committee on Ways and Means.

By Mr. POMPEO (for himself, Mr. LABRADOR, Mr. RIBBLE, and Mr. FLAKE):

H.R. 3308. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN (for himself and Mr. KINZINGER of Illinois):

H.R. 3309. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself and Mr. WALDEN):

H.R. 3310. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself, Mr. FILNER, Mr. HUNTER, and Mr. ISSA):

H.R. 3311. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself and Mr. LARSEN of Washington):

H.R. 3312. A bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. DEFAZIO (for himself, Mr. BRALEY of Iowa, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. FILNER, Ms. SUTTON, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. HIRONO, Mr. WELCH, Mr. CONYERS, Ms. EDWARDS, and Mr. HINCHEY):

H.R. 3313. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. MARKEY, and Ms. MATSUI):

H.R. 3314. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASSIDY:

H.R. 3315. A bill to establish a pilot program providing for monthly fee-based payments for direct primary care medical homes for Medicare-Medicaid dual eligibles and other Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. ELLISON (for himself and Ms. MOORE):

H.R. 3316. A bill to prohibit election officials from requiring individuals to provide photo identification as a condition of obtaining or casting a ballot in an election for Federal office or registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON (for himself and Ms. MOORE):

H.R. 3317. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. FLEISCHMANN:

H.R. 3318. A bill to amend the Internal Revenue Code of 1986 to temporarily exclude capital gain from gross income; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3319. A bill to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; to the Committee on Natural Resources.

By Ms. HANABUSA (for herself, Ms. BORDALLO, and Ms. HIRONO):

H.R. 3320. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid to affected States and territories, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3321. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HIMES (for himself, Mr. CONNOLLY of Virginia, Mr. POLIS, and Ms. HIRONO):

H.R. 3322. A bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP:

H.R. 3323. A bill to reduce the regulatory burden on the agricultural sector of the national economy; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Ways and Means, and Education and the Workforce, 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 Ms. LEE of California (for herself, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. FATTAH, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. HIRONO, Mr. LARSEN of Washington, Mr. CLAY, Ms. CHU, Ms. NORTON, Mr. TOWNS, Ms. MOORE, Ms. CLARKE of New York, Ms. DEGETTE, Mr. RUSH, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. HOLT, Mr. QUIGLEY, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BLUMENAUER, and Ms. DELAURO):

H.R. 3324. A bill to provide for the reduction of unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. PERLMUTTER (for himself, Mr. MORAN, Mr. AL GREEN of Texas, Ms. WATERS, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. SIRES, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. CLEAVER, Mr. FILNER, and Mr. QUIGLEY):

H.R. 3325. A bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself and Mr. FLORES):

H.R. 3326. A bill to enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce.

By Mr. REED (for himself, Mr. OWENS, Mr. GUINTA, Mr. CRAWFORD, Mr. GOSAR, Mr. BROUN of Georgia, and Mr. WESTMORELAND):

H.R. 3327. A bill to direct the Secretary of Transportation to issue categorical exclusions from environmental assessment requirements for certain highway construction activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENACCI (for himself and Mr. ROSKAM):

H.R. 3328. A bill to amend title XVIII of the Social Security Act to provide a six-month grace period for certain Medicare advanced diagnostic imaging services suppliers to receive accreditation; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. DONNELLY of Indiana, Mr. RUSH, Mr. RANGEL, Mr. FILNER, Mr. BENISHEK, and Mr. BRALEY of Iowa):

H.R. 3329. A bill to amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs; to the Committee on Veterans' Affairs.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. RUSH, and Mr. RANGEL):

H.R. 3330. A bill to amend title 38, United States Code, to extend the Department of Veterans Affairs demonstration projects on adjustable rate mortgages and hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 3331. A bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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.

¶143.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. GOODLATTE.
H.R. 12: Mr. CLYBURN, Mr. SABLAN, and Mr. KILDEE.
H.R. 31: Mr. MEEHAN.
H.R. 104: Ms. HERRERA BEUTLER and Mrs. SCHMIDT.
H.R. 139: Mr. HOLT, Mr. VAN HOLLEN, and Mr. MILLER of North Carolina.
H.R. 157: Mr. DESJARLAIS, Mr. MCKINLEY, and Mr. HULTGREN.
H.R. 178: Mr. CUELLAR.
H.R. 212: Mrs. ROBY.
H.R. 321: Mr. MILLER of North Carolina.
H.R. 361: Mr. RIBBLE and Mrs. ROBY.
H.R. 363: Ms. SPEIER and Mr. BERMAN.
H.R. 374: Mr. HECK and Mrs. ROBY.
H.R. 402: Mr. KEATING and Mr. CARNAHAN.
H.R. 436: Mr. AMASH and Mr. KISSELL.
H.R. 459: Mr. GENE GREEN of Texas and Mr. WALDEN.
H.R. 507: Mr. HANNA.
H.R. 553: Mr. ROTHMAN of New Jersey.
H.R. 676: Ms. RICHARDSON.
H.R. 709: Mr. WATT.
H.R. 735: Mr. CHABOT and Mr. SENSENBRENNER.
H.R. 750: Mr. BROUN of Georgia.
H.R. 835: Mr. BASS of New Hampshire and Mr. HANNA.
H.R. 862: Mr. CONNOLLY of Virginia.
H.R. 891: Ms. SCHWARTZ.
H.R. 904: Mr. HARRIS.
H.R. 973: Ms. FOXX.
H.R. 993: Mr. CONAWAY.
H.R. 1058: Mr. YOUNG of Florida.
H.R. 1063: Mr. RIBBLE.
H.R. 1173: Mr. GUINTA, Mr. GOSAR, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. GARY G. MILLER of California, and Mr. ROKITA.
H.R. 1175: Mr. JOHNSON of Ohio.
H.R. 1195: Ms. HERRERA BEUTLER.
H.R. 1236: Ms. FUDGE.
H.R. 1265: Mr. BOREN and Mr. BACHUS.
H.R. 1358: Mr. YOUNG of Florida.
H.R. 1370: Mr. GUINTA.
H.R. 1386: Ms. FUDGE, Mr. MICHAUD, Mr. CONNOLLY of Virginia, and Mr. GENE GREEN of Texas.
H.R. 1426: Mr. KELLY.
H.R. 1489: Mr. CICILLINE and Ms. SUTTON.
H.R. 1511: Mr. KINGSTON.
H.R. 1515: Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, and Mr. ACKERMAN.
H.R. 1639: Mr. RENACCI.
H.R. 1659: Mr. DOYLE.
H.R. 1724: Ms. DEGETTE.
H.R. 1738: Mr. HANNA.
H.R. 1744: Mr. GRIFFITH of Virginia.
H.R. 1755: Mr. BROUN of Georgia.
H.R. 1802: Mr. BROUN of Georgia.
H.R. 1815: Mr. PEARCE and Mr. CHABOT.
H.R. 1834: Mr. JORDAN, Mr. SCALISE, and Mr. CHANDLER.
H.R. 1946: Mr. ADERHOLT and Mr. BUTTERFIELD.
H.R. 1951: Mr. HOLT.
H.R. 1956: Mr. CHAFFETZ and Ms. FOXX.
H.R. 1965: Mr. RUPPERSBERGER.
H.R. 1971: Mr. JONES.
H.R. 2028: Mr. TIERNEY.
H.R. 2059: Mr. GOSAR, Mrs. NOEM, Mr. BURGESS, and Mr. LONG.
H.R. 2065: Mr. FILNER.
H.R. 2082: Mr. BOREN.
H.R. 2088: Mr. DOLD.
H.R. 2105: Mr. BILIRAKIS and Mr. SMITH of New Jersey.
H.R. 2108: Mr. FARR.
H.R. 2131: Mr. BONNER, Mrs. CAPPS, Mr. PEARCE, and Mr. GRIFFIN of Arkansas.
H.R. 2137: Mr. MEEHAN and Mr. QUIGLEY.
H.R. 2194: Ms. DEGETTE.
H.R. 2195: Mr. MORAN.
H.R. 2227: Mr. BARROW, Mr. ENGEL, and Mr. MATHESON.
H.R. 2239: Ms. BALDWIN.
H.R. 2284: Mr. ROSS of Florida.
H.R. 2299: Mrs. ROBY.
H.R. 2308: Mr. HUIZENGA of Michigan.
H.R. 2369: Mr. PAUL, Mr. TIBERI, and Mr. FLAKE.
H.R. 2435: Mr. BROUN of Georgia.
H.R. 2446: Mr. JONES, Mr. CRAWFORD, Mr. DUNCAN of Tennessee, and Mr. ROYCE.
H.R. 2453: Mr. ENGEL.
H.R. 2469: Ms. MOORE.
H.R. 2487: Ms. SCHAKOWSKY and Mrs. MALONEY.
H.R. 2492: Mr. TIERNEY and Mr. PASCRELL.
H.R. 2528: Mr. FLORES.
H.R. 2536: Mr. HANNA.
H.R. 2563: Mr. WOLF and Mr. STIVERS.
H.R. 2586: Ms. MOORE.
H.R. 2595: Ms. DEGETTE and Mr. HEINRICH.
H.R. 2602: Mr. ROSS of Florida.
H.R. 2697: Mr. SMITH of Nebraska.
H.R. 2706: Mr. FLORES and Mr. YOUNG of Alaska.
H.R. 2815: Ms. HAHN.
H.R. 2829: Mr. WOLF.
H.R. 2870: Mr. AUSTRIA and Mr. KLINE.
H.R. 2874: Mr. JONES, Mrs. ELLMERS, Mrs. MCMORRIS RODGERS, and Mr. JOHNSON of Ohio.
H.R. 2918: Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FORBES.
H.R. 2948: Mr. PASTOR of Arizona, Mr. HOLT, Mr. LUJÁN, Mr. HIGGINS, Ms. CHU, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY of Virginia, Mr. KEATING, Mr. AL GREEN of Texas, Ms. DEGETTE, Mr. POLIS, Mr. SIRES, and Mr. MCNERNEY.
H.R. 2962: Ms. HAYWORTH and Mr. PEARCE.
H.R. 2982: Mr. ELLISON and Mr. JOHNSON of Ohio.
H.R. 2992: Mr. MARCHANT.
H.R. 3010: Mrs. ADAMS, Mr. GOHMERT, Mr. AUSTRIA, Mr. DAVIS of Kentucky, Mr. JOHNSON of Ohio, Mr. BACA, Mr. COSTA, Mr. CALVERT, and Mr. CARDOZA.
H.R. 3020: Mr. CROWLEY.
H.R. 3029: Ms. BUERKLE and Mr. AMASH.
H.R. 3046: Mr. GONZALEZ, Mrs. DAVIS of California, and Mr. RYAN of Ohio.
H.R. 3059: Mrs. MALONEY, Mr. PLATTS, and Mr. ROGERS of Michigan.
H.R. 3076: Mr. LEWIS of Georgia, Ms. LEE of California, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas.
H.R. 3086: Mr. ACKERMAN, Mr. NADLER, and Ms. SLAUGHTER.
H.R. 3094: Mr. CALVERT and Mr. BACHUS.
H.R. 3127: Mr. HUELSKAMP, Mr. RIBBLE, Mr. ROE of Tennessee, Mrs. SCHMIDT, and Mr. BRADY of Texas.
H.R. 3130: Mr. JORDAN and Mr. NUNNELEE.
H.R. 3145: Mr. HIGGINS.
H.R. 3155: Mr. PEARCE.
H.R. 3156: Mr. PAUL.
H.R. 3162: Mr. CASSIDY, Mr. FORBES, and Mr. BUCSHON.
H.R. 3163: Mr. STARK, Ms. LEE of California, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. NORTON, Ms. FUDGE, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. RANGEL, Ms. EDWARDS, Mr. CLEAVER, Ms. CLARKE of New York, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DAVID SCOTT of Georgia, Mr. MEEKS, Mr. RICHMOND, Ms. RICHARDSON, and Mr. CARSON of Indiana.
H.R. 3185: Mr. JOHNSON of Ohio, Mr. LONG, Mrs. ELLMERS, and Mrs. HARTZLER.
H.R. 3194: Mr. BROUN of Georgia.
H.R. 3200: Ms. CLARKE of New York.
H.R. 3202: Mr. YOUNG of Alaska.
H.R. 3218: Mr. FLORES, Mr. PENCE, Mr. MANZULLO, Mr. KINGSTON, Mr. COLE, Mr. POSEY, Mr. CONAWAY, Mr. BARTON of Texas, and Mrs. SCHMIDT.
H.R. 3233: Mr. CLARKE of Michigan.
H.R. 3243: Mrs. BLACKBURN and Mr. NEUGEBAUER.
H.R. 3267: Mr. BENISHEK.
H.R. 3270: Mr. DENHAM.
H.R. 3286: Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. LANGEVIN, Mr. FILNER, Ms. BORDALLO, and Ms. EDWARDS.
H.R. 3289: Mr. GOSAR and Mr. PEARCE.
H.R. 3294: Mr. STUTZMAN, Mr. FLORES, and Mr. YODER.
H.R. 3296: Ms. HIRONO.
H.J. Res. 20: Mr. FLORES.
H.J. Res. 81: Mr. NUNNELEE, Mr. HULTGREN, Mr. PALAZZO, Mr. YOUNG of Indiana, and Mr. CUELLAR.
H. Res. 25: Mr. DUNCAN of South Carolina.
H. Res. 295: Ms. NORTON.
H. Res. 341: Ms. PINGREE of Maine, Mr. LATHAM, and Mr. CONNOLLY of Virginia.
H. Res. 351: Mr. BARTLETT.
H. Res. 356: Mr. DIAZ-BALART and Mr. WOLF.
H. Res. 433: Mr. KLINE.

THURSDAY, NOVEMBER 3, 2011 (144)

¶144.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. FITZPATRICK, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 3, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶144.2 RECESS—11:31 A.M.

The SPEAKER pro tempore, Mr. WOODALL, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 31 minutes a.m., until noon.

¶144.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶144.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 2, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶144.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3730. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions (RIN: 0584-AE13) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3731. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes With Stems

From the Republic of Korea Into the United States [Docket No.: APHIS-2010-0020] (RIN: 0579-AD33) received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3732. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket IN: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8201] received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3733. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Disclosure of Information; Privacy Act Regulations; Notice and Amendments (RIN: 3064-AD83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3734. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Sample Income Data To Meet the Low-Income Definition (RIN: 3133-AD76) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3735. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Environmental Impact Considerations, Food Additives, and Generally Recognized As Safe Substances; Technical Amendments [Docket No.: FDA-2011-N-0011] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3736. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Interpretation of Transmission Planning Reliability Standard [Docket No.: RM10-6-000; Order No. 754] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3737. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants Regulatory Guide 1.221 received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3738. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a letter report entitled, ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2011'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3739. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting three letter reports entitled, (1) ''Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2008 Through 2011, as of March 31, 2011'', (2) ''Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2008 Through 2011, as of March 31, 2011'', and (3) ''Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2008 Through 2011, as of March 31, 2011'', pursuant to 15 U.S.C. 2076(j); to the Committee on Oversight and Government Reform.

3740. 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-XA690) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3741. 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 Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA715) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3742. 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 Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations [Docket No.: 110707375-1578-02] (RIN: 0648-BB07) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3743. 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; Northeast (NE) Multispecies Fishery; Framework Adjustment (FW) 45; Adjustments for Fishing Year (FY) 2011 [Docket No.: 100923469-1543-05] (RIN: 0648-BA27) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3744. 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; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA722) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3745. 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; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XA677) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

¶144.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DESJARLAIS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 3, 2011 at 9:36 a.m.:

That the Senate passed S. 271.
That the Senate passed S. 278.
That the Senate passed S. 535.
That the Senate passed S. 683.
That the Senate passed S. 684.
That the Senate passed S. 808.
That the Senate passed S. 897.
That the Senate passed S. 997.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶144.7 AGRICULTURE APPROPRIATIONS FY 2012

On motion of Mr. ROGERS of Kentucky, by unanimous consent, 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; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROGERS of Kentucky, it was,

Resolved, That the House disagree to the amendments of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶144.8 MOTION TO INSTRUCT CONFEREES—H.R. 2112

Mr. DICKS moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 2112, be instructed to insist on (1) the highest level of funding for the ''Federal Highway Administration-Emergency Relief Program'' account, within the scope of conference and only for activities consistent with the definition of ''disaster relief'' included in the Budget Control Act of 2011, and (2) the highest level of funding within the scope of conference for the Community Oriented Policing Services (COPS) programs.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. DESJARLAIS, announced that the yeas had it.

Mr. DICKS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DESJARLAIS, pursuant to clause 8 of rule XX, announced that further proceedings on the motion were postponed.

¶144.9 PROVIDING FOR CONSIDERATION OF H.R. 2930 AND H.R. 2940

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 453):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the

chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Miller of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 241 / Nays ..... 184 }

¶144.10 [Roll No. 821]

YEAS—241

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

NAYS—184

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

NOT VOTING—8

Austria
Bachmann
Bilirakis
Giffords
Hirono
Larson (CT)
Murphy (CT)
Ruppersberger

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶144.11 MOTION TO INSTRUCT CONFEREES TO H.R. 2112—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. DICKS, to instruct the managers on the part of the House 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.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 265 / Nays 160

¶144.12 [Roll No. 822]

YEAS—265

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gingrey (GA)
Gonzalez
Gosar
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Womack
Woolsey
Yarmuth

NAYS—160

Adams
Akin
Amash
Amodei
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
DesJarlais
Doggett
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Latta
Lewis (CA)
Long
Luetkemeyer
Lummis
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Austria
Bachmann
Bilirakis
Butterfield
Giffords
Hirono
Murphy (CT)
Ruppersberger

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶144.13 APPOINTMENT OF CONFEREES—H.R. 2112

Thereupon, the SPEAKER pro tempore, Mr. BASS of New Hampshire, by unanimous consent, appointed Messrs. ROGERS of Kentucky, LEWIS of California, WOLF, KINGSTON, LATHAM, ADERHOLT, Mrs. EMERSON, Messrs. CULBERSON, CARTER, BONNER, LATOURETTE, DICKS, Ms. DELAURO, Messrs. OLVER, PASTOR of Arizona, PRICE of North Carolina, FARR, FATTAH, and SCHIFF, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶144.14 ACCESS TO CAPITAL FOR JOB CREATORS

Mr. BACHUS, pursuant to House Resolution 453, called up for consideration the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

Pending consideration of said bill,

The amendment in the nature of a substitute, recommended by the Committee on Financial Services, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 453, the following further amendment, printed in Part B of House Report 112-265, was submitted by Mr. MILLER of North Carolina:

Page 4, line 9, insert before the period the following: ''and the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules discloses in any advertising materials connected with such offering or selling any bonus compensation structures and 'golden parachute' severance packages that the person has provided to executive officers, directors, or other principals of the person''.

After debate,

Pursuant to House Resolution 453, the previous question was ordered on the bill, as amended, and the further amendment.

¶144.15 ORDER OF BUSINESS—ON CONSIDERATION OF H.R. 2940

On motion of Mr. MCCARTHY of California, by unanimous consent,

Ordered, That the Speaker may postpone further proceedings on the amendment offered by Mr. MILLER of North Carolina, to H.R. 2940, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, as though under clause 8(a)(1)(A) of rule XX.

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the nays had it.

Mr. MILLER of North Carolina, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of North Carolina, pursuant to clause 8 of rule XX, announced that further proceedings on the bill were postponed.

¶144.16 ENTREPRENEUR ACCESS TO CAPITAL

The SPEAKER pro tempore, Mr. GARRETT, pursuant to House Resolution 453 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2930) to amend the securities laws

to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

The SPEAKER pro tempore, Mr. GARRETT, by unanimous consent, designated Mr. BASS of New Hampshire, as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. MCHENRY, assumed the Chair.

¶144.17 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2112. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2112) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes,'' agree to a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints: Messrs. KOHL, HARKIN, Mrs. FEINSTEIN, Messrs. JOHNSON [SD], NELSON [NE], PRYOR, BROWN [OH], INOUYE, Mrs. MURRAY, Ms. MIKULSKI, Messrs. BLUNT, COCHRAN, MCCONNELL, Ms. COLLINS, Messrs. MORAN, HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY, to be the conferees on the part of the Senate.

The Committee resumed its sitting; and after some further time spent therein,

¶144.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in part A of House Report 112-265, submitted by Ms. VELAZQUEZ:

Page 8, line 13, strike ''and''.

Page 8, line 14, strike the period and insert ''; and''.

Page 8, after line 14, insert the following:

''(14) discloses to potential investors the intermediary's compensation structure for participation in the security offering.''.

It was decided in the negative ..... { Yeas ..... 189 / Nays 234

¶144.19 [Roll No. 823]

AYES—189

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

NOES—234

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

NOT VOTING—10

Austria
Bachmann
Bilirakis
Braley (IA)
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Ryan (OH)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. CHAFFETZ, assumed the Chair.

When Mrs. MILLER of Michigan, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Entrepreneur Access to Capital Act''.

SEC. 2. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

''(6) transactions involving the offer or sale of securities by an issuer, provided that—

''(A) the aggregate amount sold within the previous 12-month period in reliance upon this exemption is—

''(i) $1,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less; or

''(ii) if the issuer provides potential investors with audited financial statements, $2,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less;

''(B) the aggregate amount sold to any investor in reliance on this exemption within the previous 12-month period does not exceed the lesser of—

''(i) $10,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics; and

''(ii) 10 percent of such investor's annual income;

''(C) in the case of a transaction involving an intermediary between the issuer and the

investor, such intermediary complies with the requirements under section 4A(a); and

''(D) in the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with the requirements under section 4A(b).''.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 is amended by inserting after section 4 the following:

"SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

''(a) REQUIREMENTS ON INTERMEDIARIES.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the offer or sale of securities shall comply with the requirements of this subsection if the intermediary—

''(1) warns investors, including on the intermediary's website used for the offer and sale of such securities, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

''(4) provides the Commission with the intermediary's physical address, website address, and the names of the intermediary and employees of the intermediary, and keep such information up-to-date;

''(5) provides the Commission with continuous investor-level access to the intermediary's website;

''(6) requires each potential investor to answer questions demonstrating—

''(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

''(B) an understanding of the risk of illiquidity; and

''(C) such other areas as the Commission may determine appropriate by rule or regulation;

''(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described under paragraph (10) withholds offering proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

''(8) carries out a background check on the issuer's principals;

''(9) provides the Commission and potential investors with notice of the offering, not later than the first day securities are offered to potential investors, including—

''(A) the issuer's name, legal status, physical address, and website address;

''(B) the names of the issuer's principals;

''(C) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

''(D) the target offering amount and the deadline to reach the target offering amount;

''(10) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;

''(11) maintains such books and records as the Commission determines appropriate;

''(12) makes available on the intermediary's website a method of communication that permits the issuer and investors to communicate with one another;

''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

''(14) does not offer investment advice.

''(b) REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.—For purposes of section 4(6), an issuer who offers or sells securities without an intermediary shall comply with the requirements of this subsection if the issuer—

''(1) warns investors, including on the issuer's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

''(4) provides the Commission with the issuer's physical address, website address, and the names of the principals and employees of the issuers, and keeps such information up-to-date;

''(5) provides the Commission with continuous investor-level access to the issuer's website;

''(6) requires each potential investor to answer questions demonstrating—

''(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

''(B) an understanding of the risk of illiquidity; and

''(C) such other areas as the Commission may determine appropriate by rule or regulation;

''(7) states a target offering amount and ensures that the third party custodian described under paragraph (9) withholds offering proceeds until the aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

''(8) provides the Commission with notice of the offering, not later than the first day securities are offered to potential investors, including—

''(A) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

''(B) the target offering amount and the deadline to reach the target offering amount;

''(9) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;

''(10) maintains such books and records as the Commission determines appropriate;

''(11) makes available on the issuer's website a method of communication that permits the issuer and investors to communicate with one another;

''(12) does not offer investment advice;

''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

''(14) discloses to potential investors, on the issuer's website, that the issuer has an interest in the issuance.

''(c) VERIFICATION OF INCOME.—For purposes of section 4(6), an issuer or intermediary may rely on certifications as to annual income provided by the person to whom the securities are sold to verify the investor's income.

''(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make the notices described under subsections (a)(9), (a)(13), (b)(8), and (b)(13) and the information described under subsections (a)(4) and (b)(4) available to the States.

''(e) RESTRICTION ON SALES.—With respect to a transaction involving the issuance of securities described under section 4(6), a purchaser may not transfer such securities during the 1-year period beginning on the date of purchase, unless such securities are sold to—

''(1) the issuer of such securities; or

''(2) an accredited investor.

''(f) CONSTRUCTION.—

''(1) NO REGISTRATION AS BROKER.—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be required to register as a broker under section 15(a)(1) of the Securities Exchange Act of 1934 solely by reason of participation in such transaction.

''(2) NO PRECLUSION OF OTHER CAPITAL RAISING.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).''.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue such rules as may be necessary to carry out section 4A of the Securities Act of 1933. In issuing such rules, the Commission shall consider the costs and benefits of the action.

(d) DISQUALIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall by rule or regulation establish disqualification provisions under which an issuer shall not be eligible to utilize the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the issuer or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The Commission shall also establish disqualification provisions under which an intermediary shall not be eligible to act as an intermediary in connection with an offering utilizing the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the intermediary or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. Such provisions shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

SEC. 3. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended—

(1) by striking ''(5) For the purposes'' and inserting:

''(5) DEFINITIONS.—

''(A) IN GENERAL.—For the purposes''; and

(2) by adding at the end the following:

''(B) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—For purposes of this subsection, securities held by persons who purchase such securities in transactions described under section 4(6) of the Securities Act of 1933 shall not be deemed to be 'held of record'.''.

SEC. 4. PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) section 4(6);''.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, intermediary, or

any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF INTERMEDIARIES, ISSUERS, AND CUSTODIANS.—Section 18(c)(1) of the Securities Act of 1933 is amended by striking ''with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.'' and inserting the following: '', in connection with securities or securities transactions, with respect to—

''(A) fraud or deceit;

''(B) unlawful conduct by a broker or dealer; and

''(C) with respect to a transaction described under section 4(6), unlawful conduct by an intermediary, issuer, or custodian.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOLT moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

Page 5, line 22, strike ''section 4A(a)'' and insert ''subsections (a) and (g) of section 4A''.

Page 11, line 20, strike the quotation mark and following period and insert after such line the following:

''(g) PROHIBITION ON INTERMEDIARY DOING BUSINESS WITH IRAN.—

''(1) IN GENERAL.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the issuance of securities may not, directly or indirectly—

''(A) own any share or interest in a person doing business with the Government of Iran; or

''(B) be affiliated with any person who is, or who directly or indirectly owns any share or interest in a person who is, doing business with the Government of Iran.

''(2) CONSTRUCTION.—For purposes of this subsection, the term 'Government of Iran' shall include any agent or instrumentality owned or controlled by the Government of Iran.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the nays had it.

Mr. HOLT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 / Nays ..... 237 }

¶144.20 [Roll No. 824]

AYES—187

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

NOES—237

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

NOT VOTING—9

Austria
Bachmann
Ellison
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Simpson

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the yeas had it.

Mr. MCHENRY demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays ..... 17 }

¶144.21 [Roll No. 825]

AYES—407

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)

Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—17

Ackerman
Butterfield
Capuano
Cummings
Dingell
Edwards
Kildee
Kucinich
Lewis (GA)
Lynch
Markey
Miller (NC)
Olver
Price (NC)
Schakowsky
Tierney
Watt

NOT VOTING—9

Austria
Bachmann
Filner
Garamendi
Giffords
Issa
Murphy (CT)
Ruppersberger
Visclosky

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶144.22 H.R. 2940—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHAFFETZ, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the amendment, printed in Part B of House Report 112-265, by Mr. MILLER of North Carolina, to the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

The question being put,

Will the House agree to said amendment?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 190 / Nays 234

¶144.23 [Roll No. 826]

YEAS—190

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

NAYS—234

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

NOT VOTING—9

Austria
Bachmann
Burton (IN)
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Stutzman

So the amendment was not agreed to.

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

Mr. DEFAZIO moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

Page 4, line 9, insert before the period the following: ‘‘, and that the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules has not been convicted of fraud in connection with a financial transaction, including predatory lending to a veteran’’.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the nays had it.

Mr. DEFAZIO demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 190 / Nays ..... 236 }

¶144.24 [Roll No. 827]

AYES—190

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

NOES—236

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

NOT VOTING—7

Austria
Bachmann
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the yeas had it.

Mr. MCCARTHY of California, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays ..... 11 }

¶144.25 [Roll No. 828]

AYES—413

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

NOES—11

Capuano
Dingell
Kucinich
Lynch
Markey
Miller (NC)
Price (NC)
Rush
Schakowsky
Tierney
Visclosky

NOT VOTING—9

Austria
Bachmann
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Wasserman Schultz
Wilson (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶144.26 CLERK TO CORRECT ENGROSSMENT—H.R. 2940 AND H.R. 2930

On motion of Mr. McCARTHY of California, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D; and the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶144.27 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. FLEISCHMANN, pursuant to 22 United States Code 6913, and the order of the House of January 5, 2011, announced that the Speaker appointed the following Members of the House to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR, and Mr. HONDA.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶144.28 PROVIDING FOR CONSIDERATION OF H.R. 2838

Mr. WEBSTER, by direction of the Committee on Rules, reported (Rept. No. 112–267) the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶144.29 FURTHER MESSAGE FROM THE SENATE

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

H.R. 818. An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

¶144.30 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1759. An Act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

¶144.31 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 271. An Act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Natural Resources.

S. 535. An Act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

S. 684. An Act to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Natural Resources.

S. 897. An Act to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs; to the Committee on Natural Resources.

S. 997. An Act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Coast Irrigation District; to the Committee on Natural Resources.

¶144.32 SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 894. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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.

And then,

¶144.33 ADJOURNMENT

On motion of Mr. JACKSON of Illinois, at 9 o'clock and 3 minutes p.m., the House adjourned.

¶144.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2840. A bill to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes; with an amendment (Rept. 112–266). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes (Rept. 112–267). Referred to the House Calendar.

¶144.35 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. DOLD (for himself and Mr. QUIGLEY):

H.R. 3332. A bill to require each agency to prepare and make public quarterly and annual consolidated financial statements using the fair-value accrual accounting method, to require the Congressional Budget Office to use current-year spending as the baseline for estimating future mandatory and discretionary changes, and for other purposes; to the Committee on the Budget, 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 Mr. STARK (for himself, Mr. RANGEL, Ms. BASS of California, Mr. GRIJALVA, Ms. SLAUGHTER, Mr. BECERRA, Mr. POLIS, Ms. MOORE, and Mr. NADLER):

H.R. 3333. A bill to amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, 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. GRIJALVA, Mr. MARKEY, Ms. ROYBAL-ALLARD, Mr. CLEAVER, Ms. HIRONO, Mr. CONYERS, Mr. ACKERMAN, Mr. MORAN, Mr. SABLAN, Mr. ELLISON, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ, Mr. HONDA, Mr. HINCHEY, Mr. WAXMAN, Mr. STARK, Mr. SERRANO, Mr. KUCINICH, Mr. NADLER, Mrs. NAPOLITANO, Ms. LEE of California, Mr. FARR, Mr. BERMAN, Mr. KILDEE, Mr. MCNERNEY, and Mr. GEORGE MILLER of California):

H.R. 3334. A bill to designate certain National Forest System lands and public lands under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness and wild and scenic rivers, to provide for the establishment of a Northern Rockies Wildlife Habitat and Corridors Information System and Program, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 3335. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to members of the Armed Forces and veterans; to the Committee on Natural Resources.

By Mrs. HARTZLER:

H.R. 3336. A bill to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act; to the Committee on Agriculture.

By Mr. AKIN (for himself, Mr. KISSELL, Mr. HEINRICH, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BARTLETT, Mr. CONYERS, Ms. CASTOR of Florida, Mr. LUJÁN, Mr. GRIJALVA, Ms. BORDALLO, Mr. OWENS, Mr. HANNA, Mr. PEARCE, Mr. ROE of Tennessee, Mr. LONG, Mr. LOBIONDO, Mr. LATHAM, and Mr. FRANKS of Arizona):

H.R. 3337. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, and Mr. PETERS):

H.R. 3338. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, 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 Mr. DAVIS of Kentucky (for himself, Mr. DOGGETT, Mr. ISSA, Mr. LEWIS of Georgia, Mr. HERGER, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. BOUSTANY, Mr. PRICE of Georgia, Ms. JENKINS, Mr. PAULSEN, Mr. MARCHANT, Mr. BERG, Mrs. BLACK, Mr. REED, and Mr. LANKFORD):

H.R. 3339. A bill to establish consistent requirements for the electronic content and format of data used in the administration of certain human services programs under the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself and Mr. BARROW):

H.R. 3340. A bill to direct the Secretary of Commerce to establish a grant program to provide veterans with apprenticeships and career advice; to the Committee on Veterans' Affairs.

By Ms. HIRONO (for herself and Mr. DREIER):

H.R. 3341. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. BASS of New Hampshire (for himself, Mrs. EMERSON, and Mr. WELCH):

H.R. 3342. A bill to amend title XIX of the Social Security Act to encourage States to increase generic drug utilization under Medicaid; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mrs. BLACK, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. GOHMERT, Mr. GUTHRIE, Mr. COHEN, and Mr. SHULER):

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. HAHN):

H.R. 3344. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself and Mr. MCHENRY):

H.R. 3345. A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Oversight and Government Reform.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. RANGEL, Mr. DINGELL, Mr. GENE GREEN of Texas, Mr. REYES, Mr. PETERS, Mr. JOHNSON of Georgia, Mr. PAYNE, Ms. DELAURO, Ms. LEE of California, Mr. TOWNS, Ms. NORTON, Ms. WOOLSEY, Mr. KILDEE, Mr. MEEKS, Mr. GEORGE MILLER of California, Mr. SERRANO, Ms. MOORE, Mr. NADLER, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. FRANK of Massachusetts, Mr. DEUTCH, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. COHEN, Ms. EDWARDS, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. WATT, Mr. BERMAN, Ms. JACKSON LEE of Texas, Mr. GONZALEZ, Ms. VELÁZQUEZ, Ms. SLAUGHTER, Mr. TIERNEY, Mr. DICKS, Mr. CARNAHAN, and Mr. CICILLINE):

H.R. 3346. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. FORTENBERRY:

H.R. 3347. A bill to exempt any road, highway, or bridge damaged by a natural disaster, including a flood, from duplicative environmental document reviews if the road, highway, or bridge is reconstructed in the same location; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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. GENE GREEN of Texas:

H.R. 3348. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN of Arkansas:

H.R. 3349. A bill to amend title 10, United States Code, to recognize the distance education program developed by the Department of Defense to provide advanced joint professional military education through a combination of non-resident and resident instruction as equivalent to the joint professional military education phase II program consisting of exclusively of resident instruction; to the Committee on Armed Services.

By Mr. GRIFFIN of Arkansas:

H.R. 3350. A bill to amend title 38, United States Code, to clarify the waiver period with respect to a deductible made by a veteran for certain travel costs necessary to receive treatment at facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GRIFFIN of Arkansas:

H.R. 3351. A bill to amend title 38, United States Code, to allow certain veterans to use educational assistance provided by the Department of Veterans Affairs for franchise training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. MURPHY of Pennsylvania, Mr. FILNER, Mr.

BISHOP of New York, Mr. GRIMM, Mr. TOWNS, and Mr. BOSWELL):

H.R. 3352. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND:

H.R. 3353. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUJÁN:

H.R. 3354. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 3355. A bill to direct the Secretary of Veterans Affairs to establish a grant program to assist veterans find employment, to make permanent and modify the work opportunity tax credit with respect to unemployed veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. HUNTER, Mr. CALVERT, and Ms. JENKINS):

H.R. 3356. A bill to amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action; to the Committee on the Judiciary.

By Ms. MCCOLLUM (for herself, Mr. SCHOCK, Mr. SENSENBRENNER, Ms. ESHOO, Mr. LATOURETTE, Ms. DEGETTE, Mrs. EMERSON, Mr. SIMPSON, Mr. CHANDLER, Mr. TIBERI, Ms. MOORE, Mr. DENT, Mr. JACKSON of Illinois, Mrs. NAPOLITANO, Mr. MORAN, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. RANGEL, Mr. GRIJALVA, Mrs. MALONEY, Ms. BALDWIN, Mr. HONDA, Mr. MCGOVERN, Mr. MCNERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. PAYNE, Ms. HIRONO, Mr. ISRAEL, Mr. ANDREWS, Mr. KIND, Ms. LEE of California, Mr. BRADY of Pennsylvania, Mr. PAULSEN, Mr. COHEN, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. KILDEE, Mr. MARKEY, Mr. RYAN of Ohio, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. RICHARDSON, Ms. NORTON, Mr. CARNAHAN, Mr. JOHNSON of Georgia, Mrs. CAPPS, and Ms. DELAURO):

H.R. 3357. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MICHAUD (for himself, Mr. WELCH, Ms. PINGREE of Maine, and Mr. OWENS):

H.R. 3358. A bill to amend title 40, United States Code, to extend the authorization of the Northern Border Regional Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN (for himself, Mr. ROTHMAN of New Jersey, Mr. FILNER, Mr. YOUNG of Florida, Mr. RAHALL, Mr. STARK, Mr. KUCINICH, Mr. NADLER, Mr. VAN HOLLEN, and Mr. POLIS):

H.R. 3359. A bill to amend the Animal Welfare Act to restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions; to the Committee on Agriculture.

By Mr. RENACCI (for himself, Mr. CARNEY, Mr. MEEHAN, Mr. WEBSTER, Mr. QUIGLEY, and Mr. WELCH):

H.R. 3360. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to tax-exempt Housing Equity Savings Accounts; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 3361. A bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System; to the Committee on the Judiciary.

By Mrs. SCHMIDT (for herself, Mr. COBLE, and Mr. BUCSHON):

H.R. 3362. A bill to limit the manner in which Amtrak is authorized to provide food and beverage service; to the Committee on Transportation and Infrastructure.

By Mr. WELCH (for himself, Mr. MICHAUD, Mr. OWENS, and Ms. PINGREE of Maine):

H.R. 3363. A bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. ENGEL, Mr. BILIRAKIS, Mr. GRIMM, Mrs. MALONEY, Mr. PALLONE, and Mr. ROYCE):

H.J. Res. 83. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to Turkey; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. CARNAHAN, Mr. HONDA, Mr. ISRAEL, Mr. GRIJALVA, Mr. PAYNE, Mrs. MALONEY, Ms. WOOLSEY, Ms. SPEIER, and Mrs. CAPPS):

H. Con. Res. 84. Concurrent resolution recognizing the disparate impact of climate change on women and the efforts of women globally to address climate change; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. HIGGINS, Mr. TOWNS, Mr. TIERNEY, Mr. HINCHEY, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. CICILLINE, Ms. KAPTUR, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. STARK, Mr. THOMPSON of California, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. HOLT, Ms. MOORE, Mr. MCGOVERN, Ms. TSONGAS, Mr. ELLISON, Mr. COHEN, Mr. LARSON of Connecticut, Mr. CUMMINGS, Mr. KUCINICH, Mr. GUTIERREZ, and Mr. CONYERS):

H. Con. Res. 85. Concurrent resolution expressing the sense of the House of Representatives regarding the proposed settlement between the Department of Justice, the State attorneys general, and mortgage servicers regarding mortgage fraud and the economic crisis; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. MORAN, Ms. NORTON, Mr. SABLAN, and Mr. SERRANO):

H. Res. 454. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 456. A resolution encouraging civilians to observe Veterans Day by listening, with respect and without judgment, to the stories of combat veterans; to the Committee on Veterans' Affairs.

By Mr. ROE of Tennessee:

H. Res. 457. A resolution encouraging individuals to seek training in the use of cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs), and for other purposes; to the Committee on Energy and Commerce.

¶144.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WAXMAN, Mr. LARSON of Connecticut, and Mr. CLAY.

H.R. 49: Mr. YOUNG of Florida.

H.R. 83: Mr. DOGGETT, Mr. CONYERS, Ms. HANABUSA, Mrs. NAPOLITANO, Mr. RICHMOND, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. KILDEE, Ms. KAPTUR, Mr. GARAMENDI, Mr. MCGOVERN, Ms. SPEIER, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. GONZALEZ, Mr. TONKO, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. OWENS, Mr. ANDREWS, and Mr. VAN HOLLEN.

H.R. 85: Mr. RYAN of Ohio.

H.R. 132: Mr. FILNER.

H.R. 178: Mr. BERG.

H.R. 219: Mr. JOHNSON of Illinois.

H.R. 265: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 266: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 267: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 328: Mr. CAPUANO.

H.R. 329: Mr. CARNAHAN and Mr. PLATTS.

H.R. 402: Mr. PRICE of North Carolina.

H.R. 452: Mr. JOHNSON of Illinois.

H.R. 504: Mr. GRIFFIN of Arkansas.

H.R. 507: Mr. JOHNSON of Illinois.

H.R. 576: Ms. LEE of California.

H.R. 598: Mr. CUELLAR and Mr. MEEKS.

H.R. 615: Mr. WALSH of Illinois.

H.R. 640: Mr. BISHOP of New York, Mr. ELLISON, Ms. DEGETTE, and Mr. TOWNS.

H.R. 648: Mr. FITZPATRICK.

H.R. 676: Mr. PASTOR of Arizona.

H.R. 719: Mr. KING of Iowa, Mr. PEARCE, Mr. AUSTIN SCOTT of Georgia, Mr. PRICE of North Carolina, Mr. KISSELL, and Mr. HANNA.

H.R. 721: Mr. BRADY of Pennsylvania, Mr. GIBBS, and Mr. KINGSTON.

H.R. 735: Mr. FLEISCHMANN.

H.R. 743: Ms. HOCHUL.

H.R. 809: Mr. BOSWELL.

H.R. 812: Mr. RANGEL, Mr. BOSWELL, Mr. MCCOTTER, and Mr. PAULSEN.

H.R. 835: Mr. CROWLEY.

H.R. 860: Mr. PAYNE, Mr. BERG, Mr. HONDA, Mr. GUINTA, and Mr. CLEAVER.

H.R. 865: Ms. SCHWARTZ and Mr. CUELLAR.

H.R. 886: Mr. FITZPATRICK, Mr. SHUSTER, Mr. BRADY of Texas, Mrs. CAPITO, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARNEY, Mr. CAPUANO, Ms. CASTOR of Florida, Ms. CHU, Mr. CLYBURN, Mrs. DAVIS of California, Mr. ENGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HOLT, Mr. INSLEE, Mr. KILDEE, Mr. KIND, Mrs. LOWEY, Mr. MARKEY, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RICHMOND, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mr.

THOMPSON of California, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. DAVIS of Kentucky, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. STUTZMAN, Mr. SCHWEIKERT, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. UPTON, Mr. BURGESS, and Mr. WALDEN.

H.R. 890: Mr. FORTENBERRY.

H.R. 891: Mr. FRANK of Massachusetts.

H.R. 912: Mrs. DAVIS of California.

H.R. 1048: Mr. HINCHEY.

H.R. 1167: Mr. BROUN of Georgia.

H.R. 1179: Mr. COFFMAN of Colorado, Mr. BROUN of Georgia, Mrs. BACHMANN, and Mr. RIGELL.

H.R. 1193: Mr. ALTMIRE.

H.R. 1195: Mr. SCOTT of South Carolina.

H.R. 1206: Mr. PERLMUTTER and Mr. SHUSTER.

H.R. 1244: Ms. SCHAKOWSKY and Mr. PITTS.

H.R. 1267: Mr. INSLEE.

H.R. 1288: Mr. DEFAZIO, Mr. RYAN of Ohio, and Mr. JACKSON of Illinois.

H.R. 1297: Mr. ELLISON.

H.R. 1340: Mr. WOMACK and Mr. BRALEY of Iowa.

H.R. 1385: Mr. MANZULLO.

H.R. 1417: Ms. DELAURO.

H.R. 1457: Mr. MEEKS.

H.R. 1465: Ms. EDWARDS.

H.R. 1489: Ms. JACKSON LEE of Texas.

H.R. 1513: Mr. MARINO, Mr. DICKS, Mr. CROWLEY, Ms. TSONGAS, Ms. VELÁZQUEZ, Mr. CICILLINE, Mr. OLVER, Mr. LYNCH, Mr. SERRANO, and Mr. WEST.

H.R. 1524: Ms. LEE of California and Mr. CARNAHAN.

H.R. 1529: Mr. SCHILLING.

H.R. 1574: Mr. SHERMAN.

H.R. 1578: Mr. FRANK of Massachusetts, Mr. SABLAN, Ms. BORDALLO, Ms. CLARKE of New York, Ms. SPEIER, and Ms. BASS of California.

H.R. 1585: Mr. COFFMAN of Colorado.

H.R. 1639: Mr. HANNA, Mrs. BLACK, and Mr. CHABOT.

H.R. 1653: Mr. POLIS and Mr. TOWNS.

H.R. 1697: Mr. NUNNELEE, Mr. CRENSHAW, and Mr. HEINRICH.

H.R. 1739: Mr. MANZULLO.

H.R. 1742: Mr. WELCH.

H.R. 1815: Mr. ROONEY, Mr. BLUMENAUER, Mr. ALTMIRE, Mr. COURTNEY, Mr. HOLT, Mr. KIND, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. RAHALL, and Mrs. CAPPS.

H.R. 1831: Mr. JOHNSON of Illinois.

H.R. 1834: Mr. SHULER and Mr. TERRY.

H.R. 1842: Mr. PETERS.

H.R. 1848: Mr. YODER.

H.R. 1881: Mr. QUIGLEY.

H.R. 1901: Mr. GUTIERREZ.

H.R. 1905: Mr. MARKEY.

H.R. 1909: Mr. RENACCI and Mr. JACKSON of Illinois.

H.R. 1956: Mr. FRANKS of Arizona.

H.R. 1957: Mr. BISHOP of New York.

H.R. 1971: Mr. MICHAUD, Mr. MARINO, and Mr. KILDEE.

H.R. 2020: Mr. YARMUTH, Mr. LANCE, and Mr. TOWNS.

H.R. 2033: Mr. PAYNE.

H.R. 2051: Mr. HULTGREN, Mr. RENACCI, and Mr. CHABOT.

H.R. 2069: Mr. ROSS of Florida.

H.R. 2077: Mrs. ELLMERS and Mr. BURTON of Indiana.

H.R. 2082: Mr. NEAL and Mr. PENCE.

H.R. 2088: Mr. SARBANES, Mr. JACKSON of Illinois, and Mr. HOLT.

H.R. 2104: Mr. BRADY of Pennsylvania and Mr. DAVID SCOTT of Georgia.

H.R. 2180: Ms. RICHARDSON and Ms. ZOE LOFGREN of California.

H.R. 2187: Mr. REYES.

H.R. 2214: Mr. PENCE, Mr. GRIFFITH of Virginia, Mr. BROOKS, Mr. GUINTA, Mr. GOSAR, Mr. BILBRAY, Mr. ROE of Tennessee, Mr. BERG, Mr. WESTMORELAND, Mr. SCOTT of South Carolina, and Mr. COFFMAN of Colorado.

H.R. 2334: Mr. CRENSHAW.

H.R. 2353: Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. GOSAR, and Mr. MILLER of North Carolina.

H.R. 2412: Ms. LEE of California, Ms. NORTON, Ms. ESHOO, and Ms. DELAURO.

H.R. 2453: Mr. MEEKS, Mr. TOWNS, and Ms. SPEIER.

H.R. 2461: Mr. CRAWFORD.

H.R. 2466: Mr. BISHOP of New York and Mr. CARDOZA.

H.R. 2514: Mr. NUGENT and Mr. AMASH.

H.R. 2536: Mr. JOHNSON of Illinois.

H.R. 2541: Mr. GIBSON.

H.R. 2621: Mr. COFFMAN of Colorado and Mr. LAMBORN.

H.R. 2634: Mrs. MALONEY, Mr. BOSWELL, Ms. BORDALLO, and Mr. LOEBSACK.

H.R. 2655: Mr. MCGOVERN and Mr. MARKEY.

H.R. 2657: Mr. PETERS.

H.R. 2674: Mr. WELCH.

H.R. 2735: Mr. NEAL.

H.R. 2809: Mr. PETERS and Mr. AL GREEN of Texas.

H.R. 2849: Ms. JACKSON LEE of Texas.

H.R. 2874: Mr. SOUTHERLAND, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. KING of Iowa, Mr. JOHNSON of Illinois, Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mr. MCKINLEY.

H.R. 2885: Mr. JOHNSON of Illinois and Mr. CRAVAACK.

H.R. 2900: Mr. JOHNSON of Ohio.

H.R. 2945: Mr. SIMPSON and Mr. JOHNSON of Illinois.

H.R. 2948: Mr. REYES, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.

H.R. 2966: Mr. MCNERNEY, Mr. MARINO, Ms. BALDWIN, and Mr. WEST.

H.R. 2969: Mr. MARINO, Mr. COSTA, Mr. WOLF, and Mr. HOLT.

H.R. 3001: Mr. JONES, Ms. SCHWARTZ, Mr. PETERS, Mr. LUETKEMEYER, and Mr. HOYER.

H.R. 3010: Mr. CARTER and Mr. MATHESON.

H.R. 3035: Mr. GINGREY of Georgia.

H.R. 3039: Mr. SESSIONS and Mr. TERRY.

H.R. 3046: Mr. JACKSON of Illinois, Mr. FATTAH, and Ms. LEE of California.

H.R. 3059: Mr. BENISHEK.

H.R. 3066: Mr. WESTMORELAND.

H.R. 3077: Ms. PINGREE of Maine and Ms. ZOE LOFGREN of California.

H.R. 3083: Mr. HASTINGS of Florida and Mr. BERMAN.

H.R. 3113: Mr. LANDRY.

H.R. 3127: Mr. MARCHANT.

H.R. 3130: Mr. GARY G. MILLER of California.

H.R. 3156: Mr. GENE GREEN of Texas.

H.R. 3162: Mr. ROKITA and Mr. SCOTT of South Carolina.

H.R. 3167: Mr. DOLD.

H.R. 3184: Ms. LEE of California.

H.R. 3187: Mr. PETERS, Ms. HIRONO, and Mr. TOWNS.

H.R. 3206: Mr. WALDEN.

H.R. 3210: Mr. ROE of Tennessee and Mr. GRIMM.

H.R. 3221: Ms. ZOE LOFGREN of California.

H.R. 3225: Ms. MATSUI.

H.R. 3257: Mr. LATTA.

H.R. 3261: Mr. WATT, Mr. CARTER, Ms. BASS of California, Ms. WASSERMAN SCHULTZ, Mr. KING of New York, Mr. AMODEI, Mr. MARINO, and Mr. NUNNELEE.

H.R. 3262: Mr. LANKFORD, Mr. MEEHAN, Mr. MANZULLO, Mr. DUNCAN of South Carolina, Mr. YODER, Mr. JORDAN, Mr. FARENTHOLD, Mr. DESJARLAIS, Mr. SCHILLING, Mr. GOSAR, Mr. BURTON of Indiana, Mr. BASS of New Hampshire, Mr. MARINO, Ms. BUERKLE, Mr. MACK, and Mr. SCOTT of South Carolina.

H.R. 3277: Mr. AL GREEN of Texas.

H.R. 3278: Mr. CONYERS.

H.R. 3283: Ms. MOORE.

H.R. 3300: Mr. ACKERMAN, Mr. ANDREWS, Ms. BASS of California, Mr. BISHOP of Georgia, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Ms. FUDGE, Ms. HAHN, Mr. HONDA, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mr. PAYNE, Ms. RICHARDSON, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATERS, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. YARMUTH, Mr. MORAN, and Mr. FILNER.

H.R. 3305: Mr. ELLISON.

H.R. 3307: Mr. GERLACH.

H.R. 3324: Mr. KUCINICH.

H.J. Res. 52: Mr. ROSS of Florida.

H.J. Res. 78: Mr. TIERNEY.

H.J. Res. 80: Mr. PAYNE and Mr. HOLT.

H.J. Res. 81: Mr. YARMUTH.

H. Con. Res. 72: Mr. CLAY.

H. Res. 20: Mr. KEATING.

H. Res. 21: Mr. FALEOMAVAEGA.

H. Res. 71: Mr. BROUN of Georgia.

H. Res. 134: Mr. FRANKS of Arizona and Mr. GRAVES of Missouri.

H. Res. 253: Mr. MURPHY of Pennsylvania and Mr. YOUNG of Florida.

H. Res. 271: Mrs. SCHMIDT, Mr. GRAVES of Georgia, Mr. KINGSTON, Mr. POSEY, Mr. WILSON of South Carolina, Mr. COLE, Mr. BUCSHON, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. STUTZMAN, Mr. FLEISCHMANN, Mr. CANSECO, Mr. GUINTA, Mr. HUIZENGA of Michigan, and Mr. BRADY of Texas.

H. Res. 376: Mr. HULTGREN, Ms. CHU, Mr. CICILLINE, and Mr. FRANKS of Arizona.

H. Res. 378: Mr. WOLF.

H. Res. 450: Ms. LEE of California and Ms. CHU.

H. Res. 452: Ms. CHU, Ms. TSONGAS, Mr. WELCH, Mr. BLUMENAUER, Ms. BORDALLO, and Mr. LARSEN of Washington.

FRIDAY, NOVEMBER 4, 2011 (145)

The House was called to order by the SPEAKER.

¶145.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, November 3, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶145.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3746. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Reactive Blue 69; Confirmation of Effective Date [Docket No.: FDA-2009-C-0543) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3747. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-11 informing of an intent to sign the Project Agreement with the Ministry of Defense of the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

3748. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day

period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3749. A letter from the Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet [FWS-R1-ES-2008-0079] (RIN: 1018-AW84) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3750. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance with a Court Order [Docket No.: FWS-R5-ES-2011-0035] (RIN: 1018-AX80) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3751. A letter from the Acting director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XA709) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3752. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Surfclam and Ocean Quahog Fisheries; 2012 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit [Docket No.: 101013504-0610-02] (RIN: 0648-XA529) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3753. A letter from the Acting Deputy Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA704) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3754. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30803 Amdt. No. 3444] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3755. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30804 Amdt. No. 3445] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3756. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Restrictions on Operations Employing Former Flight Standards Service Aviation Safety Inspectors; Correction [Docket No.: FAA-2008-1154; Amendment Nos. 91-325, 119-15, 125-61, 133-14, 137-16, 141-16, 142-8, 145-29, and 147-7] (RIN: 2120-AJ36) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3757. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — WYTWORNIA SPREZETU KOMUNIKACYJNEGO (WSK) ''PZL-RZESZOW'' — SPOLKA AKCYJNA (SA) PZL-10W Turboshaft Engines [Docket No.: FAA-2011-0760; Directorate Identifier 2011-NE-10-AD; Amendment 39-16789; AD 2011-18-07] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3758. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines Model IO-720-A1B Reciprocating Engines [Docket No.: FAA-2011-0604; Directorate Identifier 2011-NE-21-AD; Amendment 39-16791; AD 2011-18-09] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3759. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2011-0917; Directorate Identifier 2011-NM-157-AD; Amendment 39-16806; AD 2011-19-01] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2010-1310; Directorate Identifier 2010-NM-067-AD; Amendment 39-16786; AD 2011-18-04] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0471; Directorate Identifier 2010-NM-219-AD; Amendment 39-16800; AD 2011-18-18] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3762. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes [Docket No.: FAA-2011-0216; Directorate Identifier 2010-NM-197-AD; Amendment 39-16796; AD 2011-18-14] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3763. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes [Docket No.: FAA-2011-0218; Directorate Identifier 2010-NM-164-AD; Amendment 39-16719; AD 2011-12-12] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3764. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0957; Directorate Identifier 2010-NM-062-AD; Amendment 39-16718; AD 2011-12-11] (RIN: 2120-AA64) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3765. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Keller v. Commissioner, T.C. Memo 2006-131 [AOD-2011-44] received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶145.3 PROVIDING FOR CONSIDERATION OF H.R. 2838

Mr. WEBSTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 455):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 28, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived.

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

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

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

SEC. 3. It shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment

adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. It shall be in order at any time on the legislative day of November 4, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the applicability of the coastwise trade laws.

When said resolution was considered.

After debate,

Mr. WEBSTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶145.4 RECESS—9:35 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 35 minutes a.m., subject to the call of the Chair.

¶145.5 AFTER RECESS—10:15 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶145.6 H. RES. 455—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 234 / Nays ..... 177 }

¶145.7 [Roll No. 829]

YEAS—234

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

NAYS—177

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

NOT VOTING—22

Austria
Bachmann
Benishek
Burton (IN)
Capps
Cardoza
Davis (IL)
Filner
Giffords
Heinrich
Higgins
Issa
Lewis (CA)
Murphy (CT)
Owens
Paul
Payne
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 245 / Nays ..... 166 }

¶145.8 [Roll No. 830]

YEAS—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

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

NAYS—166

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

NOT VOTING—22

Austria
Bachmann
Burton (IN)
Capps
Cardoza
Davis (IL)
Filner
Giffords
Harris
Heinrich
Higgins
Issa
Murphy (CT)
Owens
Paul
Payne
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶145.9 34TH AMERICA'S CUP

Mr. LoBIONDO moved to suspend the rules and pass the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. LoBIONDO and Mr. LARSEN of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WOMACK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LoBIONDO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387; Nays ..... 2; Answered present 1 }

¶145.10 [Roll No. 831]

YEAS—387

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carnahan
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
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
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peters
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Braley (IA) Richmond

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—43

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Carney
Carter
Clyburn
Davis (IL)
Denham
Dicks
Dingell
Engel
Filner
Giffords
Granger
Grijalva
Harris
Heinrich
Higgins
Himes
Issa
Kinzinger (IL)
LaTourette
Lofgren, Zoe
McKinley
Murphy (CT)
Owens
Paul
Payne
Perlmutter
Peterson
Platts
Reed
Richardson
Roskam
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.11 COAST GUARD AUTHORIZATION FY 2012

The SPEAKER pro tempore, Mr. KINGSTON, pursuant to House Resolution 455 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

The SPEAKER pro tempore, Mr. KINGSTON, by unanimous consent, designated Mr. WOMACK as Chairman of the Committee of the Whole; and after some time spent therein,

¶145.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 112-267, submitted by Mr. CUMMINGS:

Page 19, beginning on line 7, strike subsection (a) (and redesignate the succeeding subsections accordingly).

It was decided in the negative { Yeas ..... 174 / Nays 227

¶145.13 [Roll No. 832]

AYES—174

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

NOES—227

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

NOT VOTING—32

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Schock
Smith (WA)
Sullivan
Sutton
Velázquez
Young (FL)

So the amendment was not agreed to.

¶145.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 112-267, submitted by Mr. THOMPSON of Mississippi:

At the end of title II, add the following:

SEC. 2___. ACADEMY NOMINATIONS.

(a) APPOINTMENT.—Subsection (a) of section 182 of title 14, United States Code, is amended to read as follows:

''(a) NOMINATIONS.—

''(1) Half of each incoming class, beginning with academic year 2014, shall be composed of cadets nominated by:

''(A) The Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

''(B) A Senator.

''(C) A Representative in Congress.

''(D) The Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 3 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (A) through (D).

''(2) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

''(A) is a citizen or national of the United States; and

''(B) meets such minimum requirements that the Secretary may establish.

''(3) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.''

(b) TRANSITION.—With respect to the nomination of individuals, pursuant to section 182 of title 14, United States Code, who will matriculate in academic program year 2013, not less than 25 percent of the class shall be from nominations made pursuant to subparagraphs (A) through (D) of subsection (a)(1) of

such section 182 (as amended by subsection (a) of this section).

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

It was decided in the negative { Yeas ..... 182 / Nays ..... 218 }

¶145.15 [Roll No. 833]

AYES—182

Ackerman
Alexander
Altmire
Amodei
Andrews
Baca
Baldwin
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fudge
Garamendi
Gibson
Gonzalez
Goodlatte
Gowdy
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kingston
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Renacci
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Southerland
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—218

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

NOT VOTING—33

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Van Hollen
Velázquez
Westmoreland
Young (FL) ‘

So the amendment was not agreed to.

¶145.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 112-267, submitted by Mrs. NAPOLITANO:

Page 47, line 10, strike ‘‘and’’ at the end.

Page 47, after line 10, insert the following:

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

Page 47, line 11, strike ‘‘(2)’’ and insert ‘‘(3)’’.

It was decided in the affirmative { Yeas ..... 364 / Nays ..... 37 }

¶145.17 [Roll No. 834]

AYES—364

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires

Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stutzman
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—37

Ackerman
Amash
Berman
Blackburn
Bonner
Brady (TX)
Brooks
Cantor
Clarke (NY)
Crowley
Diaz-Balart
Edwards
Fudge
Gutierrez
Hastings (FL)
Honda
Hultgren
Johnson, E. B.
Kildee
Larsen (WA)
Long
Manzullo
Meeks
Mulvaney
Olson
Rangel
Ribble
Rogers (AL)
Ros-Lehtinen
Roskam
Schmidt
Stivers
Terry
Tiberi
Towns
Walberg
Walsh (IL)

NOT VOTING—32

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Grijalva
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Velázquez
Young (FL)

So the amendment was agreed to.

¶145.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 112-267, submitted by Mr. BISHOP of New York:

Page 95, after line 14, insert the following:

''(7) STATE OPERATIONAL REQUIREMENTS.—

''(A) IN GENERAL.—If any State determines that the protection and enhancement of the quality of waters within the State require greater environmental protection than would be achieved through the application of a standard specified under subsection (c) or established under subsection (d), the State may impose operational requirements that are more protective than such standards, except that a State operational requirement imposed under this paragraph may not—

''(i) require the installation of a ballast water treatment technology that differs from that required by the standard specified under subsection (c) or established under subsection (d); or

''(ii) apply until the Administrator and the Secretary determine that the waters of the State require greater environmental protection and such greater environmental protection can be achieved by the State operational requirement.

''(B) FACTORS FOR DETERMINATION.—

''(i) DETERMINATIONS BY ADMINISTRATOR.—In making the determination under subparagraph (A)(ii), the Administrator shall consider—

''(I) whether the receiving waters have been afforded special protection under Federal or State law;

''(II) the benefits to human health, welfare, or the environment of the additional protection for the receiving waters;

''(III) the reduction in risk to human health, welfare, or the environment resulting from the additional protection;

''(IV) the propagule pressure to be addressed by the additional protection;

''(V) applicable Federal and State law;

''(VI) applicable international standards; and

''(VII) the costs and benefits of providing the additional protection.

''(ii) DETERMINATIONS BY SECRETARY.—In making the determination under subparagraph (A)(ii) the Secretary shall consider—

''(I) the effect that the use of the State operational requirement for additional protection would have on the operation, operational capability, and safety of the crew and vessel;

''(II) the potential impacts on shipping, trade, and other uses of the aquatic environment;

''(III) applicable Federal and State law;

''(IV) applicable international standards; and

''(V) the costs and benefits of providing the additional protection.

''(C) DEADLINE.—Upon application of the State, the Administrator and the Secretary shall make the determination within 180 days of the date of the completed application.

''(D) APPROVAL OF STATE OPERATIONAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Administrator and the Secretary determine upon application by a State that the protection and enhancement of the quality of waters within that State require more environmental protection and that such greater protection can be achieved by the operational requirement, the Administrator and the Secretary shall approve the application for the State operational requirement.

''(ii) LIMITATION.—The Administrator and the Secretary may not approve a State operational requirement if the requirement—

''(I) would have an unreasonable impact on the use of traditional shipping lanes; or

''(II) would prohibit the discharge of ballast water in all the waters of the State.

''(iii) REGULATIONS.—Following the approval of a State operational requirement by the Administrator and the Secretary under this paragraph, the Secretary shall by regulation implement the State operational requirement for the waters of the State.

It was decided in the negative ..... { Yeas ..... 174 / Nays 225

¶145.19 [Roll No. 835]

AYES—174

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Benishek
Berkley
Berman
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Campbell
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rogers (MI)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—225

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Visclosky
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—34

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Cassidy
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Herger
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Terry
Velázquez
Young (FL)

So the amendment was not agreed to.

¶145.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 112-267, submitted by Ms. SLAUGHTER:

Strike title VII of the committee print.

It was decided in the negative ..... { Yeas ..... 161 / Nays 237

¶145.21 [Roll No. 836]

AYES—161

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Benishek
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Camp
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Forbes
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (MI)
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rigell
Rogers (MI)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Wolf
Woolsey
Yarmuth

NOES—237

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hirono
Holden
Huelskamp
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Visclosky
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—35

Austria
Bachmann
Berg
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jackson Lee (TX)
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Shuster
Smith (WA)
Sullivan
Sutton
Terry
Velázquez
Young (FL)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SMITH of Nebraska, assumed the Chair.

When Mr. BISHOP of Utah, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶145.22 CORRECT ENROLLMENT OF H.R. 2061

On motion of Mr. FARENTHOLD, by unanimous consent, the following concurrent resolution was taken from the Speaker's table (H. Con. Res. 86):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2061) to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike all after the enacting clause and insert the following:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Civilian Service Recognition Act of 2011'.

"SEC. 2. PRESENTATION OF UNITED STATES FLAG ON BEHALF OF FEDERAL CIVILIAN EMPLOYEES WHO DIE OF INJURIES INCURRED IN CONNECTION WITH THEIR EMPLOYMENT.

''(a) PRESENTATION AUTHORIZED.—Upon receipt of a request under subsection (b), the head of an executive agency may give a flag of the United States for an individual who—

''(1) was an employee of the agency; and

''(2) dies of injuries incurred in connection with such individual's employment with the Federal government, suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

''(b) REQUEST FOR FLAG.—The head of an executive agency may furnish a flag for a deceased employee described in subsection (a) upon the request of—

''(1) the employee's widow or widower, child, sibling, or parent; or

''(2) if no request is received from an individual described in paragraph (1), an individual other than the next of kin as determined by the Director of the Office of Personnel Management.

''(c) CLASSIFIED INFORMATION.—The head of an executive agency may disclose information necessary to show that a deceased individual is an employee described in subsection (a) to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

''(d) EMPLOYEE NOTIFICATION OF FLAG BENEFIT.—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

''(e) REGULATIONS.—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

''(f) DEFINITIONS.—In this section:

''(1) EMPLOYEE.—The term 'employee' has the meaning given that term in section 2105 of title 5, United States Code, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.''.

(2) Amend the title so as to read: ''A bill to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.''.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶145.23 ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS

On motion of Mr. FARENTHOLD, by unanimous consent, the bill of the Senate (S. 1487) to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶145.24 ADJOURNMENT OVER

On motion of Mr. FARENTHOLD, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, November 7, 2011; and further, when the House adjourns on Monday, November 7, 2011, it adjourn to meet at 2:30 p.m. on Thursday, November 10, 2011; and further, when the House adjourns on Thursday, November 10, 2011, it adjourn to meet at 2 p.m. on Monday, November 14, 2011.

¶145.25 NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore, Ms. HAYWORTH, pursuant to section 1002 of the Intelligence Authorization Act for fiscal year 2003 (Public Law 107-306), as amended by section 701(a)(3) of the Intelligence Authorization Act for fiscal year 2010 (Public Law 111-259), and the order of the House of January 5, 2011, announced that the Speaker appointed the following Member of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. CONAWAY.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶145.26 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 818. An Act to direct the Secretary of the Interior to allow low for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

¶145.27 BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on October 31, 2011, she presented to the President of the United States, for his approval, the following bills:

H.R. 489. An Act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An Act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An Act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the ''John Pangelinan Gerber Post Office Building''.

H.R. 1975. An Act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the ''First Lieutenant Oliver Goodall Post Office Building''.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the ''Matthew A. Pucino Post Office''.

H.R. 2149. An Act to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the ''Cecil L. Heftel Post Office Building''.

¶145.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. HEINRICH, for today; and

To Mr. JONES, for today after 11:30 a.m.

And then,

¶145.29 ADJOURNMENT

On motion of Mr. JACKSON of Illinois, pursuant to the previous order of the House, at 4 o'clock and 13 minutes p.m., the House adjourned until 10 a.m. on Monday, November 7, 2011.

¶145.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 915. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; with an amendment (Rept. 112–268). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1447. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes (Rept. 112–269). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1165. A bill to amend title 49, United States Code, to establish an Ombudsman Office within the Transportation Security Administration for the purpose of enhancing transportation security by providing confidential, informal, and neutral assistance to address work-place related problems of Transportation Security Administration employees, and for other purposes; with an amendment (Rept. 112–270). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1801. A bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; with an amendment (Rept. 112–271). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. House Resolution 255. A resolution expressing the sense of the House of Representatives that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union (Rept. 112–272). Referred to the House Calendar.

¶145.31 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. TERRY (for himself, Ms. DEGETTE, Mr. WHITFIELD, Mr. BILBRAY, and Mr. POSEY):

H.R. 3364. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Energy and Commerce.

By Mrs. LUMMIS (for herself, Mr. HEINRICH, Mr. BISHOP of Utah, Mr. GOSAR, Mr. PEARCE, Mr. SIMPSON, and Mr. LUJÁN):

H.R. 3365. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. SAM JOHNSON of Texas (for himself and Mr. NEAL):

H.R. 3366. A bill to amend the Internal Revenue Code of 1986 to clarify that bonus depreciation is not a cost allocated to a contract under the percentage of completion method for long-term contracts; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 3367. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. HOLT, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. PRICE of North Carolina, Ms. CLARKE of New York, Mr. CAPUANO, Ms. LEE of California, Mr. MCDERMOTT, Mr. CARNAHAN, Ms. MOORE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. HONDA, Mr. MARKEY, Mr. WELCH, Mr. SERRANO, Mr. FARR, Mr. POLIS, and Mr. NADLER):

H.R. 3368. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution

to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 3369. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of traumatic brain injury care in rural areas; to the Committee on Veterans' Affairs.

By Mr. CRAWFORD:

H.R. 3370. A bill to provide that the United States Postal Service may not close any post office that does not have another post office within 8 miles as measured by public roads with regular year-round access, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CARNAHAN (for himself, Mr. WESTMORELAND, Mr. WELCH, Mr. QUIGLEY, Ms. HIRONO, Mr. PERLMUTTER, Ms. MCCOLLUM, Ms. EDWARDS, Mr. POLIS, Mr. GARAMENDI, Ms. DELAURO, Mr. RYAN of Ohio, Mr. HONDA, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Ms. TSONGAS):

H.R. 3371. A bill to produce high-performance Federal buildings through an improved approach to building utilization, design, construction, and operations and maintenance, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH of Illinois:

H.R. 3372. A bill to amend the Agricultural Adjustment Act to deregulate the Federal milk marketing order program, to publish competitive milk price survey data, and for other purposes; to the Committee on Agriculture.

By Mr. HONDA (for himself, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARNAHAN, Mr. CICILLINE, Mr. CLEAVER, Mr. CONYERS, Mr. GRIJALVA, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MATSUI, Mr. MEEKS, Mrs. NAPOLITANO, Mr. POLIS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. SIRES):

H.R. 3373. A bill to stimulate collaboration with respect to, and provide for coordination and coherence of, the Nation's science, technology, engineering, and mathematics education initiatives, and for other purposes; to the Committee on Education and the Workforce.

By Mr. REICHERT (for himself and Mr. LEVIN):

H.R. 3374. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles; to the Committee on Ways and Means.

By Mr. KING of Iowa:

H.R. 3375. A bill to direct the President to impose duties on merchandise from the People's Republic of China in an amount equivalent to the estimated annual loss of revenue to holders of United States intellectual property rights as a result of violations of such intellectual property rights in China, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHILLING:

H.R. 3376. A bill to curb wasteful spending by making 50 percent of year-end savings in salaries and expenses available for an additional fiscal year, and to use the remaining 50 percent for the purpose of deficit reduction; to the Committee on Oversight and Government Reform.

By Mr. AMODEI (for himself, Ms. BERKLEY, and Mr. HECK):

H.R. 3377. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. HUIZENGA of Michigan, Mr. CAMP, Mr. KILDEE, Mr. UPTON, Mr. WALBERG, Mr. ROGERS of Michigan, Mr. CLARKE of Michigan, and Mr. MCCOTTER):

H.R. 3378. A bill to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BERG (for himself and Mr. LANKFORD):

H.R. 3379. A bill to amend the Clean Air Act to provide States increased flexibility in implementing standards through State implementation plans; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3380. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning safe dietary ingredients in dietary supplements; to the Committee on Energy and Commerce.

By Mr. CASSIDY (for himself, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. DENT, and Mr. BILBRAY):

H.R. 3381. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. MEEKS, Ms. DEGETTE, Mr. HOLT, and Mr. FALEOMAVAEGA):

H.R. 3382. A bill to prohibit smoking in and around Federal buildings; to the Committee on Transportation and Infrastructure.

By Mr. GONZALEZ (for himself, Ms. NORTON, and Mr. RANGEL):

H.R. 3383. A bill to require railroad carriers to prepare and maintain a plan for notifying local emergency responders before transporting hazardous materials through their jurisdictions; to the Committee on Transportation and Infrastructure.

By Mr. HEINRICH (for himself and Mr. LUJÁN):

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the employment of wounded warriors; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself and Mr. PLATTS):

H.R. 3385. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Mr. HOLT (for himself and Mrs. CAPPS):

H.R. 3386. A bill to encourage the use of medical checklists through research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Ms. HAHN, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. FILNER, Mr. GRIMM, Mr. HOLT, Mr. LATOURETTE, and Mr. RUPPERSBERGER):

H.R. 3387. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LANGEVIN (for himself and Mr. COURTNEY):

H.R. 3388. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY:

H.R. 3389. A bill to provide for the establishment of Clean Energy Consortia to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean energy technology; to the Committee on Science, Space, and Technology.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 3390. A bill to direct the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in Fort Bayard, New Mexico, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PINGREE of Maine (for herself, Mr. LEVIN, Mr. KUCINICH, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Mr. WELCH):

H.R. 3391. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Energy and Commerce.

By Mr. QUAYLE (for himself, Mr. COBLE, Mr. ROSS of Florida, Mr. GOWDY, and Mr. GRIFFIN of Arkansas):

H.R. 3392. A bill to amend title 5, United States Code, to provide for periodic review of major rules, and for other purposes; to the Committee on the Judiciary.

By Mr. RIVERA (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART):

H.R. 3393. A bill to amend the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. RANGEL, Mr. BACA, Ms. KAPTUR, Mr. MORAN, Mr. TONKO, Mr. HONDA, and Ms. HIRONO):

H.R. 3394. A bill to amend the Internal Revenue Code of 1986 to modify the energy credit for microturbine property; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself and Ms. BALDWIN):

H.R. 3395. A bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. WALSH of Illinois:

H.R. 3396. A bill to abolish the Office of Polar Programs of the National Science Foundation, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Appropriations, 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. MCCLINTOCK (for himself, Mr. LANKFORD, Mr. WALSH of Illinois, Mr. KINGSTON, Mr. KING of Iowa, Mr. GRAVES of Georgia, Mr. STUTZMAN, Mr. WILSON of South Carolina, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. LABRADOR, and Mr. CAMPBELL):

H.J. Res. 84. A joint resolution proposing an amendment to the Constitution of the United States prohibiting the United States government from increasing its debt except for a specific purpose by law adopted by three-fourths of the membership of each House of Congress; to the Committee on the Judiciary.

By Mr. ISSA:

H. Con. Res. 86. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061; considered and agreed to.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Ms. HERRERA BEUTLER, Mr. INSLEE, Mr. LARSEN of Washington, Mr. REICHERT, and Mr. SMITH of Washington):

H. Res. 458. A resolution congratulating the University of Washington on the occasion of its 150th anniversary and recognizing its contributions to Washington State and the United States; to the Committee on Education and the Workforce.

By Mr. ADERHOLT (for himself, Mr. GRIMM, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. PITTS, Mr. WOLF, and Mr. FORBES):

H. Res. 459. A resolution encouraging any new government convened in Egypt to fully allow for the freedom of religion; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself and Ms. GRANGER):

H. Res. 460. A resolution expressing support for designation of 2012 as the ''Year of the Girl'' and celebrating the 100th anniversary of Girl Scouts of the USA; to the Committee on Oversight and Government Reform.

¶145.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. WOODALL, Mr. BILIRAKIS, Ms. HERRERA BEUTLER, and Ms. GRANGER.
H.R. 104: Mr. WALBERG.
H.R. 210: Ms. MATSUI, Ms. BROWN of Florida, Mr. CLEAVER, and Ms. CASTOR of Florida.
H.R. 361: Mrs. MYRICK.
H.R. 374: Mr. BURGESS.
H.R. 436: Mr. ADERHOLT, Mr. ALEXANDER, Mr. AMODEI, Mr. BACHUS, Mr. BARLETTA, Mrs. EMERSON, Mr. GARRETT, Mr. KING of New York, Mr. LATOURETTE, Mr. PEARCE, Mr. WALBERG, Mr. YOUNG of Alaska, Mr. SHUSTER, Mr. SMITH of New Jersey, Mrs. ADAMS, and Mr. PETRI.
H.R. 494: Ms. ZOE LOFGREN of California.
H.R. 721: Ms. HOCHUL.
H.R. 735: Mr. GIBSON, Mr. AMODEI, and Mrs. BACHMANN.
H.R. 744: Mrs. MCCARTHY of New York.
H.R. 749: Mr. MARCHANT and Mr. REED.
H.R. 763: Mr. FLEISCHMANN.
H.R. 860: Mr. MARCHANT.
H.R. 876: Mr. BRALEY of Iowa.
H.R. 878: Mr. DOYLE.
H.R. 893: Mr. RAHALL and Mr. MILLER of North Carolina.
H.R. 931: Mr. ALEXANDER.
H.R. 942: Mr. SMITH of Texas and Mr. PETRI.
H.R. 969: Mr. HARRIS.
H.R. 973: Mr. WOMACK.
H.R. 1044: Mr. PAULSEN.
H.R. 1063: Mr. DEUTCH, Mr. STIVERS, Mr. POSEY, and Mr. FITZPATRICK.
H.R. 1084: Ms. SCHWARTZ.
H.R. 1111: Mr. BROUN of Georgia.
H.R. 1116: Ms. SCHWARTZ and Mr. DEFAZIO.
H.R. 1130: Mr. MCINTYRE.
H.R. 1138: Mr. PRICE of North Carolina.
H.R. 1148: Ms. HOCHUL and Mr. COHEN.
H.R. 1164: Mr. CALVERT.
H.R. 1175: Mr. MILLER of North Carolina, Mr. RYAN of Ohio, Mr. KIND, Mr. CHANDLER, and Mr. COLE.
H.R. 1221: Mr. ROYCE.
H.R. 1236: Mr. PRICE of North Carolina and Mr. KIND.
H.R. 1340: Mr. NUGENT.
H.R. 1341: Mr. BURGESS.
H.R. 1385: Ms. SCHAKOWSKY.
H.R. 1449: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.
H.R. 1533: Mr. BROUN of Georgia.
H.R. 1537: Ms. VELÁZQUEZ.
H.R. 1546: Mr. FITZPATRICK.
H.R. 1588: Mr. HURT.
H.R. 1639: Mrs. CAPITO and Mr. FITZPATRICK.
H.R. 1648: Ms. HOCHUL, Mr. PASTOR of Arizona, Mr. SARBANES, Mr. MILLER of North Carolina, and Mr. LUJÁN.
H.R. 1653: Mr. WALZ of Minnesota.
H.R. 1681: Mr. HEINRICH.
H.R. 1704: Mr. HANNA, Mr. JOHNSON of Illinois, Mr. PAYNE, Ms. KAPTUR, and Ms. FUDGE.
H.R. 1733: Ms. NORTON.
H.R. 1738: Ms. LEE of California and Mr. PRICE of North Carolina.
H.R. 1744: Mr. BILIRAKIS.
H.R. 1746: Ms. PINGREE of Maine.
H.R. 1811: Mr. RUNYAN and Mr. COURTNEY.
H.R. 1815: Mr. WAXMAN, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. ROTHMAN of New Jersey, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, and Ms. HAHN.
H.R. 1876: Mr. MCDERMOTT.
H.R. 1905: Mr. AMODEI, Mr. GRAVES of Missouri, and Mr. FRANK of Massachusetts.
H.R. 2016: Mr. ISRAEL.
H.R. 2040: Mr. CRAWFORD, Mr. BILIRAKIS, Mr. RIBBLE, Mr. PENCE, Mr. WOMACK, and Mr. POMPEO.
H.R. 2051: Mrs. SCHMIDT, Mr. GIBBS, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. JONES, Mr. AUSTRIA, and Mr. HECK.
H.R. 2123: Mr. YOUNG of Florida.
H.R. 2131: Mr. ALEXANDER and Ms. HOCHUL.
H.R. 2144: Mr. JACKSON of Illinois.
H.R. 2195: Mr. JOHNSON of Ohio.
H.R. 2214: Mr. BACHUS, Mr. MCCOTTER, Mr. BARLETTA, Mr. BENISHEK, Mr. FARENTHOLD, Mr. GOWDY, Mrs. HARTZLER, Ms. ROS-LEHTINEN, Mr. TURNER of Ohio, Mr. BOREN, Mr. MARINO, Mr. AUSTIN SCOTT of Georgia, Mr. WALBERG, Mr. POSEY, Mr. AMODEI, Mr. DAVIS of Kentucky, Mr. TURNER of New York, Mr. YODER, Mr. FLEISCHMANN, Mr. HERGER, Mr. NUNES, Mr. ROSKAM, Mr. BUCHANAN, and Mr. LUETKEMEYER.
H.R. 2223: Mr. CRITZ.
H.R. 2245: Mr. COSTA, Mr. HEINRICH, and Mrs. CAPITO.
H.R. 2304: Mr. MCINTYRE.
H.R. 2341: Ms. CHU.
H.R. 2346: Mr. ACKERMAN.
H.R. 2353: Mr. BRALEY of Iowa and Mr. MEEHAN.
H.R. 2396: Mr. TONKO.
H.R. 2421: Ms. TSONGAS.
H.R. 2446: Mr. LUETKEMEYER, Ms. HAYWORTH, and Mr. DESJARLAIS.
H.R. 2453: Ms. ROYBAL-ALLARD.
H.R. 2478: Mr. LUETKEMEYER.
H.R. 2492: Mr. AMODEI, Mr. GALLEGLY, Mr. PRICE of North Carolina, Mr. CROWLEY, and Mr. HANNA.
H.R. 2501: Mr. MILLER of North Carolina.
H.R. 2530: Ms. DELAURO.
H.R. 2569: Mr. MEEKS, Mr. WATT, Mr. GARDNER, and Mr. DAVIS of Kentucky.
H.R. 2599: Mr. LEVIN, Mr. YOUNG of Florida, Mr. ROONEY, Mr. CLAY, Mr. FITZPATRICK, Ms. ESHOO, Mr. LUJÁN, and Mr. MCINTYRE.
H.R. 2661: Mr. PETERSON.
H.R. 2697: Mrs. MYRICK.
H.R. 2735: Mr. SCHOCK and Mr. REED.
H.R. 2815: Mr. CARSON of Indiana.
H.R. 2829: Mr. BARTON of Texas.
H.R. 2853: Mr. TOWNS.
H.R. 2866: Mr. CARNAHAN.
H.R. 2874: Mr. LIPINSKI, Mr. POMPEO, and Mr. FORBES.
H.R. 2880: Mr. SCHIFF.
H.R. 2885: Mr. WALSH of Illinois and Mrs. CAPITO.
H.R. 2910: Mr. FORBES.
H.R. 2913: Mrs. BLACK and Mr. SCHWEIKERT.
H.R. 2925: Mr. BOUSTANY.
H.R. 2945: Mr. SENSENBRENNER.
H.R. 2959: Mr. TIPTON.
H.R. 2960: Mr. LOEBSACK, Mrs. BLACKBURN, Mr. DESJARLAIS, and Mr. KINGSTON.
H.R. 2962: Mr. CARNAHAN.
H.R. 2966: Ms. HAHN.
H.R. 2972: Mr. OWENS.
H.R. 2985: Mr. GARDNER, Mr. FORBES, Mr. DUNCAN of Tennessee, Mrs. ROBY, Mr. FITZPATRICK, and Mr. CALVERT.
H.R. 3003: Mr. LUETKEMEYER.
H.R. 3009: Mr. RIVERA.
H.R. 3010: Mr. CONAWAY.
H.R. 3012: Mr. GOODLATTE and Mr. GUTIERREZ.
H.R. 3015: Mr. CICILLINE.
H.R. 3046: Mr. BRALEY of Iowa, Mr. ALTMIRE, and Mr. MCGOVERN.
H.R. 3059: Mr. AUSTIN SCOTT of Georgia and Mr. FITZPATRICK.
H.R. 3061: Ms. HANABUSA.
H.R. 3091: Mr. BOUSTANY and Mr. SCHOCK.
H.R. 3101: Mr. BURGESS, Mr. NEUGEBAUER, and Mr. FORBES.
H.R. 3108: Mr. CUMMINGS, Mr. TOWNS, Mrs. MALONEY, Mr. KUCINICH, Mr. TIERNEY, Mr. CLAY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY of Virginia, Mr. DAVIS of Illinois, and Mr. YARMUTH.
H.R. 3112: Mr. CHABOT.
H.R. 3123: Mr. BOUSTANY and Mr. SCHOCK.
H.R. 3128: Mr. STIVERS.
H.R. 3134: Ms. WOOLSEY, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.
H.R. 3142: Mr. GRIMM, Mr. BROUN of Georgia, Mr. ROSS of Florida, Mr. PALAZZO, and Mr. SABLAN.
H.R. 3151: Ms. SCHAKOWSKY and Mr. STARK.
H.R. 3154: Mr. SMITH of Washington.
H.R. 3156: Mrs. MILLER of Michigan.
H.R. 3178: Ms. CHU.
H.R. 3181: Mr. GALLEGLY, Mr. LATOURETTE, Mr. SOUTHERLAND, Mr. KELLY, Mr. LANDRY, Mr. GARY G. MILLER of California, Mr. CAMPBELL, Mr. JORDAN, Mr. CARTER, Mr. SCHILLING, Mrs. SCHMIDT, Mr. BARLETTA, Mr. LEWIS of California, Mr. CALVERT, Mr. KING of New York, and Mr. PENCE.
H.R. 3185: Mr. LUETKEMEYER and Mrs. NOEM.
H.R. 3187: Mr. YOUNG of Florida.
H.R. 3199: Mr. HARRIS.
H.R. 3200: Mr. OLVER.
H.R. 3201: Mr. STARK, Mr. CLARKE of Michigan, Mr. REYES, Ms. JACKSON LEE of Texas, Ms. FUDGE, and Mr. FILNER.
H.R. 3210: Mr. MARCHANT, Mr. PAUL, and Mr. DESJARLAIS.
H.R. 3236: Mr. BLUMENAUER, Ms. MCCOLLUM, and Mr. MCINTYRE.
H.R. 3243: Mr. COLE and Mr. KING of Iowa.
H.R. 3265: Mr. MCINTYRE.
H.R. 3266: Mr. TERRY.
H.R. 3269: Mr. ROGERS of Michigan, Mr. COSTA, Mr. MARINO, Mr. HEINRICH, Mrs. LUMMIS, Mr. DENT, and Mr. DENHAM.
H.R. 3296: Mr. WELCH.
H.R. 3297: Mr. NADLER.
H.R. 3300: Ms. MATSUI, Mr. BOSWELL, Ms. ZOE LOFGREN of California, and Mr. DOYLE.
H.R. 3308: Mr. CHAFFETZ.
H.R. 3313: Mr. SCOTT of Virginia and Mr. STARK.
H.R. 3323: Mr. PAUL.
H.R. 3324: Mr. DEUTCH.
H.R. 3334: Mr. CARNAHAN and Mr. THOMPSON of California.
H.R. 3339: Mr. RYAN of Wisconsin.
H.J. Res. 56: Mr. ROSS of Florida and Mr. AMODEI.
H.J. Res. 80: Mr. ELLISON and Mr. MCDERMOTT.

H.J. Res. 83: Mr. ISRAEL and Mr. MCGOVERN.
H. Con. Res. 84: Ms. MCCOLLUM and Ms. ROYBAL-ALLARD.
H. Res. 60: Mr. GINGREY of Georgia.
H. Res. 98: Mrs. HARTZLER.
H. Res. 111: Mr. WOLF and Mr. AUSTIN SCOTT of Georgia.
H. Res. 365: Mr. TOWNS.
H. Res. 376: Mr. BURTON of Indiana and Ms. HIRONO.
H. Res. 429: Mr. JOHNSON of Ohio, Mr. MANZULLO, Mr. ROE of Tennessee, Mr. FLORES, Mr. BRADY of Texas, Mr. CALVERT, Mr. SOUTHERLAND, Mr. ROHRABACHER, and Mr. POMPEO.
H. Res. 433: Mr. GRIMM.

¶145.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. MURPHY of Pennsylvania.
H.J. Res. 2: Mr. GOHMERT.

MONDAY, NOVEMBER 7, 2011 (146)

¶146.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. UPTON, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 7, 2011.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶146.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. UPTON, announced he had examined and approved the Journal of the proceedings of Friday, November 4, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶146.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3766. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fresh Baby Kiwi From Chile Under a Systems Approach [Docket No.: APHIS-2010-0018] (RIN: 0579-AD37) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3767. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Correction [Docket No.: APHIS-2009-0031] (RIN: 0579-AD21) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3768. A letter from the Assistant Secretary, Department of Defense, transmitting a report entitled, ''Combating Terrorism Activities FY 2012 Budget Estimates''; to the Committee on Armed Services.

3769. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004'' covering the year 2011; to the Committee on Energy and Commerce.

3770. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Temporary Placement of Three Synthetic Cathinones into Schedule I [Docket No.: DEA-357] received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3771. A letter from the Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 64 of the Commission's Rules Regarding Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities Truth-In-Billing Requirements for Common Carriers received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3772. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Contributions to the Telecommunications Relay Services Fund [CG Docket No.: 11-47] received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3773. A letter from the Deputy General Counsel, Federal Communications Commission, transmitting the Commission's final rule — In the matter Amendment of Parts 0, 1, 73, and 74 of the Commission's Rules received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3774. A letter from the Associate General Counsel, Department of Agriculture, transmitting 3 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3775. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting 6 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3776. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (Nerodia sipedon insularum) From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R3-ES-2010-0039] (RIN: 1018-AW62) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3777. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander [Docket No.: FWS-R3-ES-2009-0009] (RIN: 1018-AV94) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3778. A letter from the Chief, Branch of Operations, DMA, FWS, Department of the Interior, transmitting the Department's final rule — Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) [Docket No.: FWS-R9-IA-2009-0033] (RIN: 1018-AW93) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3779. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery [Docket No.: 100825389-1597-02] (RIN: 0648-BA13) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3780. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the EEZ Off Alaska: Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting [Docket No.: 0906261095-1339-03] (RIN: 0648-AX97) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3781. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumptive Service Connection for Diseases Associated With Service in the Southwest Asia Theater of Operations During the Persian Gulf War: Functional Gastrointestinal Disorders (RIN: 2900-AN83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3782. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — CBP Audit Procedures; Use of Sampling Methods and Offsetting of Overpayments and Over-Declarations (RIN: 1515-AD65) (formerly RIN: 1505-AC00) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3783. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Recovery of Deliquent Debts—Treasury Offset Program Enhancements [Docket No.: SSA-2010-0010] (RIN: 0960-AH19) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3784. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Procedures for Certain Determinations and Decisions [Docket No.: SSA-2007-0092] (RIN: 0960-AG72) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3785. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Ambulatory Surgical Centers Patient Rights Conditions for Coverage [CMS-3217-F] (RIN: 0938-AP93) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

And then,

¶146.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. UPTON, by unanimous consent, and pursuant to the special order of the House agreed to on November 4, 2011, at 10 o'clock and 4 minutes a.m., declared the House adjourned until 2:30 p.m. on Thursday, November 10, 2011.

¶146.5 MEMORIALS

Under clause 4 of rule XXII:

169. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 18 memorializing the Congress to require the U.S. Army Corps of Engineers to take immediate action to prevent Asian carp from entering Lake Michigan and the Great Lakes Watershed; to the Committee on Transportation and Infrastructure.

¶146.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 401: Mr. SERRANO and Mr. ISSA.
H.R. 3167: Mr. MEEHAN.
H.R. 3192: Ms. MOORE and Mr. RIBBLE.
H.R. 3286: Mrs. CAPPS, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. CARNAHAN, Ms. HIRONO, and Mr. WALZ of Minnesota.

THURSDAY, NOVEMBER 10, 2011 (147)

¶147.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HARRIS, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 10, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶147.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HARRIS, announced he had examined and approved the Journal of the proceedings of Monday, November 7, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶147.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3786. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

3787. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF [Release No.: IA-3308; File No.: S7-05-11] (RIN: 3235-AK92) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3788. A letter from the Assistant Attorney General, Department of Justice, transmitting a report entitled ''Office of Juvenile Justice and Delinquency Prevention (OJJDP) Annual Report 2009'', pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

3789. A letter from the Section Chief — Division of Individual Exemptions, Department of Labor, transmitting the Department's final rule — Prohibited Transaction Exemption Procedures; Employee Benefit Plans (RIN: 1210-AB49) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3790. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2010 Performance Report to Congress for the Food and Drug Administration's Office of Combination Products required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

3791. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

3792. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

3793. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's 2011 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

3794. A letter from the Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2011 through September 30, 2011, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 112—70); to the Committee on House Administration and ordered to be printed.

3795. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2011 Term on Monday, October 3, 2011 at 10:00 a.m. and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

3796. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Department's final rule — Surety Bond Guarantee Program; Timber Sales (RIN: 3245-AG14) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3797. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2012 [CMS-8045-N] (RIN: 0938-AQ16) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3798. A letter from the Inspector General, Department of Health and Human Services, transmitting the final report entitled ''Higher Rebates for Brand-Name Drugs Result in Lower Costs for Medicaid Compared to Medicare Part D'' (OEI-03-10-00320); jointly to the Committees on Energy and Commerce and Ways and Means.

3799. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Final Waivers in Connection With the Shared Savings Program [CMS-1439-IFC] (RIN: 0938-AR30) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3800. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System and Quality Incentive Program; Ambulance Fee Schedule; Durable Medical Equipment; and Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies [CMS-1577-F] (RIN: 0938-AQ27) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3801. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Shared Savings Program: Accountable Care Organizations [CMS-1345-F] (RIN: 0938-AQ22) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3802. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2012 [CMS-1353-F] (RIN: 0938-AQ30) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3803. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment; Ambulatory Surgical Center Payment; Hospital Value-Based Purchasing Program; Physician Self-Referral; and Patient Notification Requirements in Provider Agreements [CMS-1525-FC] (RIN: 0938-AQ26) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3804. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Payment Policies Under the Physician Fee Schedule, Five-Year Review of Work Relative Value Units, Clinical Laboratory Fee Schedule: Signature on Requisition, and Other Revisions to Part B for CY 2012 [CMS-1524-FC and CMS-1436-F] (RIN: 0938-AQ25 and 0938-AQ00) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3805. A letter from the Assistant Attorney General, Department of Justice, transmitting third quarterly report of FY 2011 on the Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

¶147.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. HARRIS, laid before the House a communication, which was read as follows:

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

Hon. JOHN A. BOEHNER,
The Speaker, 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 11:23 a.m.:

That the Senate passed without amendment H.R. 2447.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶147.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. HARRIS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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, I have the honor to transmit a sealed envelope received from the White House on November 9, 2011, at 12:54 p.m., and said to contain a message from the President whereby he transmits a notice concerning the national emergency with respect to weapons of mass destruction.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶147.6 NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2011.

BARACK OBAMA.

THE WHITE HOUSE, *November 9, 2011.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 112–71).

¶147.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. HARRIS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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, I have the honor to transmit a sealed envelope received from the White House on November 7, 2011, at 3:50 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with Iran first declared in Executive Order 12170 of November 14, 1979.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶147.8 NATIONAL EMERGENCY WITH RESPECT TO IRAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2011.

Our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2011.

BARACK OBAMA.

THE WHITE HOUSE, *November 7, 2011.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 112–72).

¶147.9 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore Mr. HARRIS:

H.R. 2447. An Act to grant the congressional gold medal to the Montford Point Marines.

¶147.10 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

And then,

¶147.11 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. HARRIS, by unanimous consent, and pursuant to the special order of the House agreed to on November 4, 2011, at 2 o'clock and 37 minutes p.m., declared the House adjourned until 2 p.m. on Monday, November 14, 2011.

¶147.12 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2839. A bill to suppress the threat of piracy on the high seas, and for other purposes (Rept. 112–273, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 1299. A bill to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; with an amendment (Rept. 112–274). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 704. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program (Rept. 112–275). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3094. A bill to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act; with an amendment (Rept. 112–276). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 822. A bill 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; with an amendment (Rept. 112–277). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 10. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; with an amendment (Rept. 112–278, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 588. A bill to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge (Rept. 112–279). Referred to the House Calendar.

Mr. HASTINGS– of Washington: Committee on Natural Resources. H.R. 1408. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; with an amendment (Rept. 112–280). Referred to the Committee of the Whole House on the state of the Union.

¶147.13 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Rules extended for a period ending not later than November 22, 2011.

¶147.14 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1981. A bill to amend title 18,

United States Code, with respect to child pornography and child exploitation offenses; with an amendment, (Rept. 112–281, Pt. 1); referred to the Committee on Energy and Commerce for a period ending not later than December 9, 2011.

¶147.15 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Armed Services discharged from further consideration. H.R. 2839 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶147.16 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 (for himself and Mr. SIMPSON):

H.R. 3397. A bill to modify the Forest Service Recreation Residence Program by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. DICKS, Ms. ESHOO, Mr. GARAMENDI, Ms. LEE of California, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. MORAN, Mrs. NAPOLITANO, Mr. SCHRADER, Ms. SPEIER, Mr. STARK, and Ms. WOOLSEY):

H.R. 3398. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself and Mr. CARNEY):

H.R. 3399. A bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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. GARRETT (for himself, Mr. JORDAN, Mr. SCALISE, Mr. MULVANEY, Mr. HUELSKAMP, Mr. LABRADOR, Mr. WALSH of Illinois, Mr. DUNCAN of South Carolina, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mrs. HARTZLER, Mrs. LUMMIS, Mr. POE of Texas, and Mr. GOWDY):

H.R. 3400. A bill to spur economic growth and create jobs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, the Judiciary, Oversight and Government Reform, Natural Resources, Small Business, Transportation and Infrastructure, and Rules, 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. MACK:

H.R. 3401. A bill to apply counterinsurgency tactics under a coordinated and targeted strategy to combat the terrorist insurgency in Mexico waged by transnational criminal organizations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Homeland Security, and the Judiciary, 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 Ms. SCHWARTZ (for herself, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. ACKERMAN, Ms. MOORE, Mr. DEFAZIO, Mr. TOWNS, Mr. HOLT, Mr. BISHOP of New York, Mrs. CHRISTENSEN, Ms. WASSERMAN SCHULTZ, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. DOYLE, Mr. WELCH, Mr. MICHAUD, Ms. LEE of California, Mr. FATTAH, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. NADLER, Mr. MEEKS, Mr. FITZPATRICK, Ms. WILSON of Florida, Mr. ALTMIRE, Mr. GARAMENDI, Mr. PRICE of North Carolina, and Mr. CLAY):

H.R. 3402. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employing returning heroes and wounded warriors; to the Committee on Ways and Means.

By Mr. WALSH of Illinois:

H.R. 3403. A bill to repeal the proposed rule of the Agricultural Marketing Service relating to the establishment of a Christmas tree promotion, research, and information program and the assessment of fees to fund such program; to the Committee on Agriculture.

By Mr. SCALISE (for himself, Mr. ROHRABACHER, Mr. MCCAUL, and Mr. HULTGREN):

H.J. Res. 85. A joint resolution disapproving the rule of the Agricultural Marketing Service of the Department of Agriculture with respect to the establishment of a Christmas tree promotion, research, and information program; to the Committee on Agriculture.

By Mr. BILIRAKIS:

H. Con. Res. 87. Concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for a memorial to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world; to the Committee on Armed Services, and in addition to the Committee on Natural Resources, 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. KING of Iowa (for himself, Mr. GALLEGLY, Mr. BARLETTA, Mr. GOHMERT, and Mr. JONES):

H. Res. 461. A resolution to support the goals and ideals of the National Day of Remembrance of Victims of Illegal Aliens; to the Committee on the Judiciary.

¶147.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. GARY G. MILLER of California.
H.R. 721: Mr. DOYLE and Ms. LEE of California.
H.R. 729: Ms. SLAUGHTER.
H.R. 880: Mr. COFFMAN of Colorado and Mr. GUTHRIE.
H.R. 1063: Mr. LUETKEMEYER.
H.R. 1093: Mr. YODER.
H.R. 1173: Mr. GIBBS, Mr. STIVERS, and Ms. HAYWORTH.
H.R. 1195: Ms. SLAUGHTER.
H.R. 1221: Mr. GERLACH.
H.R. 1370: Mr. GIBBS.
H.R. 1505: Mr. PEARCE.
H.R. 1614: Mr. BISHOP of Utah and Mr. MICHAUD.
H.R. 1639: Ms. BERKLEY.
H.R. 1681: Mr. ISRAEL.
H.R. 1744: Mr. POSEY.
H.R. 1811: Mr. MURPHY of Pennsylvania and Mr. FILNER.
H.R. 1830: Mr. WALBERG.
H.R. 1985: Ms. LEE of California.
H.R. 2051: Mr. TURNER of Ohio, Mr. REICHERT, and Mr. REHBERG.
H.R. 2182: Mr. BURTON of Indiana, Mr. BUTTERFIELD, and Mr. GUTHRIE.
H.R. 2319: Mr. SAM JOHNSON of Texas.
H.R. 2471: Mr. PETERS and Mr. CLARKE of Michigan.
H.R. 2502: Mr. PLATTS and Ms. SCHAKOWSKY.
H.R. 2539: Mrs. MCCARTHY of New York.
H.R. 2568: Mr. RIVERA.
H.R. 2695: Mr. FRANK of Massachusetts.
H.R. 2815: Mr. LUJÁN.
H.R. 2874: Mr. AUSTRIA, Mrs. BLACKBURN, Mr. AUSTIN SCOTT of Georgia, Mr. GOWDY, and Mr. BOUSTANY.
H.R. 2945: Mr. COFFMAN of Colorado and Mr. GARY G. MILLER of California.
H.R. 3059: Mr. RIBBLE, Mr. GINGREY of Georgia, Mr. CRENSHAW, Mr. ROE of Tennessee, and Mr. HIMES.
H.R. 3158: Mr. HUIZENGA of Michigan, Mr. JONES, and Mr. BOREN.
H.R. 3265: Mr. TIPTON.
H.R. 3320: Mr. SABLAN.
H.R. 3333: Ms. ESHOO.
H.R. 3372: Mrs. BIGGERT.
H.J. Res. 83: Mr. SCHIFF and Mr. SARBANES.
H. Res. 99: Mr. MCDERMOTT.
H. Res. 137: Ms. FUDGE and Mr. HANNA.
H. Res. 282: Ms. HIRONO, Mr. MCDERMOTT, and Mr. BLUMENAUER.

MONDAY, NOVEMBER 14, 2011 (148)

¶148.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. FOXX, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
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.

¶148.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. FOXX, announced she had examined and approved the Journal of the proceedings of Thursday, November 10, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶148.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were 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 particularly 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, Department 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.

¶148.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. FOXX, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. 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,
Clerk of the House.

¶148.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. FOXX, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. 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.

That the Senate passed S. 363.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶148.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Ms. FOXX, laid before the House the following communication from Mr. TERRY:

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.

¶148.7 RECESS—2:05 P.M.

The SPEAKER pro tempore, Ms. FOXX, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 5 minutes p.m., until approximately 4:30 p.m.

¶148.8 AFTER RECESS—4:32 P.M.

The SPEAKER pro tempore, Ms. FOXX, called the House to order.

¶148.9 SAM D. HAMILTON NOXUBEE NATIONAL WILDLIFE REFUGE

Mr. HASTINGS of Washington, moved 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 SPEAKER pro tempore, Ms. FOXX, recognized Mr. HASTINGS of Washington, and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. FOXX, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.10 PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING

Mr. FARENTHOLD moved 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 SPEAKER pro tempore, Ms. FOXX, recognized Mr. FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. FOXX, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. FOXX, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, November 15, 2011.

The point of no quorum was considered as withdrawn.

¶148.11 OFFICER JOHN MAGUIRE POST OFFICE

Mr. FARENTHOLD moved to suspend the rules and pass the bill of the Senate (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 SPEAKER pro tempore, Ms. FOXX, recognized Mr. FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. FOXX, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FARENTHOLD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. FOXX, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶148.12 ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

Mr. FARENTHOLD moved 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 SPEAKER pro tempore, Ms. FOXX, recognized Mr. FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FARENTHOLD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶148.13 SERGEANT ANGEL MENDEZ POST OFFICE

Mr. FARENTHOLD moved 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 SPEAKER pro tempore, Mr. WESTMORELAND, recognized Mr. FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FARENTHOLD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶148.14 TOMBALL VETERANS POST OFFICE

Mr. FARENTHOLD moved 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 SPEAKER pro tempore, Mr. WESTMORELAND, recognized Mr.

FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, November 15, 2011.

The point of no quorum was considered as withdrawn.

¶148.15 TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

Mr. FARENTHOLD moved 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 SPEAKER pro tempore, Mr. WESTMORELAND, recognized Mr. FARENTHOLD and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, November 15, 2011.

The point of no quorum was considered as withdrawn.

¶148.16 ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Mr. DENHAM moved 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 SPEAKER pro tempore, Mr. WESTMORELAND, recognized Mr. DENHAM and Mrs. NAPOLITANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. NAPOLITANO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, November 15, 2011.

The point of no quorum was considered as withdrawn.

¶148.17 RECESS—5:51 P.M.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 51 minutes p.m., until approximately 6:30 p.m.

¶148.18 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. WESTMORELAND, called the House to order.

¶148.19 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. ROGERS of Kentucky, by unanimous consent, the managers on the part of the House were granted permission until midnight, Monday, November 14, 2011, to file the conference report on 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.

¶148.20 S. 2412—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2412) 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 question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 0

¶148.21 [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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶148.22 H.R. 298—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the further unfinished business to be 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''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays ..... 0 }

¶148.23 [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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.24 H.R. 2422—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the further unfinished business to be 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''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays ..... 0 }

¶148.25 [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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶148.26 PROVIDING FOR CONSIDERATION OF H.R. 822

Mr. NUGENT, by direction of the Committee on Rules, reported (Rept. No. 112–283) 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.

When said resolution and report were referred to the House Calendar and ordered printed.

¶148.27 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.

¶148.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today; and

To Mr. POE of Texas, for today.

And then,

¶148.29 ADJOURNMENT

On motion of Mr. GOHMERT, at 9 o'clock and 16 minutes p.m., the House adjourned.

¶148.30 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.

¶148.31 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.

¶148.32 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.

¶148.33 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. BARTLETT, 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.

TUESDAY, NOVEMBER 15, 2011 (149)

¶149.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. WEST, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 15, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶149.2 RECESS—11:10 A.M.

The SPEAKER pro tempore, Mr. WEST, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 10 minutes a.m., until noon.

¶149.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶149.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, November 14, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶149.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3838. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dana T. Atkins, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3839. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3840. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3841. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3842. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3843. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Investment Advice — Participants and Beneficiaries (RIN: 1210-AB35) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3844. A letter from the Secretary, Department of Health and Human Services, transmitting the first biennial report concerning the Food Emergency Response Network mandated by the FDA Food Safety Modernization Act (FSMA); to the Committee on Energy and Commerce.

3845. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3846. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-34, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3847. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-39, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3848. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the 2011 list of U.S. Army Corps of Engineers projects that have been identified as candidates for de-authorization; to the Committee on Transportation and Infrastructure.

3849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, John H. Kerr Reservoir, Clarksville, VA [Docket No.: USCG-2011-0545] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; East Coast Drag Boat Bucksport Blowout Boat Race, Waccamaw River, Bucksport, SC [Docket No.: USCG-2011-0672] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN:

AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TriRock Triathlon, San Diego Bay, San Diego, CA [Docket No.: USCG-2011-0789] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ryder Cup Captain's Duel Golf Shot, Chicago River, Chicago, IL [Docket No.: USCG-2011-0847] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Head of the Cuyahoga, Cuyahoga River Cleveland, OH [Docket No.: USCG-2011-0825] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9552] (RIN: 1545-BJ24) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3856. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Certain Other Tax Items (Rev. Proc. 2011-52) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3857. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — November 2011 (Rev. Rul. 2011-25) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3858. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B) [TD 9548] (RIN: 1545-BH49) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3859. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011 [Notice 2011-86] received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3860. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Salvage Discount Factors for 2011 (Rev. Proc. 2011-54) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3861. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities; Excise Taxes and Employment Taxes [TD 9553] (RIN: 1545-BH90) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3862. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Unpaid Loss Discount Factors for 2011 (Rev. Proc. 2011-53) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3863. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Privacy Office third quarterly report for fiscal year 2011; to the Committee on Homeland Security.

3864. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, ''DHS Privacy Office 2011 Annual Report to Congress''; to the Committee on Homeland Security.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled: ''Implementation of Recovery Auditing at the Centers for Medicare and Medicaid Services''; jointly to the Committees on Energy and Commerce and Ways and Means.

3866. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2013, in accordance with Section 7(f) of the Railroad Retirement Act; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

3867. A letter from the Secretary, Department of Energy, transmitting proposed legislation to restore the Restricted Data (RD) category certain information that has been removed from that category pursuant to section 142 of the Atomic Energy Act of 1954, as amended; jointly to the Committees on Energy and Commerce, Intelligence (Permanent Select), and Armed Services.

3868. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation entitled ''Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011''; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Science, Space, and Technology, and the Judiciary.

¶149.6 PROVIDING FOR CONSIDERATION OF H.R. 822

Mr. NUGENT, by direction of the Committee on Rules, called up the following resolution (H. Res. 463):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. NUGENT, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶149.7 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 2838

On motion of Mr. LOBIONDO, by unanimous consent,

Ordered, That it may be in order that, during further consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 455, the amendment by Mr. YOUNG of Alaska, as placed at the desk, be considered as though printed as the last amendment printed in House Report 112-267, and be debatable for 10 minutes.

¶149.8 COAST GUARD AUTHORIZATION FY 2012

The SPEAKER pro tempore, Mr. WOODALL, pursuant to House Resolution 455 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

Mrs. EMERSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶149.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 15, printed in House Report 122-267, submitted by Mr. PIERLUISI:

Page 56, after line 3, insert the following new section:

SEC. 612. TRANSPORTATION OF PASSENGERS BETWEEN PORTS IN PUERTO RICO.

Notwithstanding chapter 551 of title 46, United States Code, a vessel of 100 gross tons or more not qualified to engage in the coastwise trade may transport passengers between ports in Puerto Rico.

It was decided in the affirmative { Yeas ..... 322 / Nays 100

¶149.10 [Roll No. 840]

AYES—322

Ackerman
Adams
Aderholt
Akin
Alexander
Amodei
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Blackburn
Bonner
Bono Mack
Boren
Boswell
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Castor (FL)
Chabot
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Ellison
Ellmers
Engel
Eshoo
Farenthold
Fitzpatrick
Flake
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Himes
Hinchey
Hinojosa
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Levin
Lewis (CA)
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
McCarthy (CA)
McCaul
McClintock
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pascrell
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (FL)
Young (IN)

NOES—100

Altmire
Amash
Baldwin
Berman
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Boustany
Brady (PA)
Broun (GA)
Campbell
Cardoza
Cassidy
Chaffetz
Chandler
Clay
Cleaver
Connolly (VA)
Costa
Courtney
Cravaack
Critz
Cummings
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Emerson
Farr
Fattah
Filner
Fincher
Fleischmann
Fleming
Garamendi
Green, Gene
Hahn
Hanabusa
Hastings (WA)
Herrera Beutler
Higgins
Hirono
Hochul
Holden
Honda
Hunter
Inslee
Johnson (GA)
Kind
King (NY)
Kingston
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lewis (GA)
Lipinski
LoBiondo
Lynch
Mack
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McNerney
Meehan
Michaud
Miller (MI)
Miller, George
Moore
Nadler
Owens
Pallone
Pastor (AZ)
Peterson
Rahall
Roybal-Allard
Runyan
Sarbanes
Scalise
Schilling
Scott (VA)
Sherman
Shimkus
Speier
Sutton
Thompson (CA)
Tierney
Waxman
Woolsey
Young (AK)

NOT VOTING—11

Bachmann
Bishop (UT)
Brady (TX)
Carnahan
Costello
Diaz-Balart
Gardner
Giffords
Kinzinger (IL)
Murphy (CT)
Payne

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. CHAFFETZ, assumed the Chair.

When Mr. POE of Texas, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2011''.

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

Sec. 1. Short title.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

Sec. 201. Academy emoluments.
Sec. 202. Policy on sexual harassment and sexual violence.
Sec. 203. Appointments of permanent commissioned officers.
Sec. 204. Minor construction.
Sec. 205. Treatment of reports of aircraft accident investigations.
Sec. 206. Acquisition workforce expedited hiring authority.
Sec. 207. Coast Guard housing report.
Sec. 208. Advance procurement funding.

TITLE III—COAST GUARD REFORM

Sec. 301. Repeals.
Sec. 302. Interference with Coast Guard transmissions.
Sec. 303. National security cutters.
Sec. 304. Major acquisitions report.
Sec. 305. Environmental compliance and restoration backlog.
Sec. 306. Coast Guard auxiliarist enrollment eligibility.
Sec. 307. Decommissionings.
Sec. 308. Assessment of needs for additional coast guard presence in high latitude regions.
Sec. 309. Limitation on expenditures.
Sec. 310. Restriction on the use of aircraft.

TITLE IV—SHIPPING AND NAVIGATION

Sec. 401. Committee on the Marine Transportation System.
Sec. 402. Report on determinations.
Sec. 403. Dockside examinations.
Sec. 404. Recourse for noncitizens.
Sec. 405. Maritime liens on fishing permits.
Sec. 406. Short sea transportation.
Sec. 407. Mission of the Maritime Administration.
Sec. 408. Limitation on liability for non-Federal vessel traffic service operators.
Sec. 409. Authority to extend the duration of medical certificates.
Sec. 410. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
Sec. 411. Classification societies.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical corrections.
Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.
Sec. 603. Notice of arrival.
Sec. 604. Technical corrections to title 14.
Sec. 605. Distant water tuna fleet.
Sec. 606. Waivers.
Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.
Sec. 608. Standby vessels.
Sec. 609. Cap on penalty wages.
Sec. 610. Report on impediments to the U.S.-flag registry.
Sec. 611. Report on drug interdiction in the Caribbean basin.

Sec. 612. Report on survival craft.
Sec. 613. Consideration of information relating to employment when awarding contracts.
Sec. 614. Requirement of Corps.
Sec. 615. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 616. Transportation of passengers between ports in Puerto Rico.

TITLE VII—COMMERCIAL VESSEL DISCHARGES REFORM

Sec. 701. Short title.
Sec. 702. Discharges from commercial vessels.
Sec. 703. Discharges incidental to the normal operation of a covered vessel.
Sec. 704. Conforming and technical amendments.
Sec. 705. Regulation of ballast water and incidental discharges from a commercial vessel.
Sec. 706. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.
Sec. 707. Special consideration for vessels of historical significance.

TITLE VIII—PIRACY

Sec. 801. Short title.
Sec. 802. Report on actions taken to protect foreign-flagged vessels from piracy.
Sec. 803. Training program for use of force against piracy.
Sec. 804. Security of Government impelled cargo.
Sec. 805. GAO study.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of the fiscal years 2012, 2013, and 2014 for necessary expenses of the Coast Guard as follows:

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

(A) $6,819,505,000 for fiscal year 2012;

(B) $6,922,645,000 for fiscal year 2013; and

(C) $7,018,499,000 for fiscal year 2014;

of which $24,500,000 is authorized for each of the fiscal years 2012, 2013, and 2014 to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

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

(A) $1,503,980,000 for fiscal year 2012;

(B) $1,505,312,000 for fiscal year 2013; and

(C) $1,506,549,000 for fiscal year 2014;

to remain available until expended, of which $20,000,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

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

(A) $136,778,000 for fiscal year 2012;

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

(C) $139,311,000 for fiscal year 2014.

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

(A) $16,699,000 for fiscal year 2012;

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

(C) $16,700,000 for fiscal year 2014;

to remain available until expended.

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

(A) $19,779,000 for fiscal year 2012;

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

(C) $19,913,000 for fiscal year 2014;

of which $650,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

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

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of the fiscal years 2012 through fiscal year 2014.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:

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

(2) For flight training, 165 student years.

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

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

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

SEC. 201. ACADEMY EMOLUMENTS.

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

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''person'' and inserting ''foreign national''; and

(ii) by striking ''pay and allowances,'' and inserting ''pay, allowances, and emoluments,''; and

(B) in the second sentence—

(i) by striking ''A person'' and inserting ''A foreign national''; and

(ii) by striking ''pay and allowances,'' and inserting ''pay, allowances, and emoluments,''; and

(2) in subsection (d), by striking ''A person'' and inserting ''A foreign national''.

SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

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

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

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

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

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

''(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

''(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

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

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

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

''(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

''(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

''(c) ANNUAL ASSESSMENT.—

''(1) The Commandant shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

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

''(A) to measure—

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

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

''(B) to assess the perceptions of Academy personnel of—

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

''(ii) the enforcement of such policies;

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

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

''(d) ANNUAL REPORT.—

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

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

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

''(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

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

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

''(4)(A) The Commandant shall transmit to the Board of Visitors of the Academy each report received by the Commandant under

''(B) The Commandant shall transmit each such report, together with the Commandant's comments on the report, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CONFORMING REPEAL.—Section 217 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 93 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended by adding at the end the following:

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

SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

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

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

SEC. 204. MINOR CONSTRUCTION.

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

''(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

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

''(2) No later than 90 days after the end of each fiscal year, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on each project undertaken during the course of the preceding fiscal year, for which the amount expended under paragraph (1) exceeded $500,000.''.

(b) CLERICAL AMENDMENT.—

(1) Section 656 of title 14, United States Code, is further amended in the heading by adding at the end the following: ''**; use of moneys appropriated for operating expenses for minor construction and improvement**''.

(2) The analysis at the beginning of chapter 17 of such title is amended in the item relating to section 656 by striking ''waters.'' and inserting ''waters; use of moneys appropriated for operating expenses for minor construction and improvement.''.

SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.

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

''§ 678. Treatment of reports of aircraft accident investigations

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

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

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

''(2) The Commandant shall not disclose the information requested in paragraph (1) unless the Commandant determines—

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

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

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

''(ii) would not compromise national security.

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

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

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

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

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

''(e) REGULATIONS.—The Commandant shall prescribe regulations to carry out this section.

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

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

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''678. Treatment of reports of aircraft accident investigations.''.

SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

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

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

(2) in subsection (b)—

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

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

SEC. 207. COAST GUARD HOUSING REPORT.

In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of Coast Guard servicemember housing, including—

(1) a statement of the Coast Guard's housing needs requirements;

(2) an assessment of the condition of the Coast Guard's current housing inventory, including both leased and owned property;

(3) an assessment of housing available for Coast Guard use from surrounding communities and other government agencies for all duty stations;

(4) a list of housing capacity shortfalls and excess; and

(5) a revised prioritized list of housing maintenance and recapitalization projects.

SEC. 208. ADVANCE PROCUREMENT FUNDING.

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

''§ 577. Advance procurement funding

''(a) IN GENERAL.—With respect to any Coast Guard vessel for which amounts are appropriated or otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant, subject to section 569a(a) for the sixth national security cutter and section 569a for the seventh national security cutter, may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

''577. Advance procurement funding.''.

TITLE III—COAST GUARD REFORM

SEC. 301. REPEALS.

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

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

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

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

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

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

(g) ACQUISITION AWARDS.—Section 563 of title 14, United States Code, and the item relating to such section in the analysis for chapter 15 of such title, are repealed.

SEC. 302. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

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

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

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

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

SEC. 303. NATIONAL SECURITY CUTTERS.

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

''§ 569a. National security cutters

''(a) SIXTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

''(1) has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters and has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to provide such boats upon the date of delivery of each subsequent national security cutter;

''(2) has achieved the goal of 225 days away from homeport for each of the first two national security cutters; and

''(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.

''(b) SEVENTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

''569a. National security cutters.''.

SEC. 304. MAJOR ACQUISITIONS REPORT.

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

''§ 569b. Major acquisitions report

''(a) MAJOR ACQUISITION PROGRAMS IMPLEMENTATION REPORT.—In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013 and every two fiscal years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

''(b) INFORMATION TO BE INCLUDED.—The report shall include for each major acquisition program—

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

''(2) a justification for how the projected number and capabilities of each planned acquisition program asset meets those mission needs and performance goals;

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

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

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

''(B) any changes to the costs of new assets and legacy assets for that fiscal year, future fiscal years, or the total acquisition cost;

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

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

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

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

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

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

''(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.

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

''(d) DEFINITION.—For the purposes of this section, the term 'major acquisition program' means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

''569b. Major acquisitions report.''.

(c) REPEAL.—

(1) Section 408 of the Coast Guard and Maritime Transportation Act of 2006 (120 Stat. 537) is amended by striking subsection (a).

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

(A) in section 562, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

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

SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORATION BACKLOG.

(a) IN GENERAL.—Section 693 of title 14, United States Code, is amended to read as follows:

''§ 693. Annual report to Congress

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of such title is amended by striking the item for such section and inserting the following:

''693. Annual report to Congress.''.

SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended by striking ''citizens of the United States and its territories and possessions,'' and inserting ''nationals of the United States (as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) and aliens lawfully admitted for permanent residence (as such term is defined in section 101(a)(20) of such Act (8 U.S.C. 1101 (a)(20))),''.

SEC. 307. DECOMMISSIONINGS.

(a) POLAR SEA.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR SEA (WAGB 11).

(b) POLAR STAR.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR STAR (WAGB 10).

SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

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

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

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

SEC. 309. LIMITATION ON EXPENDITURES.

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

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

SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.

(a) RESTRICTION.—Except as provided in subsection (b), the Secretary of the department in which the Coast Guard is operating and the Commandant of the Coast Guard may not travel aboard any Coast Guard owned or operated fixed-wing aircraft if the Secretary has not provided the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all of the following:

(1) A cost-constrained Fleet Mix Analysis.

(2) The study of Coast Guard current and planned cutters conducted by the Office of Program Analysis and Evaluation of the Department of Homeland Security at the request of the Office of Management and Budget.

(b) EXCEPTION.—The Secretary and the Commandant may travel aboard a Coast Guard owned and operated fixed-wing aircraft—

(1) to respond to a major disaster or emergency declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) to respond to a discharge classified as a spill of national significance under part 300.323 of title 40, Code of Federal Regulations; or

(3) for evacuation purposes including for a medical emergency.

TITLE IV—SHIPPING AND NAVIGATION

SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

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

"§ 55502. Committee on the Marine Transportation System

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

''(b) PURPOSE.—The Committee shall—

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

''(2) develop and implement policies to promote an efficient marine transportation system;

''(3) coordinate policies among Federal agencies to promote an efficient marine transportation system; and

''(4) coordinate with local businesses to promote an efficient marine transportation system.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Attorney General, the Secretary of Labor, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Maritime Commission, and the head of any other Federal agency that the Committee Chair, with the approval of a majority of the voting members of the Committee, determines can further the purpose and activities of the Committee.

''(2) EX-OFFICIO MEMBERS.—The Committee may also consist of so many nonvoting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.

''(3) CHAIRMAN.—The Chair of the Committee shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined with the approval of a majority of the voting members of the Committee.

''(d) SUPPORT.—

''(1) COORDINATING BOARD.—Each member of the Committee may select a senior level representative to serve on a coordinating board which shall assist the Committee in carrying out its purpose and activities.

''(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall select an executive director to assist the Committee in carrying out its purpose and activities.

''(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide a report to Congress which includes—

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

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

''(3) a discussion of the challenges the system faces in meeting user demand;

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

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

''(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with the Marine Transportation System National Advisory Council, interested parties, and the public.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 55501 the following:

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

SEC. 402. REPORT ON DETERMINATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

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

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

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

SEC. 403. DOCKSIDE EXAMINATIONS.

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

(1) in paragraph (2) by striking ''at least once every 2 years'' and inserting ''at least once every 5 years'';

(2) by striking ''and'' after the semicolon at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end the following:

''(3) shall complete the first examination of a dockside vessel under this section no later than October 15, 2015.''.

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

SEC. 404. RECOURSE FOR NONCITIZENS.

Section 30104 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following new subsection:

''(b) RESTRICTION ON RECOVERY FOR NONRESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation, may not be brought under the laws of the United States if—

''(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;

''(2) the injury, illness, or death arose outside the territorial waters of the United States; and

''(3) the seaman or the seaman's personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

''(A) the nation in which the vessel was registered at the time the claim arose; or

''(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.''.

SEC. 405. MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

"§ 31310. Limitation on maritime liens on fishing permit and permit description

''(a) IN GENERAL.—This chapter—

''(1) does not establish a maritime lien on a permit that—

''(A) authorizes a person or use of a vessel to engage in fishing; and

''(B) is issued under State or Federal law; and

''(2) does not authorize any civil action to enforce a maritime lien on such a permit.

''(b) FISHING PERMIT DESCRIBED.—A fishing permit—

''(1) is governed solely by the State or Federal law under which it was issued; and

''(2) is not included in the whole of a vessel or as an appurtenance or intangible of a vessel for any purpose.

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 31309 the following:

''31310. Limitation on maritime liens on fishing permit and permit description.''.

SEC. 406. SHORT SEA TRANSPORTATION.

(a) PURPOSE OF PROGRAM AND PROJECTS; REAUTHORIZATION; TERMINATION.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion and to promote increased use of the navigable waters of the United States for transportation of passengers or freight (or both).'';

(2) in subsection (c), by inserting ''and to promote waterborne transportation between ports within the United States'' after ''coastal corridors'';

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

''(1) mitigates landside congestion; or

''(2) promotes waterborne transportation between ports of the United States.'';

(4) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(5) in subsection (f), as so redesignated, by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not

more than $5,000,000 for each of the fiscal years 2012 through fiscal year 2017 for grants under this subsection.''; and

(6) by adding at the end the following:

''(g) TERMINATION OF AUTHORITY.—Authority granted to the Secretary under this section shall terminate September 30, 2017.''.

(b) SHORT SEA TRANSPORTATION DEFINITION.—Section 55605 of title 46, United States Code, is amended by striking ''means the carriage by vessel of cargo—'' and inserting ''means the carriage of passengers or freight (or both) by a vessel documented under the laws of the United States—''.

SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.

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

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

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

SEC. 408. LIMITATION ON LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

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

(1) by inserting ''(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS'' before ''Any pilot''; and

(2) by adding at the end the following:

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 23 of such title is amended by striking the item relating to section 2307 and inserting the following:

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

SEC. 409. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

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

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

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

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

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

SEC. 410. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' before ''When the head''; and

(2) by adding at the end the following:

''(2) The Administrator of the Maritime Administration shall—

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

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

''(C) publish each such determination on the Internet site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

''(3)(A) The Administrator of the Maritime Administration shall notify the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate—

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

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

''(B) The Administrator shall include in each notification under subparagraph (A)(ii) an explanation of—

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

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

SEC. 411. CLASSIFICATION SOCIETIES.

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

(1) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

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

(2) in subsection (d)(2)—

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

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

(C) by adding at the end the following:

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

(3) by adding at the end the following:

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

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

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 501 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking ''Commission—'' and all that follows through the period at the end of the section and inserting ''Commission for each of the fiscal years 2012 through 2015, $24,000,000.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTIONS.

(a) TITLE 14.—Title 14, United States Code, is amended—

(1) in section 564, by striking subsection (d); and

(2) in section 569(a), by striking ''and annually thereafter,''.

(b) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 3012) is amended to read as follows:

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

''The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities, for which a permit under the Act of March 23, 1906 (chapter 1130; 33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested on or after January 1, 2006, and on or before August 3, 2011.''.

SEC. 602. REPORT ON COAST GUARD MERCHANT MARINER MEDICAL EVALUATION PROGRAM.

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

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

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

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

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

SEC. 603. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of Public Law 109–347 (33 U.S.C. 1223 note) on notice of arrival for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless such vessel arrives from a foreign port or place.

SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.

Chapter 1 of title 14, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT AND DUTIES

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

"§ 1. Establishment of Coast Guard

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

"§ 2. Primary duties

''The Coast Guard shall—

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

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

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

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

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

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

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

"§ 3. Department in which the Coast Guard operates

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

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

''(c) Whenever the Coast Guard operates as a service in the Navy:

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

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

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

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

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

"§ 4. Secretary defined

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

SEC. 605. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 548) is amended—

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

''(b) LICENSING RESTRICTIONS.—

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

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

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

(3) in subsection (d) by striking ''on December 31, 2012'' and inserting ''on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2011''.

SEC. 606. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) MACY-RENEE (United States official number 1107319)

(3) OCEAN VERITAS (IMO number 7366805).

(4) LUNA (United States official number 280133).

(5) IL MORO DI VENEZIA IV (United States official number 1028654)

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPERATIONAL INFORMATION.

Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on options to improve the integration of the Great Lakes icebreaking operational information of the United States Coast Guard and Canadian Coast Guard to improve the safety, economic security, and efficiency of Great Lakes icebreaking activities of both services.

SEC. 608. STANDBY VESSELS.

(a) IN GENERAL.—Subtitle VIII of title 46, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 807—STANDBY VESSELS

''Sec.
''80701. Standby vessels.

"§ 80701. Standby vessels

''(a) IN GENERAL.—The owner or operator of a manned facility, installation, unit, or vessel shall locate a standby vessel—

''(1) not more than 3 nautical miles from such manned facility, installation, unit, or vessel while it is performing drilling, plugging, abandoning, or workover operations; and

''(2) not more than 12 nautical miles from such manned facility, installation, unit, or vessel while it is performing operations other than drilling, plugging, abandoning, or workover operations.

''(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—

''(1) IN GENERAL.—A Coast Guard District Commander may reduce the distances prescribed in subsection (a) for the area of command of the District Commander if the District Commander determines the reduction is necessary to address delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.

''(2) APPROXIMATION OF NORMAL RESPONSE TIME.—Any reduction under paragraph (1) shall be made to a distance that, in weather conditions necessitating the reduction, ensures that a standby vessel's response time approximates that of a standby vessel covering the distance prescribed in subsection (a) during normal weather conditions.

''(3) PREVENTION OF HYPOTHERMIA.—Any reduction under paragraph (1) made due to water temperature or other factors that reduce the time survivors of an accident can remain in the water shall be made to a distance at which a standby vessel can be assumed to reach the survivor before the onset of hypothermia.

''(4) NOTICE TO OWNERS AND OPERATORS.—Before exercising the authority in paragraph (1), a District Commander shall provide 72 hours notice to the owners and operators of standby vessels and owners and operators of manned facilities, installations, units, and vessels operating in the District Commander's area of command.

''(c) MULTIPLE PLATFORMS AND USES.—Nothing in this section shall be construed to prohibit—

''(1) use of one standby vessel for more than one manned facility, installation, unit, or vessel; or

''(2) use of a standby vessel for other purposes.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of such subtitle is amended by adding at the end the following:

"807. Standby vessels ..... 80701".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of enactment of this Act.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may promulgate regulations to implement the amendments made by this section.

(2) EXISTING REGULATIONS.—Until such time as the Secretary promulgates regulations to implement the amendments made by this section, the requirements of subpart E of part 143 of title 33, Code of Federal Regulations, as in effect on the date of enactment of this Act, including the requirements that must be met by a standby vessel, shall apply to standby vessels required under the amendments.

SEC. 609. CAP ON PENALTY WAGES.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—Section 10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3), by striking ''class action''.

(b) COASTWISE VOYAGES.—Section 10504(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3), by striking ''class action''.

SEC. 610. REPORT ON IMPEDIMENTS TO THE U.S.-FLAG REGISTRY.

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

(b) CONTENT.—The report shall include—

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

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

(3) recommendations on whether to harmonize any differences in the policies and regulations governing inspection of vessels by the Coast Guard and the International Maritime Organization.

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

SEC. 611. REPORT ON DRUG INTERDICTION IN THE CARIBBEAN BASIN.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on drug interdiction in the Caribbean basin.

(b) CONTENT.—The report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2009 through 2011 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

SEC. 612. REPORT ON SURVIVAL CRAFT.

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

(b) CONTENT.—The report shall include information on—

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

(2) the effect the carriage of such survival craft has on vessel safety, including stability and safe navigation;

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

(4) the cost and cost-effectiveness of requiring the carriage of such survival craft on vessels.

SEC. 613. CONSIDERATION OF INFORMATION RELATING TO EMPLOYMENT WHEN AWARDING CONTRACTS.

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

"§ 569c. Consideration of information relating to employment when awarding contracts

''(a) JOBS IMPACT STATEMENTS.—The Secretary, in issuing a solicitation for competitive proposals with respect to a Coast Guard contracting opportunity, shall state in the solicitation that the Secretary may consider information (in this section referred to as a 'jobs impact statement')—

''(1) that the offeror may include in its offer; and

''(2) that relates to the effect of the contract on employment in the United States if the contract is awarded to the offeror.

''(b) CONTENTS.—The information that may be included in a jobs impact statement may include the following:

''(1) The number of jobs expected to be created in the United States, or the number of jobs to be retained in the United States that otherwise would be lost, if the contract is awarded to the offeror.

''(2) The number of jobs expected to be created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(3) A guarantee from the offeror that jobs created or retained in the United States as a result of the contract being awarded to the offeror will not be moved outside the United States after award of the contract.

''(c) USE IN EVALUATION.—The Secretary may consider information in a jobs impact statement in the evaluation of an offer relating to a Coast Guard contracting opportunity and may request further information from the offeror in order to verify the accuracy of any such information submitted.

''(d) ASSESSMENT.—With respect to a contract awarded to an offeror that submitted a jobs impact statement, the Secretary shall track the number of jobs created or retained in the United States as a result of the contract. If the number of jobs estimated to be created or retained in the jobs impact statement significantly exceeds the number of jobs created or retained as a result of the contract, the Secretary may evaluate whether the contractor should be proposed for debarment.

''(e) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report describing the use by the Secretary of jobs impact statements in evaluating offers relating to Coast Guard contracting opportunities.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

''569c. Consideration of information relating to employment when awarding contracts.''.

SEC. 614. REQUIREMENT OF CORPS.

The Secretary of the Army, acting through the Chief of the Corps of Engineers, shall continue to study the project related to the Jacksonville Port Authority in Jacksonville, Florida, without applying any additional peer reviews described by section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343).

SEC. 615. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to the decommissioned Coast Guard Cutter STORIS (in this section referred to as the ''vessel'') to the Storis Museum, a nonprofit entity of Juneau, Alaska, if the Storis Museum agrees—

(1) to use the vessel as a historic memorial, make the vessel available to the public as a museum, and work cooperatively with other museums to provide education on and memorialize the maritime heritage of the vessel and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean, and adjacent oceans and seas;

(2) not to use the vessel for commercial transportation purposes;

(3) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency or based on the critical needs of the Coast Guard;

(4) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), except for claims arising from the use of the vessel by the Government;

(5) to bear all costs of transportation and delivery of the vessel;

(6) to bear all costs of vessel disposal in accordance with Federal law when the vessel is no longer used as a museum; and

(7) to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of the vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a public museum and historical display.

SEC. 616. TRANSPORTATION OF PASSENGERS BETWEEN PORTS IN PUERTO RICO.

Notwithstanding chapter 551 of title 46, United States Code, a vessel of 100 gross tons

or more not qualified to engage in the coastwise trade may transport passengers between ports in Puerto Rico.

TITLE VII—COMMERCIAL VESSEL DISCHARGES REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Commercial Vessel Discharges Reform Act of 2011''.

SEC. 702. DISCHARGES FROM COMMERCIAL VESSELS.

Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 321. DISCHARGES FROM COMMERCIAL VESSELS.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AQUATIC NUISANCE SPECIES.—The term 'aquatic nuisance species' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

''(2) BALLAST WATER.—

''(A) IN GENERAL.—The term 'ballast water' means any water (including any sediment suspended in such water) taken aboard a commercial vessel—

''(i) to control trim, list, draught, stability, or stresses of the vessel; or

''(ii) during the cleaning, maintenance, or other operation of a ballast water treatment system of the vessel.

''(B) EXCLUSION.—The term 'ballast water' does not include any pollutant that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology certified under subsection (e).

''(3) BALLAST WATER PERFORMANCE STANDARD.—The term 'ballast water performance standard' or 'performance standard' means a numerical ballast water performance standard specified under subsection (c) or established under subsection (d).

''(4) BALLAST WATER TREATMENT SYSTEM.—The term 'ballast water treatment system' means any equipment on board a commercial vessel (including all compartments, piping, spaces, tanks, and multi-use compartments, piping, spaces, and tanks) that is—

''(A) designed for loading, carrying, treating, or discharging ballast water; and

''(B) installed and operated to meet a ballast water performance standard.

''(5) BALLAST WATER TREATMENT TECHNOLOGY.—The term 'ballast water treatment technology' or 'treatment technology' means any mechanical, physical, chemical, or biological process used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of aquatic nuisance species within ballast water.

''(6) BIOCIDE.—The term 'biocide' means a substance or organism, including a virus or fungus, that is introduced into, or produced by, a ballast water treatment technology to reduce or eliminate aquatic invasive species as part of the process used to comply with a ballast water performance standard under this section.

''(7) COMMERCIAL VESSEL.—The term 'commercial vessel' means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water—

''(A) that is engaged in commercial service (as defined under section 2101 of title 46, United States Code); or

''(B) that is owned or operated by the United States, other than a vessel of the Armed Forces (as defined under section 312 of this Act).

''(8) CONSTRUCTED.—The term 'constructed' means a state of construction of a commercial vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel commences a major conversion.

''(9) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

''(A) IN GENERAL.—The term 'discharge incidental to the normal operation of a commercial vessel' means—

''(i) a discharge into navigable waters from a commercial vessel of—

''(I)(aa) graywater (except graywater referred to in section 312(a)(6)), bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

''(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

''(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

''(III) any effluent from a properly functioning marine engine; or

''(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, and repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

''(B) EXCLUSION.—The term 'discharge incidental to the normal operation of a commercial vessel' does not include—

''(i) a discharge into navigable waters from a commercial vessel of—

''(I) ballast water;

''(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

''(III) oil or a hazardous substance within the meaning of section 311; or

''(IV) sewage within the meaning of section 312;

''(ii) an emission of an air pollutant resulting from the operation onboard a commercial vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

''(iii) a discharge into navigable waters from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

''(10) EXISTING COMMERCIAL VESSEL.—The term 'existing commercial vessel' means a commercial vessel constructed prior to January 1, 2012.

''(11) GEOGRAPHICALLY LIMITED AREA.—The term 'geographically limited area' means an area—

''(A) with a physical limitation that prevents a commercial vessel from operating outside the area, as determined by the Secretary; or

''(B) that is ecologically homogeneous, as determined by the Administrator, in consultation with the Secretary.

''(12) MAJOR CONVERSION.—The term 'major conversion' means a conversion of a commercial vessel that—

''(A) changes its ballast water capacity by 15 percent or more; or

''(B) prolongs the life of the commercial vessel by 10 years or more, as determined by the Secretary.

''(13) MANUFACTURER.—The term 'manufacturer' means a person engaged in the manufacturing, assembling, or importation of a ballast water treatment technology.

''(14) NAVIGABLE WATERS.—The term 'navigable waters' includes the exclusive economic zone, as defined in section 107 of title 46, United States Code.

''(15) NONINDIGENOUS SPECIES.—The term 'nonindigenous species' means a species or other viable biological material that enters an ecosystem beyond its historic range.

''(16) OWNER OR OPERATOR.—The term 'owner or operator' means a person owning, operating, or chartering by demise a commercial vessel.

''(17) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

''(18) VESSEL GENERAL PERMIT.—The term 'Vessel General Permit' means the Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels issued by the Administrator under section 402 for ballast water and other discharges incidental to the normal operation of vessels, as in effect on February 6, 2009.

''(b) GENERAL PROVISIONS.—

''(1) BALLAST WATER DISCHARGE REQUIREMENTS FOR COMMERCIAL VESSELS.—An owner or operator may discharge ballast water from a commercial vessel into navigable waters only if—

''(A) the discharge—

''(i) meets the ballast water performance standard;

''(ii) is made pursuant to the safety exemption established by subsection (c)(2);

''(iii) meets the requirements of an alternative method of compliance established for the commercial vessel under subsection (f); or

''(iv) is made pursuant to a determination that the commercial vessel meets the requirements relating to geographically limited areas under subsection (g); and

''(B) the owner or operator discharges the ballast water in accordance with a ballast water management plan approved under subsection (i).

''(2) APPLICABILITY.—

''(A) COVERED VESSELS.—Paragraph (1) shall apply to the owner or operator of a commercial vessel that is designed, constructed, or adapted to carry ballast water if the commercial vessel is—

''(i) documented under the laws of the United States; or

''(ii) operating in navigable waters on a voyage to or from a port or place in the United States.

''(B) EXEMPTED VESSELS.—Paragraph (1) shall not apply to the owner or operator of—

''(i) a commercial vessel that carries all of its ballast water in sealed tanks that are not subject to discharge;

''(ii) a commercial vessel that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters, as determined by the Secretary in consultation with the Administrator;

''(iii) any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking;

''(iv) a commercial vessel that discharges ballast water consisting solely of water—

''(I) taken aboard from a municipal or commercial source; and

''(II) that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and section 402 of this Act; or

''(v) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary, on the date on which the regulations issued under paragraph (3) become effective for the vessel pursuant to the implementation schedule issued under paragraph (3)(B).

''(C) LIMITATION.—An exemption under subparagraph (B)(v) shall cease to be effective on the date that is 3 years after the date on which the regulations under paragraph (3) become effective for the commercial vessel pursuant to the implementation schedule issued under paragraph (3)(B).

''(3) ISSUANCE OF REGULATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall issue final regulations to implement the requirements of this section.

''(B) PROPOSED RULE.—For the purposes of chapter 5 of title 5, United States Code, the proposed rulemaking published by the Coast Guard on August 28, 2009 (74 Fed. Reg. 44632; relating to standards for living organisms in ships' ballast water discharged in U.S. waters), shall serve as a proposed rule for the purposes of issuing regulations under this section.

''(4) COMPLIANCE SCHEDULES.—

''(A) INITIAL PERFORMANCE STANDARD COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—An owner or operator shall comply with the performance standard established under subsection (c) on or before the deadline that applies to the commercial vessel of the owner or operator, as specified in clause (ii).

''(ii) DEADLINES.—The deadlines for compliance with the performance standard established under subsection (c) are as follows:

''(I) For a commercial vessel constructed on or after January 1, 2012, the date of delivery of the vessel.

''(II) For an existing commercial vessel with a ballast water capacity of less than 1,500 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

''(III) For an existing commercial vessel with a ballast water capacity of at least 1,500 cubic meters but not more than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2014.

''(IV) For an existing commercial vessel with a ballast water capacity of greater than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

''(iii) REGULATIONS.—In issuing regulations under paragraph (3), the Secretary shall include a compliance schedule that sets forth the deadlines specified in clause (ii).

''(B) REVISED PERFORMANCE STANDARD COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—Upon revision of a performance standard under subsection (d), the Secretary, in consultation with the Administrator, shall issue a compliance schedule that establishes deadlines for an owner or operator to comply with the revised performance standard.

''(ii) FACTORS.—In issuing a compliance schedule under this subparagraph, the Secretary—

''(I) shall consider the factors identified in subparagraph (C)(iv); and

''(II) may establish different compliance deadlines based on vessel class, type, or size.

''(iii) VESSELS CONSTRUCTED AFTER ISSUANCE OF REVISED PERFORMANCE STANDARDS.—A compliance schedule issued under this subparagraph with respect to a revised performance standard shall require, at a minimum, the owner or operator of a commercial vessel that commences a major conversion or is constructed on or after the date of issuance of the revised performance standard to comply with the revised performance standard.

''(C) EXTENSION OF COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—The Secretary may extend a compliance deadline established under subparagraph (A) or (B) on the Secretary's own initiative or in response to a petition submitted by an owner or operator.

''(ii) PROCESSES FOR GRANTING EXTENSIONS.—In issuing regulations under paragraph (3), the Secretary shall establish—

''(I) a process for the Secretary, in consultation with the Administrator, to issue an extension of a compliance deadline established under subparagraph (A) or (B) for a commercial vessel (or class, type, or size of vessel); and

''(II) a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline established under subparagraph (A) or (B) with respect to the commercial vessel of the owner or operator.

''(iii) PERIOD OF EXTENSIONS.—An extension issued under clause (ii)(II) shall—

''(I) apply for a period of not to exceed 18 months; and

''(II) be renewable for an additional period of not to exceed 18 months.

''(iv) FACTORS.—In issuing an extension or reviewing a petition under this subparagraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

''(I) Whether the treatment technology to be installed is available in sufficient quantities to meet the compliance deadline.

''(II) Whether there is sufficient shipyard or other installation facility capacity.

''(III) Whether there is sufficient availability of engineering and design resources.

''(IV) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

''(V) Electric power generating capacity aboard the vessel.

''(VI) Safety of the vessel and crew.

''(v) CONSIDERATION OF PETITIONS.—

''(I) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subparagraph.

''(II) DEADLINE.—If the Secretary does not approve or deny a petition referred to in subclause (I) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

''(c) BALLAST WATER PERFORMANCE STANDARD FOR COMMERCIAL VESSELS.—

''(1) IN GENERAL.—To meet the ballast water performance standard, an owner or operator shall—

''(A) conduct ballast water treatment before discharging ballast water from a commercial vessel into navigable waters using a ballast water treatment technology certified for the vessel (or class, type, or size of vessel) under subsection (e); and

''(B) ensure that any ballast water so discharged meets, at a minimum, the numerical ballast water performance standard set forth in the International Convention for the Control and Management of Ships' Ballast Water and Sediments, as adopted on February 13, 2004, or a revised numerical ballast water performance standard established under subsection (d).

''(2) SAFETY EXEMPTION.—Notwithstanding paragraph (1), an owner or operator may discharge ballast water without regard to a ballast water performance standard if—

''(A) the discharge is done solely to ensure the safety of life at sea;

''(B) the discharge is accidental and the result of damage to the commercial vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

''(ii) the owner or operator did not willfully or recklessly cause such damage; or

''(C) the discharge is solely for the purpose of avoiding or minimizing discharge from the vessel of pollution that would otherwise violate an applicable Federal or State law.

''(d) REVIEW OF PERFORMANCE STANDARD.—

''(1) IN GENERAL.—Not later than January 1, 2016, and every 10 years thereafter, the Administrator, in consultation with the Secretary, shall complete a review to determine whether revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

''(2) CONSIDERATIONS.—In conducting the review, the Administrator shall consider—

''(A) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

''(B) improvements in ballast water treatment technology, including—

''(i) the capability of such technology to achieve a revised ballast water performance standard;

''(ii) the effectiveness and reliability of such technology in the shipboard environment;

''(iii) the compatibility of such technology with the design and operation of commercial vessels by class, type, and size;

''(iv) the commercial availability of such technology; and

''(v) the safety of such technology;

''(C) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

''(D) the impact of ballast water treatment technology on water quality; and

''(E) the costs, cost-effectiveness, and impacts of—

''(i) a revised ballast water performance standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

''(ii) maintaining the existing ballast water performance standard, including the potential impacts on water-related infrastructure, recreation, the propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

''(3) REVISION OF PERFORMANCE STANDARD.—

''(A) RULEMAKING.—If, pursuant to a review conducted under paragraph (1), the Administrator, in consultation with the Secretary, determines that revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species, the Administrator shall undertake a rulemaking to revise the performance standard.

''(B) SPECIAL RULE.—The Administrator may not issue a revised performance standard pursuant to this paragraph that applies to a commercial vessel constructed prior to the date on which the revised performance standard is issued unless the revised performance standard is at least 2 orders of magnitude more stringent than the performance standard in effect on the date that the review is completed.

''(4) STATE PETITION FOR REVIEW OF PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—The Governor of a State may submit a petition requesting that the Administrator review a ballast water performance standard if there is significant new

information that could reasonably indicate the performance standard could be revised to result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

''(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1).

''(C) REQUIRED INFORMATION.—A petition submitted to the Administrator under subparagraph (A) shall include the scientific and technical information on which the petition is based.

''(D) REVIEW AND REPORTING.—Upon receipt of a petition from a Governor under subparagraph (A), the Administrator shall make publicly available a copy of the petition, including the scientific and technical information provided by the Governor under subparagraph (C).

''(E) REVIEW AND REVISION OF PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—If, after receiving a petition submitted by a Governor under subparagraph (A) for review of a performance standard, the Administrator, in consultation with the Secretary, determines that the petition warrants additional action, the Administrator may—

''(I) in consultation with the Secretary, initiate a review of the performance standard under paragraph (1); and

''(II) in consultation with the Secretary, revise the performance standard through a rulemaking under paragraph (3)(A), subject to the limitation in paragraph (3)(B).

''(ii) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Administrator may treat more than one petition as a single petition for review.

''(e) TREATMENT TECHNOLOGY CERTIFICATION.—

''(1) CERTIFICATION REQUIRED.—

''(A) CERTIFICATION PROCESS.—

''(i) EVALUATION.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water treatment technology with respect to—

''(I) whether the treatment technology meets the ballast water performance standard when installed on a commercial vessel (or a class, type, or size of commercial vessel);

''(II) the effect of the treatment technology on commercial vessel safety; and

''(III) any other criteria the Secretary considers appropriate.

''(ii) CERTIFICATION.—If, after conducting the evaluation required by clause (i), the Secretary determines the treatment technology meets the criteria established under such clause, the Secretary may certify the treatment technology for use on a commercial vessel (or a class, type, or size of commercial vessel).

''(iii) SUSPENSION AND REVOCATION OF CERTIFICATION.—The Secretary shall, by regulation, establish a process to suspend or revoke a certification issued under this subparagraph.

''(B) CERTIFICATES OF TYPE APPROVAL.—

''(i) ISSUANCE OF CERTIFICATES TO MANUFACTURER.—If the Secretary certifies a ballast water treatment technology under subparagraph (A), the Secretary shall issue to the manufacturer of the treatment technology, in such form and manner as the Secretary determines appropriate, a certificate of type approval for the treatment technology.

''(ii) CONDITIONS TO BE INCLUDED IN CERTIFICATES.—A certificate of type approval issued under clause (i) shall include any conditions that are imposed by the Secretary under paragraph (2).

''(iii) ISSUANCE OF COPIES OF CERTIFICATES TO OWNERS AND OPERATORS.—A manufacturer that receives a certificate of type approval under clause (i) for a ballast water treatment technology shall furnish a copy of the certificate to any owner or operator of a commercial vessel on which the treatment technology is installed.

''(iv) INSPECTIONS.—An owner or operator who receives a copy of a certificate under clause (iii) for a ballast water treatment technology installed on a commercial vessel shall retain a copy of the certificate onboard the commercial vessel and make the copy of the certificate available for inspection at all times that such owner or operator is utilizing the treatment technology.

''(C) TREATMENT TECHNOLOGIES THAT USE OR GENERATE BIOCIDES.—The Secretary may not certify a ballast water treatment technology that—

''(i) uses a biocide or generates a biocide that is a 'pesticide', as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under such Act or the Administrator has approved the use of such biocide in such treatment technology; or

''(ii) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of this Act.

''(D) PROHIBITION.—

''(i) IN GENERAL.—Except as provided by clause (ii), an owner or operator may not use a ballast water treatment technology to comply with the requirements of this section unless the Secretary has certified the treatment technology under subparagraph (A).

''(ii) EXCEPTIONS.—

''(I) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

''(II) BALLAST WATER TREATMENT TECHNOLOGIES CERTIFIED BY FOREIGN ENTITIES.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology has been certified by a foreign entity and the certification demonstrates performance and safety of the treatment technology equivalent to the requirements of this subsection, as determined by the Secretary.

''(2) CERTIFICATION CONDITIONS.—

''(A) IMPOSITION OF CONDITIONS.—In certifying a ballast water treatment technology under this subsection, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the treatment technology onboard a commercial vessel as is necessary for—

''(i) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

''(ii) the protection of the environment; and

''(iii) the effective operation of the treatment technology.

''(B) FAILURE TO COMPLY.—The failure of an owner or operator to comply with a condition imposed under subparagraph (A) is a violation of this section.

''(3) USE OF BALLAST WATER TREATMENT TECHNOLOGIES ONCE INSTALLED.—

''(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator who installs a ballast water treatment technology that the Secretary has certified under paragraph (1) may use the treatment technology, notwithstanding any revisions to a ballast water performance standard occurring after the installation so long as the owner or operator—

''(i) maintains the treatment technology in proper working condition; and

''(ii) maintains and uses the treatment technology in accordance with—

''(I) the manufacturer's specifications; and

''(II) any conditions imposed by the Secretary under paragraph (2).

''(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after the first to occur of the following:

''(i) The expiration of the service life of the ballast water treatment technology of the vessel, as determined by the Secretary.

''(ii) The expiration of service life of the vessel, as determined by the Secretary.

''(iii) The completion of a major conversion of the vessel.

''(4) TESTING PROTOCOLS.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall issue requirements for land-based and shipboard testing protocols or criteria for—

''(A) certifying the performance of ballast water treatment technologies under this subsection; and

''(B) certifying laboratories to evaluate such treatment technologies.

''(5) PROHIBITION.—Following the date on which the requirements of subsection (b)(1) apply with respect to a commercial vessel pursuant to the implementation schedule issued under subsection (b)(3)(B), no manufacturer of a ballast water treatment technology shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water treatment technology for the commercial vessel unless the technology has been certified under this subsection.

''(f) ALTERNATIVE METHODS OF COMPLIANCE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall establish an alternative method of compliance with this section for—

''(A) a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters; and

''(B) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary pursuant to subsection (b)(2)(B)(v).

''(2) FACTORS FOR CONSIDERATION.—In establishing an alternative method of compliance under paragraph (1), the Secretary shall consider—

''(A) the effectiveness of the alternative method in reducing the risk of the introduction or establishment of aquatic nuisance species relative to the performance standard; and

''(B) any other factor the Secretary considers appropriate.

''(3) BEST MANAGEMENT PRACTICES.—The Secretary may establish as an alternative method of compliance appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

''(g) GEOGRAPHICALLY LIMITED AREAS.—

''(1) IN GENERAL.—Subsection (c) shall not apply to a commercial vessel that—

''(A) operates exclusively within a geographically limited area; or

''(B) operates pursuant to a geographic restriction issued for the commercial vessel under section 3309 of title 46, United States Code, or an equivalent restriction, as determined by the Secretary, issued by the country of registration of the commercial vessel.

''(2) PETITION FOR DETERMINATION BY THE SECRETARY.—

''(A) SUBMISSION OF PETITIONS.—Following the date of issuance of final regulations under subsection (b), an owner or operator may petition the Secretary for a determination under paragraph (1).

''(B) DETERMINATIONS.—The Secretary shall approve or deny a petition submitted by an owner or operator under subparagraph (A).

''(C) DEADLINE.—If the Secretary does not approve or deny a petition submitted by an owner or operator under subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

''(3) NOTIFICATION.—The Secretary shall notify the Administrator and the Governor of each State the waters of which could be affected by the discharge of ballast water from a commercial vessel for which a petition has been granted under paragraph (2) of the granting of any such petition.

''(4) BEST MANAGEMENT PRACTICES.—For a commercial vessel for which a petition is granted under paragraph (2), the Secretary shall require the owner or operator to implement appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

''(h) RECEPTION FACILITIES.—

''(1) IN GENERAL.—An owner or operator shall discharge ballast water in compliance with subsection (c) or (f) unless discharging ballast water into—

''(A) an onshore facility for the reception of ballast water that meets standards issued by the Administrator, in consultation with the Secretary; or

''(B) an offshore facility for the reception of ballast water that meets standards issued by the Secretary, in consultation with the Administrator.

''(2) ISSUANCE OF STANDARDS.—Not later than 2 years after the date of enactment of this section—

''(A) the Administrator, in consultation with the Secretary, shall issue the standards referred to in paragraph (1)(A); and

''(B) the Secretary, in consultation with the Administrator, shall issue the standards referred to in paragraph (1)(B).

''(3) SOLE METHOD OF DISCHARGE.—The Secretary, in consultation with the Administrator, and upon petition by an owner or operator, may issue to an owner or operator a certificate stating that a commercial vessel is in compliance with the requirements of subsection (b)(1)(A) if discharging ballast water into a facility meeting the standards issued under this subsection is the sole method by which the owner or operator discharges ballast water from the commercial vessel.

''(4) BALLAST WATER MANAGEMENT PLANS.—An owner or operator discharging ballast water under this subsection shall discharge such water in accordance with a ballast water management plan approved under subsection (i).

''(i) COMMERCIAL VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—An owner or operator shall discharge ballast water in accordance with a ballast water management plan that—

''(A) meets requirements prescribed by the Secretary; and

''(B) is approved by the Secretary.

''(2) FOREIGN COMMERCIAL VESSELS.—The Secretary may approve a ballast water management plan for a foreign commercial vessel on the basis of a certificate of compliance issued by the country of registration of the commercial vessel if the requirements of the government of that country for a ballast water management plan are substantially equivalent to regulations issued by the Secretary.

''(3) RECORDKEEPING.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), an owner or operator shall maintain in English and have available for inspection by the Secretary a ballast water record book in which each operation of the commercial vessel involving a ballast water discharge is recorded in accordance with regulations issued by the Secretary.

''(B) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this paragraph.

''(j) REGULATION OF BALLAST WATER DISCHARGES.—Effective on and after the date of enactment of this section—

''(1) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit condition under section 402 for any discharge of ballast water from a commercial vessel into navigable waters; and

''(2) except as provided by subsection (k), a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

''(k) STATE AUTHORITY.—

''(1) STATE PROGRAMS.—The Governor of a State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the State attorney general that the laws of the State provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Secretary, with the concurrence of the Administrator, may approve a program of a State submitted under paragraph (1) providing for the State's own inspection and enforcement authority for ballast water discharges within its jurisdiction, if the Secretary determines that the State possesses adequate resources to—

''(A) inspect, monitor, and board a commercial vessel at any time, including the taking and testing of ballast water samples, to ensure the commercial vessel's compliance with this section;

''(B) ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meets the requirements of this section;

''(C) establish adequate procedures for reporting violations of this section;

''(D) investigate and abate violations of this section, including the imposition of civil and criminal penalties consistent with subsection (o); and

''(E) ensure that the Secretary and the Administrator receive notice of each violation of this section in an expeditious manner.

''(3) COMPLIANCE.—Any State program approved under paragraph (2) shall at all times be conducted in accordance with this subsection.

''(4) WITHDRAWAL OF APPROVAL.—Whenever the Secretary, in consultation with the Administrator, determines, after providing notice and the opportunity for a public hearing, that a State is not administering a program in accordance with the terms of the program as approved under paragraph (2), the Secretary shall notify the State, and, if appropriate corrective action is not taken within a period of time not to exceed 90 days, the Secretary, with the concurrence of the Administrator, shall withdraw approval of the program. The Secretary shall not withdraw approval of a program unless the Secretary has first notified the State and made public, in writing, the reasons for the withdrawal.

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Administrator or the Secretary to carry out inspections of any commercial vessel under subsection (n).

''(6) STATE LAWS.—Notwithstanding any other provision of this section, a State may enact such laws as are necessary to provide for the implementation of the State ballast water inspection and enforcement program provided under this subsection. The requirements for a ballast water inspection and enforcement program contained in such State law shall be substantively and procedurally equivalent to those required in this section, and any requirements relating to recordkeeping, reporting, and sampling or analysis contained in such State law shall be substantively and procedurally equivalent to the requirements of this section and its implementing regulations and guidance.

''(l) DISCHARGES INCIDENTAL TO THE NORMAL OPERATIONS OF A COMMERCIAL VESSEL.—

''(1) EVALUATION OF INCIDENTAL DISCHARGES.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall complete an evaluation of discharges incidental to the normal operation of a commercial vessel.

''(B) FACTORS.—In carrying out the evaluation, the Administrator shall analyze—

''(i) the characterization of the various types and composition of discharges incidental to the normal operation of a commercial vessel by different classes, types, and sizes of commercial vessels;

''(ii) the volume of such discharges for representative individual commercial vessels and by classes, types, and sizes of commercial vessels in the aggregate;

''(iii) the availability and feasibility of implementing technologies or best management practices for the control of such discharges;

''(iv) the characteristics of the receiving waters of such discharges;

''(v) the nature and extent of potential effects of such discharges on human health, welfare, and the environment;

''(vi) the extent to which such discharges are currently subject to and addressed by regulations under existing Federal laws or binding international obligations of the United States; and

''(vii) any additional factor that the Administrator considers appropriate.

''(2) REGULATION OF INCIDENTAL DISCHARGES.—Effective on and after the date of enactment of this section—

''(A) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit conditions under section 402 for any discharge incidental to the normal operation of a commercial vessel; and

''(B) a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

''(m) EFFECT ON VESSEL GENERAL PERMIT.—

''(1) EXPIRATION.—Notwithstanding the expiration date set forth in the Vessel General Permit, the Vessel General Permit shall expire as follows:

''(A) The terms and conditions of section 6 of such permit or any law of a State regulating the discharge of ballast water or any discharge incidental to the normal operation of a commercial vessel, upon the date of enactment of this section.

''(B) For each commercial vessel, the terms and conditions of such permit (except the terms and conditions referred to in subparagraph (A)) applicable to a discharge of ballast water—

''(i) on the date on which—

''(I) a ballast water treatment technology certified under subsection (e) is installed on the commercial vessel;

''(II) an alternative method of compliance established for the commercial vessel under subsection (f) is implemented for the commercial vessel;

''(III) a petition is granted for the commercial vessel under subsection (g); or

''(IV) a certificate is issued for the commercial vessel under subsection (h); or

''(ii) in any case not described in clause (i), on December 18, 2013.

''(2) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF COMMERCIAL VESSELS.—Notwithstanding the expiration date set forth in the Vessel General Permit, the terms and conditions of such permit (except the terms and conditions referred to in paragraph (1)(A)) applicable to discharges incidental to the normal operation of a commercial vessel shall remain in effect.

''(n) INSPECTIONS AND ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) COAST GUARD ENFORCEMENT.—The Secretary shall enforce the requirements of this section and may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, and the States.

''(B) ENVIRONMENTAL PROTECTION AGENCY ACTIONS.—Notwithstanding any enforcement decisions of the Secretary under subparagraph (A), the Administrator may use the authorities provided in sections 308, 309, 312, and 504 whenever required to carry out this section.

''(2) COAST GUARD INSPECTIONS.—The Secretary may carry out inspections of any commercial vessel at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring of such commercial vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

''(o) COMPLIANCE.—

''(1) DETENTION OF COMMERCIAL VESSEL.—The Secretary, by notice to the owner or operator, may detain the commercial vessel if the Secretary has reasonable cause to believe that the commercial vessel does not comply with a requirement of this section or is being operated in violation of such a requirement.

''(2) SANCTIONS.—

''(A) CIVIL PENALTIES.—

''(i) IN GENERAL.—Any person who violates this section shall be liable for a civil penalty in an amount determined under clause (ii). Each day of a continuing violation constitutes a separate violation. A commercial vessel operated in violation of this section is liable in rem for any civil penalty assessed for that violation.

''(ii) PENALTY AMOUNTS.—The amount of a civil penalty assessed under clause (i) shall be determined as follows:

''(I) For vessels with a ballast water capacity less than 1500 cubic meters, not to exceed $25,000 for each violation.

''(II) For vessels with a ballast water capacity of 1500 cubic meters but not more than 5,000 cubic meters, not to exceed $28,750 for each violation.

''(III) For vessels with a ballast water capacity greater than 5,000 cubic meters, not to exceed $32,500 for each violation.

''(B) CRIMINAL PENALTIES.—Any person who knowingly violates this section shall be punished by a fine of not less that $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

''(C) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of Homeland Security shall withhold or revoke the clearance of a commercial vessel required by section 60105 of title 46, United States Code, if the owner or operator is in violation of this section.

''(3) ENFORCEMENT ACTIONS.—

''(A) ADMINISTRATIVE ACTIONS.—If the Secretary finds that a person has violated this section, the Secretary may assess a civil penalty for the violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(B) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

''(4) EXCLUSION.—No person shall be found in violation of this section whose commission of prohibited acts is found by the Secretary to have been in the interest of ensuring the safety of life at sea.

''(p) REGULATION UNDER OTHER SECTIONS OF THIS ACT.—This section shall not affect the regulation of discharges from a commercial vessel pursuant to section 311 or 312.''.

SEC. 703. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.

(a) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—

(1) NO PERMIT REQUIRED.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for a discharge incidental to the normal operation of a covered vessel (as defined in section 312(p)).''.

(2) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(p) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) COVERED VESSEL.—The term 'covered vessel' means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water, that is engaged in commercial service (as defined under section 2101 of title 46, United States Code), and—

''(i) is less than 79 feet in length; or

''(ii) is a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of length of the vessel.

''(B) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—The term 'discharge incidental to the normal operation of a covered vessel' means a discharge incidental to the normal operation of a commercial vessel (as defined in section 321), insofar as the commercial vessel is a covered vessel.

''(2) DETERMINATION OF DISCHARGES SUBJECT TO BEST MANAGEMENT PRACTICES.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, shall determine the discharges incidental to the normal operation of a covered vessel for which it is reasonable and practicable to develop best management practices to mitigate the adverse impacts of such discharges on the waters of the United States.

''(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge, including characteristics of the receiving waters;

''(iii) the effectiveness of the best management practice in reducing adverse impacts of the discharge on water quality;

''(iv) the practicability of developing and using a best management practice;

''(v) the effect that the use of a best management practice would have on the operation, operational capability, or safety of the vessel;

''(vi) applicable Federal and State law;

''(vii) applicable international standards; and

''(viii) the economic costs of the use of the best management practice.

''(C) TIMING.—The Administrator shall—

''(i) make initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

''(ii) every 5 years thereafter—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on any new information available to the Administrator.

''(3) REGULATIONS FOR THE USE OF BEST MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall promulgate regulations on the use of best management practices for discharges incidental to the normal operation of a covered vessel that the Administrator determines are reasonable and practicable to develop under paragraph (2).

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator makes determinations pursuant to paragraph (2).

''(ii) CONSIDERATIONS.—In promulgating regulations under this paragraph, the Secretary may—

''(I) distinguish among classes, types, and sizes of vessels;

''(II) distinguish between new and existing vessels; and

''(III) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(4) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to a covered vessel.

''(5) PROHIBITION RELATING TO COVERED VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (3), the owner or operator of a covered vessel shall neither operate in, nor discharge any discharge incidental to the normal operation of the vessel into navigable waters, if the owner or operator of the vessel is not using any applicable best management practice meeting standards established under this subsection.''.

SEC. 704. CONFORMING AND TECHNICAL AMENDMENTS.

(a) EFFLUENT LIMITATIONS.—Section 301(a) of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended by inserting ''312, 321,'' after ''318,''.

(b) REVIEW OF ADMINISTRATOR'S ACTIONS.—The first sentence of section 509(b)(1) of such Act (33 U.S.C. 1369(b)(1)) is amended—

(1) by striking ''and (G)'' and inserting ''(G)''; and

(2) by inserting after ''section 304(l),'' the following: ''and (H) in issuing any regulation or otherwise taking final agency action under section 312 or 321,''.

SEC. 705. REGULATION OF BALLAST WATER AND INCIDENTAL DISCHARGES FROM A COMMERCIAL VESSEL.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the following discharges shall not be regulated in any manner other than as specified in section 312 or 321 of the Federal Water Pollution Control Act (as added by this title):

(1) A discharge incidental to the normal operation of a commercial vessel.

(2) A discharge of ballast water from a commercial vessel.

(b) DEFINITIONS.—In this section, the terms ''ballast water'', ''commercial vessel'', and ''discharge incidental to the normal operation of a commercial vessel'' have the meanings given those terms in section 321(a) of the Federal Water Pollution Control Act (as added by this title).

SEC. 706. NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.—Effective on the date of issuance of final regulations under section 321(b) of the Federal Water Pollution Control Act (as added by this title), section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is repealed.

(b) RELATIONSHIP TO OTHER LAWS.—Effective on the date of enactment of this Act, section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is repealed.

SEC. 707. SPECIAL CONSIDERATION FOR VESSELS OF HISTORICAL SIGNIFICANCE.

(a) IN GENERAL.—Notwithstanding any other provision of this title or the amendments made by this title, a qualified vessel shall operate for the life of the vessel under the terms and conditions of the Vessel General Permit, as in effect on November 1, 2011, without regard to any expiration dates in such permit.

(b) DEFINITIONS.—In this section:

(1) QUALIFIED VESSEL.—A vessel is a qualified vessel for purposes of subsection (a) if the vessel is, as of November 1, 2011—

(A) on, or nominated for inclusion on, the list of National Historic Landmarks; and

(B) subject to part 5.3 of the Vessel General Permit.

(2) VESSEL GENERAL PERMIT.—The term ''Vessel General Permit'' has the definition given such term in section 321(a) of the Federal Water Pollution Control Act, as added by section 702.

TITLE VIII—PIRACY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Piracy Suppression Act of 2011''.

SEC. 802. REPORT ON ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

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

(1) the total number of incidents for each of the fiscal years 2008 through 2011 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the total cost for each of the fiscal years 2008 through 2011 for such incidents.

SEC. 803. TRAINING PROGRAM FOR USE OF FORCE AGAINST PIRACY.

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

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

''The Secretary of Transportation shall establish a training program for United States mariners on the use of force against pirates. The program shall include—

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

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

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

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

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

(b) DEADLINE.—The Secretary of Transportation shall establish the program required under the amendment made by subsection (a) by no later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

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

SEC. 804. SECURITY OF GOVERNMENT IMPELLED CARGO.

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

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

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

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

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

SEC. 805. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on efforts to track ransom payments paid to pirates operating in the waters off Somalia and improve the prosecution of such pirates. The report shall include—

(1) the status of Working Group 5 of the Contact Group on Piracy Off the Somali Coast, any efforts undertaken by the Working Group, and recommendations for improving the Working Group's effectiveness;

(2) efforts undertaken by the United States Government to implement and enforce Executive Order 13536, including recommendations on how to better implement that order to suppress piracy;

(3) efforts undertaken by the United States Government to track ransom payments made to pirates operating off the coast of Somalia, the effectiveness of those efforts, any operational actions taken based off those efforts, and recommendations on how to improve such tracking;

(4) actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and

(5) an update on the United States Government's efforts to implement the recommendation contained in General Accountability Office report GAO–10–856, entitled ''Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa'', that metrics should be established for measuring the effectiveness of counter piracy efforts.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LARSEN of Washington, moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

TITLE VIII—PROHIBITION ON CONTRACTOR FRAUD, WASTE, AND ABUSE

SEC. 801. PROHIBITION ON CONTRACTOR FRAUD, WASTE, AND ABUSE.

(a) PROHIBITION.—The Secretary of the department in which the Coast Guard is operating and the Secretary of the Army, acting through the Chief of Engineers, are each prohibited from awarding a contract or issuing a delivery order or task order to a person that the Secretary finds has been convicted of—

(1) fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract or subcontract with the Federal Government; or

(2) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property.

(b) PERIOD OF DEBARMENT.—If a Secretary referred to in subsection (a) finds that a person has been convicted of a violation described in subsection (a), the person shall be barred from being awarded a contract or being issued a delivery order or task order from the Secretary for the 10-year period beginning on the date of the conviction.

(c) WAIVER AUTHORITY.—A Secretary referred to in subsection (a) may waive the application of subsection (a) in a specific instance if the Secretary determines that the waiver is necessary in the national security interests of the United States.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the nays had it.

Mr. LARSEN of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 189 / Nays 235

¶149.11 [Roll No. 841

YEAS—189

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

NAYS—235

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

NOT VOTING—9

Bachmann
Brady (TX)
Diaz-Balart
Gardner
Giffords
Kinzinger (IL)
Murphy (CT)
Payne
Peterson

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶149.12 H. RES. 463—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHAFFETZ, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to 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.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 271 / Nays 153

¶149.13 [Roll No. 842]

YEAS—271

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)

Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—153

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

NOT VOTING—9

Bachmann
Brady (TX)
Diaz-Balart
Gardner
Giffords
Kinzinger (IL)
Murphy (CT)
Payne
Van Hollen

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶149.14 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT, by direction of the Committee on Rules, reported (Rept. No. 112–285) the resolution (H. Res. 466) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶149.15 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

¶149.16 BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 4, 2011, she presented to the President of the United States, for his approval, the following bills:

H.R. 368. An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

And then,

¶149.17 ADJOURNMENT

On motion of Mr. GOHMERT, at 5 o'clock and 22 minutes p.m., the House adjourned.

¶149.18 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUGENT: Committee on Rules. House Resolution 466. Resolution providing for consideration of motions to suspend the rules (Rept. 112–285). Referred to the House Calendar.

¶149.19 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. POE of Texas (for himself and Mr. CARTER):

H.R. 3422. A bill to require the Secretary of Defense to transfer at least 10 percent of certain military equipment returning from Iraq to Federal and State agencies; to the Committee on Armed Services.

By Mr. CRENSHAW (for himself, Mr. VAN HOLLEN, Mrs. MCMORRIS RODGERS, Mr. PAUL, Mr. HARPER, Mr. YOUNG of Florida, Mr. ROGERS of Kentucky, Mr. DEUTCH, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. HOLT, Mr. SESSIONS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Ms. NORTON, Mr. MICHAUD, Mr. TOWNS, Mrs. EMERSON, Mr. DIAZ-BALART, Mr. WOLF, Mr. LANGEVIN, Mr. KLINE, Mr. VISCLOSKY, Mr. CONNOLLY of Virginia, Mr. KING of New York, Mr. POE of Texas, Mr. ROTHMAN of New Jersey, Mr. GALLEGLY, and Mr. MILLER of Florida):

H.R. 3423. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. ANDREWS, and Mr. SIRES):

H.R. 3424. A bill to establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. GEORGE MILLER of California (for himself, Mr. PAYNE, Mr. HINOJOSA, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. KILDEE, and Mr. LOEBSACK):

H.R. 3425. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONNOLLY of Virginia:

H.R. 3426. A bill to amend the Federal Water Pollution Control Act to require the closure of oil storage and processing facilities that have spilled oil multiple times near residential neighborhoods, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. PETERS, Mr. STARK, Mr. BLUMENAUER, and Mr. RANGEL):

H.R. 3427. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Small Business, and Appropriations, 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. FRANK of Massachusetts:

H.R. 3428. A bill to amend the Federal Reserve Act to replace the Federal Open Market Committee members representing the Federal Reserve banks with additional members appointed by the President, and for other purposes; to the Committee on Financial Services.

By Mr. PALAZZO (for himself and Mr. SCALISE):

H.R. 3429. A bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes; to the Committee on Natural Resources.

By Mr. ROTHMAN of New Jersey:

H.R. 3430. A bill to direct the Federal Communications Commission to extend the final deadline for private land mobile radio licensees to migrate to narrowband technology by 2 years; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3431. A bill to prohibit the Administrator of the Environmental Protection Agency from granting a waiver under section 211(f)(4) of the Clean Air Act for any fuel or fuel additive that will reduce fuel efficiency or cause or contribute to engine damage; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Mr. DEFAZIO, Mr. BLUMENAUER, Ms. SCHWARTZ, Ms. LEE of California, and Mr. HINCHEY):

H.R. 3432. A bill to authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical, and for other

purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. CARNEY (for himself, Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. PERLMUTTER, and Mr. SCHRADER):

H.J. Res. 87. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCGOVERN:

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other corporate entities established by the laws of any state, the United States, or any foreign state; to the Committee on the Judiciary.

¶149.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. AMODEI and Mr. WALSH of Illinois.
H.R. 58: Mr. AMODEI.
H.R. 104: Mrs. BLACKBURN.
H.R. 178: Mr. HASTINGS of Florida.
H.R. 361: Mr. WALSH of Illinois.
H.R. 376: Ms. RICHARDSON, Mr. BARTLETT, Mr. BRADY of Pennsylvania, and Mrs. MALONEY.
H.R. 396: Mr. MICHAUD.
H.R. 607: Mr. NADLER.
H.R. 721: Mr. CICILLINE, Mr. MCNERNEY, Mr. GRAVES of Missouri, Mr. LATTA, Ms. FOXX, Mr. MANZULLO, Mr. LUETKEMEYER, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, Mr. REICHERT, Mrs. EMERSON, Mr. CRENSHAW, Mr. MCCARTHY of California, Mr. SULLIVAN, and Ms. GRANGER.
H.R. 763: Mr. CANSECO.
H.R. 780: Mr. RANGEL.
H.R. 862: Mr. COOPER.
H.R. 885: Mrs. NAPOLITANO.
H.R. 959: Mr. DIAZ-BALART.
H.R. 984: Mr. DESJARLAIS.
H.R. 1111: Mr. RIBBLE.
H.R. 1148: Mr. SHERMAN, Mrs. CAPPS, Ms. HANABUSA, Mr. GUTIERREZ, Mr. MORAN, Mr. OWENS, Ms. HERRERA BEUTLER, Mrs. NAPOLITANO, and Mr. SHULER.
H.R. 1161: Mr. MATHESON.
H.R. 1164: Mr. LATTA.
H.R. 1173: Mr. KLINE and Mr. SMITH of Nebraska.
H.R. 1175: Mr. CARTER, Mr. BRADY of Pennsylvania, and Mr. FITZPATRICK.
H.R. 1176: Mr. JONES.
H.R. 1179: Mr. FARENTHOLD.
H.R. 1183: Mr. KING of New York.
H.R. 1186: Mr. SCHWEIKERT and Mr. THORNBERRY.
H.R. 1221: Mr. ISSA.
H.R. 1288: Mr. COSTELLO and Mr. HASTINGS of Florida.
H.R. 1385: Mr. GERLACH.
H.R. 1386: Mr. BUTTERFIELD and Ms. LEE of California.
H.R. 1475: Mr. HUIZENGA of Michigan.
H.R. 1489: Ms. WILSON of Florida.
H.R. 1509: Mrs. HARTZLER and Mr. KLINE.
H.R. 1513: Mr. LOBIONDO, Mr. PRICE of North Carolina, Mr. COHEN, Mr. CLAY, Mr. HANNA, and Mr. FITZPATRICK.
H.R. 1581: Mr. AMODEI and Mr. HULTGREN.
H.R. 1639: Mr. AKIN, Mr. POE of Texas, Mr. KISSELL, Mr. HUIZENGA of Michigan, and Mr. OWENS.
H.R. 1659: Mr. LARSON of Connecticut.
H.R. 1661: Mr. LATTA.
H.R. 1697: Mr. TERRY.
H.R. 1744: Mrs. ROBY.
H.R. 1756: Mr. HECK.
H.R. 1781: Ms. HAHN, Mr. CUMMINGS, and Ms. VELÁZQUEZ.
H.R. 1815: Mr. LOEBSACK, Mr. SCHRADER, and Mr. REYES.
H.R. 1951: Mr. MICHAUD.
H.R. 1956: Mr. NUNNELEE and Mr. SCOTT of South Carolina.
H.R. 1980: Mr. COURTNEY and Mr. GOWDY.
H.R. 1996: Mr. MCCLINTOCK, Mr. CRAVAACK, and Mrs. MYRICK.
H.R. 2014: Mr. WELCH and Mr. MATHESON.
H.R. 2016: Mr. LEVIN and Ms. MCCOLLUM.
H.R. 2040: Mr. GARRETT, Mr. CONAWAY, Mr. SOUTHERLAND, and Mrs. ROBY.
H.R. 2052: Mr. KISSELL.
H.R. 2071: Mr. SCHOCK.
H.R. 2077: Ms. HAYWORTH.
H.R. 2082: Mr. DANIEL E. LUNGREN of California.
H.R. 2108: Mr. BOREN, Mr. BUCHANAN, and Mr. DAVID SCOTT of Georgia.
H.R. 2131: Mr. CLEAVER, Mr. BACHUS, and Mr. KISSELL.
H.R. 2139: Ms. CLARKE of New York, Ms. LEE of California, Ms. NORTON, Ms. BORDALLO, Mrs. BLACKBURN, and Mr. STARK.
H.R. 2229: Mr. BOSWELL.
H.R. 2234: Ms. WOOLSEY and Mrs. NAPOLITANO.
H.R. 2238: Mr. WALZ of Minnesota.
H.R. 2245: Mr. REYES.
H.R. 2284: Mrs. NAPOLITANO.
H.R. 2299: Ms. HERRERA BEUTLER, Mr. BONNER, and Mr. COLE.
H.R. 2335: Mr. SIMPSON, Mr. HERGER, and Mr. DENHAM.
H.R. 2342: Mr. MORAN.
H.R. 2412: Mr. TIERNEY, Mr. GRIMM, Mr. KING of New York, Mr. HONDA, and Mr. TURNER of New York.
H.R. 2492: Mr. KLINE, Mr. JOHNSON of Illinois, and Ms. HAYWORTH.
H.R. 2514: Mr. SESSIONS.
H.R. 2528: Mr. RIBBLE.
H.R. 2559: Ms. BALDWIN, Mr. TOWNS, Mr. CLEAVER, and Mr. CICILLINE.
H.R. 2563: Mr. KINZINGER of Illinois.
H.R. 2568: Mr. WEST.
H.R. 2569: Ms. CLARKE of New York.
H.R. 2580: Mr. TURNER of New York, Mr. HANNA, Mr. MEEKS, Mr. OWENS, Mr. TOWNS, Mr. FATTAH, Mr. HOLDEN, Mr. ROTHMAN of New Jersey, and Mr. MORAN.
H.R. 2632: Mr. FITZPATRICK.
H.R. 2657: Mr. BISHOP of New York and Ms. BALDWIN.
H.R. 2672: Mr. BRADY of Texas.
H.R. 2746: Mr. HOLT and Mr. FORTENBERRY.
H.R. 2758: Mr. CICILLINE.
H.R. 2827: Ms. JENKINS.
H.R. 2833: Mr. PEARCE.
H.R. 2874: Mr. GARRETT.
H.R. 2918: Mr. GARRETT.
H.R. 2959: Mr. POE of Texas.
H.R. 2972: Ms. MOORE.
H.R. 2982: Mr. MCINTYRE.
H.R. 3000: Mr. NUNNELEE and Mr. COFFMAN of Colorado.
H.R. 3010: Mr. ISSA, Mr. DONNELLY of Indiana, Mr. WHITFIELD, Mr. JONES, Mr. KING of Iowa, and Mrs. LUMMIS.
H.R. 3012: Mr. JACKSON of Illinois.
H.R. 3039: Mr. WEST.
H.R. 3044: Mr. NUNNELEE.
H.R. 3050: Mr. RIBBLE, Mr. GRIFFIN of Arkansas, and Mr. BENISHEK.
H.R. 3059: Ms. JENKINS, Ms. WOOLSEY, Ms. NORTON, Mr. JACKSON of Illinois, and Mrs. LOWEY.
H.R. 3067: Mr. LYNCH, Mr. GRIJALVA, Mr. FILNER, Ms. TSONGAS, Mr. COURTNEY, Mr. SARBANES, Mr. ELLISON, Ms. NORTON, Mr. LATOURETTE, Mr. TIBERI, Mr. MCCOTTER, Mr. CHABOT, Mr. GERLACH, Mrs. EMERSON, Mrs. BIGGERT, Ms. ESHOO, Mr. DOLD, Mr. BISHOP of New York, Mr. LATHAM, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PETERSON, Mr. BOSWELL, Mr. LUJÁN, Mr. MURPHY of Connecticut, Mr. DEFAZIO, and Ms. MATSUI.
H.R. 3068: Mr. RIBBLE.
H.R. 3086: Ms. WOOLSEY, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. MILLER of North Carolina.
H.R. 3090: Mr. SCOTT of South Carolina and Mr. SAM JOHNSON of Texas.
H.R. 3095: Mr. CANSECO.
H.R. 3126: Ms. WOOLSEY.
H.R. 3159: Mr. PAYNE, Mr. FLORES, and Ms. BALDWIN.
H.R. 3162: Mr. BASS of New Hampshire, Mr. HARPER, and Mr. LUETKEMEYER.
H.R. 3187: Mrs. LUMMIS and Mr. TONKO.
H.R. 3194: Mr. AMODEI.
H.R. 3202: Mr. MICHAUD.
H.R. 3210: Mr. ROHRABACHER, Mr. COBLE, and Mrs. ELLMERS.
H.R. 3213: Mr. CANSECO.
H.R. 3236: Mr. MICHAUD.
H.R. 3245: Mr. BARTLETT.
H.R. 3256: Mr. COBLE.
H.R. 3272: Mr. PALAZZO.
H.R. 3290: Mr. KLINE.
H.R. 3307: Mr. AMODEI, Mr. INSLEE, and Mr. LOEBSACK.
H.R. 3308: Mr. BROUN of Georgia and Mr. WEST.
H.R. 3325: Mr. POLIS, Mr. CARNAHAN, Mr. HOLT, Ms. HIRONO, and Mr. PRICE of North Carolina.
H.R. 3334: Mr. HOLT.
H.R. 3346: Mr. BRALEY of Iowa, Mr. FARR, Mr. LANGEVIN, Ms. HAHN, Mr. FILNER, Mr. MCGOVERN, Mr. CLARKE of Michigan, Mr. GUTIERREZ, Mr. MARKEY, Mr. ACKERMAN, Ms. RICHARDSON, and Mr. PRICE of North Carolina.
H.R. 3352: Mr. KING of New York.
H.R. 3365: Mrs. MCMORRIS RODGERS and Mr. CHAFFETZ.
H.R. 3367: Mr. REED.
H.R. 3368: Ms. DELAURO, Mr. OLVER, and Mr. DOGGETT.
H.R. 3387: Mr. TURNER of New York.
H.R. 3403: Mr. NUNNELEE, Mr. YOUNG of Florida, and Mr. MARINO.
H.R. 3405: Mr. JACKSON of Illinois, Mr. PRICE of North Carolina, Mr. STARK, Ms. SCHAKOWSKY, and Mr. MEEKS.
H.J. Res. 13: Mr. FLORES.
H.J. Res. 80: Mr. GRIJALVA and Mr. FARR.
H.J. Res. 83: Mr. SIRES.
H.J. Res. 85: Mr. CARTER and Mr. NUNNELEE.
H.J. Res. 86: Mr. FILNER and Mr. CICILLINE.
H. Con. Res. 72: Mr. KEATING.
H. Con. Res. 82: Mr. BUCSHON.
H. Res. 98: Mr. CRAWFORD.
H. Res. 111: Mr. MULVANEY, Mr. LATTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DESJARLAIS, Mr. YOUNG of Indiana, Mr. HUIZENGA of Michigan, and Mr. WALSH of Illinois.
H. Res. 134: Mr. CARNAHAN and Mr. RUNYAN.
H. Res. 220: Mr. COSTELLO, Mr. GEORGE MILLER of California, and Mr. KUCINICH.
H. Res. 282: Ms. BALDWIN.
H. Res. 356: Mr. BILIRAKIS, Mr. FRANKS of Arizona, and Mr. JONES.
H. Res. 367: Mr. MANZULLO.
H. Res. 378: Ms. NORTON.
H. Res. 397: Ms. LEE of California.
H. Res. 450: Mr. KISSELL, Ms. BORDALLO, and Mr. POLLS.
H. Res. 452: Mr. TONKO, Ms. CASTOR of Florida, and Mr. SCOTT of Virginia.
H. Res. 460: Ms. RICHARDSON, Ms. BORDALLO, Ms. LEE of California, Mrs. MALONEY, Mr. ISRAEL, Ms. WILSON of Florida, Mr. LANCE, Mr. RUSH, and Ms. HAHN.

WEDNESDAY, NOVEMBER 16, 2011 (150)

¶150.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore,

Mr. MARCHANT, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 16, 2011.

I hereby appoint the Honorable KENNY MARCHANT to act as speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶150.2 RECESS—11:15 A.M.

The SPEAKER pro tempore, Mr. MARCHANT, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 15 minutes a.m., until noon.

¶150.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. MILLER of Michigan, called the House to order.

¶150.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Tuesday, November 15, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶150.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacteriophage of Clavibacter michiganensis subspecies michiganensis; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0538; FRL-8891-3] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3870. A letter from the Principal Deputy, Department of Defense, transmitting Report to Congress on Impact of Domestic Violence on Military Families, pursuant to Public Law 111-84, section 569 (123 Stat. 2315); to the Committee on Armed Services.

3871. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Scott M. Hanson, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

3872. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8203] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3873. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — TARP Conflicts of Interest (RIN: 1505-AC05) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3874. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to various countries, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3875. A letter from the NACIQI Executive Director, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2011, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

3876. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Date Regarding the Test Procedures for Walk-In Coolers and Freezers and the Certification for Metal Halide Lamp Ballasts and Fixtures [Docket No.: EERE-2011-BT-CE-0050] (RIN: 1904-AC58) received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3877. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 23), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R07-OAR-2011-0470; FRL-9484-5] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 PM2.5 Standards [EPA-R09-OAR-2009-0366; FRL-9482-9] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Alternative Test Method for Olefins in Gasoline [EPA-HQ-OAR-2008-0558; FRL-9482-1] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Third Group of Chemicals [EPA-HQ-OPPT-2009-0112; FRL-8885-5] (RIN: 2070-AJ86) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; 2008 San Joaquin Valley PM2.5 Plan and 2007 State Strategy [EPA-R09-OAR-2010-0516; FRL-9482-2] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3884. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: Alignment of Regulations With Current Practices [Docket No.: 110321207-1206-01] (RIN: 0691-AA78) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3885. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 12-11 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3886. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102-511, section 508(a); to the Committee on Foreign Affairs.

3887. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

3888. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2011, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

3889. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a letter regarding the dredged material disposal for the Mid-Chesapeake Bay Island Ecosystem Restoration Project; to the Committee on Transportation and Infrastructure.

3890. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a recommendation for the authorization of the Cedar River, Cedar Rapids, Iowa flood risk reduction project; to the Committee on Transportation and Infrastructure.

3891. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Giannangeli Wedding Fireworks, Lake St. Clair, Harrison Township, MI [Docket No.: USCG-2011-0721] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2011-0629] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corporate Party on Hornblower Yacht, San Francisco, CA [Docket No.: USCG-2011-0690] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''26th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2009''; to the Committee on Transportation and Infrastructure.

3895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9481-4] (RIN: 2050-AG59) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amount for CY 2010 [CMS-8043-N] (RIN: 0938-AQ14) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3897. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the second periodic Report to Congress on Infrastructure Needs in the Department of Energy's Aging Defense Nuclear Facilities; jointly to the Committees on Energy and Commerce and Armed Services.

3898. A letter from the Assistant Attorney General, Department of Justice, transmitting legislative proposals; jointly to the Committees on Veterans' Affairs, Financial Services, the Judiciary, and House Administration.

¶150.6 RECESS—12:43 P.M.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 43 minutes p.m., subject to the call of the Chair.

¶150.7 AFTER RECESS—1:03 P.M.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, called the House to order.

¶150.8 AMENDMENT OF THE SENATE TO H.R. 674

Mr. CAMP moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

Sec. 201. Short title.

Subtitle A—Retraining Veterans

Sec. 211. Veterans retraining assistance program.

Subtitle B—Improving the Transition Assistance Program

Sec. 221. Mandatory participation of members of the Armed Forces in the Transition Assistance Program of Department of Defense.

Sec. 222. Individualized assessment for members of the Armed Forces under transition assistance on equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.

Sec. 223. Transition Assistance Program contracting.

Sec. 224. Contracts with private entities to assist in carrying out Transition Assistance Program of Department of Defense.

Sec. 225. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

Sec. 226. Comptroller General review.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

Sec. 231. Two-year extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

Sec. 232. Expansion of authority of Secretary of Veterans Affairs to pay employers for providing on-job training to veterans who have not been rehabilitated to point of employability.

Sec. 233. Training and rehabilitation for veterans with service-connected disabilities who have exhausted rights to unemployment benefits under State law.

Sec. 234. Collaborative veterans' training, mentoring, and placement program.

Sec. 235. Appointment of honorably discharged members and other employment assistance.

Sec. 236. Department of Defense pilot program on work experience for members of the Armed Forces on terminal leave.

Sec. 237. Enhancement of demonstration program on credentialing and licensing of veterans.

Sec. 238. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.

Sec. 239. Clarification of priority of service for veterans in Department of Labor job training programs.

Sec. 240. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.

Sec. 241. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

Sec. 251. Clarification of benefits of employment covered under USERRA.

Subtitle E—Other Matters

Sec. 261. Returning heroes and wounded warriors work opportunity tax credits.

Sec. 262. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 263. Reimbursement rate for ambulance services.

Sec. 264. Extension of authority for Secretary of Veterans Affairs to obtain information from Secretary of Treasury and Commissioner of Social Security for income verification purposes.

Sec. 265. Modification of loan guaranty fee for certain subsequent loans.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

Sec. 301. One hundred percent levy for payments to Federal vendors relating to property.

Sec. 302. Study and report on reducing the amount of the tax gap owed by Federal contractors.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

Sec. 401. Modification of calculation of modified adjusted gross income for determining certain healthcare program eligibility.

TITLE V—BUDGETARY EFFECTS

Sec. 501. Statutory Pay-As-You-Go Act of 2010.

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''VOW to Hire Heroes Act of 2011''.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary

of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than $2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

''(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

''(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

''(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

''§4113. Transition Assistance Program personnel

''(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

''(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

''(1) Counseling.

''(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

''(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

''(4) Other related information and services under such section.

''(5) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

''4113. Transition Assistance Program personnel.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''public or private entities; and'' and inserting ''public entities;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

''(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

''(A) private sector culture, resume writing, career networking, and training on job search technologies;

''(B) academic readiness and educational opportunities; or

''(C) other relevant topics; and''.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.''.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following new paragraph:

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

(B) by adding at the end the following new paragraph:

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees

of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

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

''(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

''§2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

''(a) VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(b) DISABLED VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting '', except as provided under section 2108a,'' before ''who has been'';

(ii) in paragraph (2), by inserting ''(except as provided under section 2108a)'' before ''has been separated''; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or section 2108a(c)'' after ''paragraph (4) of this section''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

''2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(ii) by striking ''not less than 10 military'' and inserting ''not more than five military''; and

(iii) by inserting ''for Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials to'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.''.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

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

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

''(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

''(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

''(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

''(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.''.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

(2) by amending subsection (d) to read as follows:

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

''(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

''(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

''(1) the Governor determines, and the Secretary concurs, that such consolidation—

''(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

''(B) does not hinder the provision of services to veterans and employers; and

''(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.''.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR UNEMPLOYED VETERANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

''(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

''(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.''.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) after—

''(i) December 31, 2012, in the case of a qualified veteran, and

''(ii) December 31, 2011, in the case of any other individual.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''No credit'', and

(B) by adding at the end the following new paragraph:

''(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).''.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

''(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

''(1) IN GENERAL.—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

''(2) OVERALL LIMITATION.—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

''(3) MODIFICATIONS.—For purposes of paragraph (1), section 51 shall be applied—

''(A) by substituting '26 percent' for '40 percent' in subsection (a) thereof,

''(B) by substituting '16.25 percent' for '25 percent' in subsection (i)(3)(A) thereof, and

''(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'qualified tax-exempt organization' means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

''(B) the term 'qualified veteran' has meaning given such term by section 51(d)(3).''.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''September 30, 2016''.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking ''October 1, 2013'' and inserting ''October 1, 2016'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation

with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. CAMP and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HERGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶150.9 RIGHT-TO-CARRY RECIPROCITY

The SPEAKER pro tempore, Mr. FRANKS of Arizona, pursuant to House Resolution 463 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the 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.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, by unanimous consent, designated Mrs. MILLER of Michigan, as Chairman of the Committee of the Whole; and after some time spent therein,

¶150.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 112-283, submitted by Mr. WOODALL:

Page 5, line 25, strike ''that—'' and insert ''that does not have in effect an agreement with the State that issued the license or permit providing for reciprocal treatment of such licenses or permits issued by the 2 States, and that—''.

It was decided in the negative { Yeas ..... 140 / Nays ..... 283 }

¶150.11 [Roll No. 843]

AYES—140

Ackerman
Akin
Amash
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Butterfield
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gerlach
Gohmert
Gonzalez
Green, Al
Grijalva
Hahn
Hanabusa
Harris
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (IA)
King (NY)
Kucinich
Langevin
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meehan
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Stutzman
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woodall
Yarmuth

NOES—283

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Luján

Lummis
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuler
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Bishop (UT)
Burgess
Gardner
Giffords
Kaptur
Meeks
Paul
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 112-283, submitted by Mrs. McCARTHY of New York:

Page 5, line 25, strike ''that—'' and insert ''that has in effect a law providing that the provisions of this section shall apply with respect to the State, and—''

It was decided in the negative { Yeas ..... 147 / Nays ..... 274 }

¶150.13 [Roll No. 844]

AYES—147

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth

NOES—274

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

NOT VOTING—12

Bachmann
Bishop (UT)
Ellison
Gardner
Giffords
Kaptur
Kind
Lynch
McCollum
Paul
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 112-283, submitted by Mr. HASTINGS of Florida:

Page 6, line 1, insert ''(A)'' after ''(1)''.

Page 6, line 4, strike ''(2)'' and insert ''(B)''.

Page 6, line 5, strike the period and insert ''; and''.

Page 6, after line 5, insert the following:

''(2) provides for the issuance of such a license or permit, and requires the applicant for such a license or permit to complete and submit the application to the State in person.''.

It was decided in the negative { Yeas ..... 148 / Nays ..... 277 }

¶150.15 [Roll No. 845]

AYES—148

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky

Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—277

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

NOT VOTING—8

Bachmann
Gardner
Giffords
Kaptur
Paul
Poe (TX)
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 112-283, submitted by Ms. JACKSON LEE of Texas:

Page 6, line 1, insert ''(A)'' after ''(1)''.

Page 6, line 4, strike ''(2)'' and insert ''(B)''.

Page 6, line 5, strike the period and insert ''; and''.

''(2) maintains a complete database of all permits and licenses issued by the State for the carrying of a concealed handgun, and makes that database available to law enforcement officers from all States 24 hours a day.''.

Page 6, after line 5, insert the following:

It was decided in the negative ..... { Yeas ..... 139 / Nays 284

¶150.17 [Roll No. 846]

AYES—139

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—284

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

NOT VOTING—10

Bachmann
Bilbray
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus
Waters
Woodall

So the amendment was not agreed to.

¶150.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 112-283, submitted by Mr. JOHNSON of Georgia:

Page 6, line 14, after the period insert the following: ''Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State shall be subject to any law of the State that limits the eligibility to possess or carry a concealed handgun to persons who have received firearm safety training that includes a live-fire exercise.''.

It was decided in the negative ..... { Yeas ..... 144 / Nays 281

¶150.19 [Roll No. 847]

AYES—144

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—281

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

NOT VOTING—8

Bachmann
Gardner
Giffords
Gohmert
Kaptur
Paul
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 112-283, submitted by Mr. COHEN:

Page 6, line 14, after the period insert the following: ''Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a concealed handgun to individuals who have attained 21 years of age.''.

It was decided in the negative ..... { Yeas ..... 150 / Nays 276

¶150.21 [Roll No. 848]

AYES—150

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—276

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer

Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Bachmann
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 112-283, submitted by Ms. JACKSON LEE of Texas:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

''(d) A person may not, under this section, carry or possess a concealed handgun in a State, unless the person provided at least 24 hours notice to the designated law enforcement agency of the State of the intention of the person to carry or possess a concealed handgun in the State.''.

It was decided in the negative ..... { Yeas ..... 123 / Nays ..... 299 }

¶150.23 [Roll No. 849]

AYES—123

Ackerman
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Capps
Capuano
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Hahn
Hanabusa
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—299

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Andrews
Bachmann
Barton (TX)
Gardner
Giffords
Gutierrez
Kaptur
McMorris Rodgers
Paul
Schmidt
Shimkus

So the amendment was not agreed to.

¶150.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 112-283, submitted by Mr. CICILLINE:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

''(d) Subsection (a) shall not apply with respect to the possession or carrying of a concealed handgun in a State on the basis of a license or permit issued in another State, unless the Attorney General of the State, the head of the State police, and the Secretary of State of the State have jointly issued a certification that the laws of both States which provide for the issuance of such a license or permit are substantially similar.''.

It was decided in the negative ..... { Yeas ..... 146 / Nays ..... 277 }

¶150.25 [Roll No. 850]

AYES—146

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—277

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

NOT VOTING—10

Bachmann
Gardner
Giffords
Hinojosa
Kaptur
Paul
Schmidt
Shimkus
Smith (WA)
Wilson (SC)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mrs. CAPITO, assumed the Chair.

When Mr. WESTMORELAND, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 463, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Right-to-Carry Reciprocity Act of 2011''.

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)), a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid identification document containing a photograph of the person, and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State, other than the State of residence of the person, that—

''(1) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) In subsection (a), the term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 3. GAO AUDIT OF THE STATES' CONCEALED CARRY PERMIT OR LICENSING REQUIREMENTS FOR NON-RESIDENTS.

(a) The Comptroller General of the United States shall conduct an audit of—

(1) the laws and regulations of each State that authorize the issuance of a valid permit or license to permit a person, other than a resident of such State, to possess or carry a concealed firearm, including a description of the permitting or licensing requirements of each State that issues concealed carry permits or licenses to persons other than a resident of such State;

(2) the number of such valid permits or licenses issued or denied (and the basis for such denials) by each State to persons other than a resident of such State; and

(3) the effectiveness of such State laws and regulations in protecting the public safety.

(b) Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the findings of the study conducted under subsection (a).

SEC. 4. GAO STUDY OF THE ABILITY OF STATE AND LOCAL LAW ENFORCEMENT TO VERIFY THE VALIDITY OF OUT-OF-STATE CONCEALED FIREARMS PERMITS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the ability of State and local law enforcement authorities to verify the validity of licenses or permits, issued by other States, to carry a concealed firearm.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report which contains the results of the study required by subsection (a).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CICILLINE moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 5, after line 3, insert the following:

SEC. ___. LIMITATIONS ON RECIPROCITY FOR CHILD SEX OFFENDERS, DOMESTIC VIOLENCE OFFENDERS, AND KNOWN OR SUSPECTED TERRORISTS.

(a) IN GENERAL.—Section 2 of this Act shall not apply to a person—

(1) who has been convicted in any court of a sex offense against a minor;

(2) who has been subject within the past 10 years to a court order which restrained the person from harassing, stalking, or threatening a spouse, family member, an intimate partner, or a child of an intimate partner; or

(3) whom the Attorney General determines is known or reasonably suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.

(b) DEFINITIONS.—In subsection (a):

(1) INTIMATE PARTNER.—The term ''intimate partner'' has the meaning given that term in section 921(a)(32) of title 18, United States Code.

(2) TERRORISM.—The term ''terrorism'' means international terrorism (as defined in section 2331(1) of title 18, United States Code) and domestic terrorism (as defined in section 2331(5) of such title).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. CAPITO, announced that the nays had it.

Mr. CICILLINE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 161 / Nays 263

¶150.26 [Roll No. 851]

AYES—161

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

NOES—263

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

NOT VOTING—9

Bachmann
Dreier
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus
Shuster

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that the nays had it.

Mr. SMITH of Texas, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 272 / Nays 154

¶150.27 [Roll No. 852]

AYES—272

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

NOES—154

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth

NOT VOTING—7

Bachmann
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.28 AMENDMENT OF THE SENATE TO H.R. 674—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities.

The question being put,

Will the House suspend the rules and agree to said amendment of the Senate?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶150.29 [Roll No. 853]

YEAS—422

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
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)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Duncan (TN)
Gardner
Giffords
Hall
Kaptur
Paul
Posey
Ross (FL)
Schmidt
Shimkus

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶150.30 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2112

Ms. FOXX, by direction of the Committee on Rules, reported (Rept. No. 112–290) the resolution (H. Res. 467) providing for consideration of the conference report to accompany 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.

When said resolution and report were referred to the House Calendar and ordered printed.

¶150.31 H.R. 3004—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLEISCHMANN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion 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 question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FLEISCHMANN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.32 H.R. 2660—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLEISCHMANN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion 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 question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FLEISCHMANN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.33 H.R. 2415—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLEISCHMANN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion 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 question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FLEISCHMANN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.34 H.R. 1791—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLEISCHMANN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion 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 question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FLEISCHMANN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶150.35 BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 15, 2011, she presented to the President of the United States, for his approval, the following bill:

H.R. 2447. An Act to grant the congressional gold medal to the Montford Point Marines.

And then,

¶150.36 ADJOURNMENT

On motion of Mr. GOHMERT, at 9 o'clock and 22 minutes p.m., the House adjourned.

¶150.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 2405. A bill to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, with an amendment (Rept. 112–286). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2937. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (Rept. 112–287, Pt. 1). Ordered to be printed.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 585. A bill to amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration (Rept. 112–288). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112–289, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112–289, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Rules. House Resolution 467. Resolution providing for consideration of the conference report to accompany 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 (Rept. 112–290). Referred to the House Calendar.

¶150.38 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. LANKFORD (for himself, Mr. ISSA, Mr. KELLY, Mr. MEEHAN, and Mr. PIERLUISI):

H.R. 3433. A bill to amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H.R. 3434. A bill to authorize a replacement for the lift bridge in Stillwater, Minnesota with necessary taxpayer protection measures to promote fiscal responsibility; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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 Ms. SPEIER (for herself, Ms. BASS of California, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Ms. HAHN, Mr. JACKSON of Illinois, Ms. LEE of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. NORTON, Ms. PINGREE of Maine, Mr. RANGEL, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. THOMPSON of California, Mr. TOWNS, Mr. WALZ of Minnesota, Ms. WOOLSEY, Mr. HONDA, Mr. HEINRICH, Mr. SCOTT of Virginia, Ms. WATERS, Mrs. MALONEY, Mrs. LOWEY, Ms. MOORE, Mr. GUTIERREZ, Mr. BACA, Mr. KUCINICH, Ms. DEGETTE, and Mr. ANDREWS):

H.R. 3435. A bill to amend title 10, United States Code, to improve the prevention of and response to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DEFAZIO (for himself, Mr. SCHRADER, and Mr. BLUMENAUER):

H.R. 3436. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. KISSELL, Mr. WATT, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. GRIJALVA, Ms. DELAURO, Mrs. EMERSON, Ms. MOORE, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Ms. FUDGE, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RANGEL, Mr. CLARKE of Michigan, Ms. NORTON, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. SEWELL, Mr. MILLER of North Carolina, Mr. BISHOP of Georgia, Mr. COHEN, Mr. RUSH, Mr. PAYNE, Mr. CUMMINGS, Mr. MCGOVERN, Mr. PRICE of North Carolina, Mr. FARR, Mr. CLAY, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Ms. RICHARDSON, Mr. PASTOR of Arizona, Mr. MEEKS, Ms. EDWARDS, Ms. BASS of California, Mr. DAVID SCOTT of Georgia, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. RICHMOND, Ms. WILSON of Florida, Mr. CONYERS, and Mr. FATTAH):

H.R. 3437. A bill to direct the Secretary of Agriculture to establish the Eva M. Clayton Fellows Program to provide for fellowships to conduct research and education on the eradication of world hunger and malnutrition, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3438. A bill to require the Department of Defense to meet the annual goal for participation in procurement contracts by small business concerns owned and controlled by veterans with service-connected disabilities; to the Committee on Armed Services, and in addition to the Committee on Small Business, 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. FLAKE (for himself and Mr. MCINTYRE):

H.R. 3439. A bill to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in certain transactions relating to the proliferation of chemical, biological, or nuclear weapons or support for acts of international terrorism; to the Committee on Foreign Affairs.

By Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. AKIN, Mr. POMPEO, Mr. BROUN of Georgia, Mr. HUNTER, Mr. FARENTHOLD, Mr. GALLEGLY, Mr. HULTGREN, and Mr. WALSH of Illinois):

H.R. 3440. A bill to provide for certain oversight and approval on any decisions to close National Monument land under the jurisdiction of the Bureau of Land Management to recreational shooting, and for other purposes; to the Committee on Natural Resources.

By Mr. FLEISCHMANN:

H.R. 3441. A bill to repeal the Department of Energy's weatherization assistance program; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, and Mr. FRANK of Massachusetts):

H.R. 3442. A bill to amend title XVIII of the Social Security Act with respect to payment for partial hospitalization services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3443. A bill to reform the H-2A program for nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3444. A bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 3445. A bill to provide priority consideration to local educational agencies that establish high quality entrepreneurship education programs for secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. HOLT, Mr. KILDEE, Mr. GRIJALVA, Ms. BORDALLO, Mrs. NAPOLITANO, Mr. PIERLUISI, and Mrs. CHRISTENSEN):

H.R. 3446. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY:

H.R. 3447. A bill to require proprietary institutions of higher education to derive not less than 10 percent of such institutions' revenues from sources other than veterans' education benefits or funds provided under title IV of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. RENACCI (for himself, Mr. CARNEY, and Mr. WELCH):

H.R. 3448. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for dividends received from a controlled foreign corporation by any corporation that has increased wages or placed property in service for the year; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. CRITZ, Mr. MANZULLO, Ms. KAPTUR, Mr. GARAMENDI, Mr. JONES, Mr. MURPHY of Connecticut, Mr. JOHNSON of Georgia, and Mr. KISSELL):

H.R. 3449. A bill to direct the Secretary of Defense to develop a defense supply chain and industrial base strategy, and for other purposes; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 3450. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to assist communities in complying with environmental requirements, to authorize the use of penalty amounts collected under laws administered by the Environmental Protection Agency to finance the grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, 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 Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, Ms. LEE of California, Ms. BORDALLO, Mr. JACKSON of Illinois, Ms. CLARKE of New York, Ms. BASS of California, Mr. SABLAN, Mr. PIERLUISI, Ms. FUDGE, Mr. RANGEL, Mr. MCGOVERN, Mr. SMITH of Texas, Ms. NORTON, Mr. ANDREWS, Mr. ISRAEL, Ms. BROWN of Florida, Mr. MEEKS, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. CLEAVER, and Ms. RICHARDSON):

H. Con. Res. 88. Concurrent resolution honoring Brigadier General Hazel Winifred Johnson-Brown, the first African-American woman to hold the rank of General in the United States Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H. Res. 468. A resolution expressing support for the designation of a ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; to the Committee on Small Business.

By Mr. ROE of Tennessee:

H. Res. 469. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, Natural Resources, House Administration, Rules, and Appropriations, 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.

¶150.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. GINGREY of Georgia and Mr. BOUSTANY.
H.R. 265: Ms. LEE of California.
H.R. 266: Ms. LEE of California.
H.R. 267: Ms. LEE of California.
H.R. 303: Mr. ROE of Tennessee.
H.R. 329: Mr. TONKO.
H.R. 374: Mr. FINCHER and Mr. BOUSTANY.
H.R. 436: Mr. JOHNSON of Illinois and Mr. FITZPATRICK.
H.R. 531: Ms. ZOE LOFGREN of California, Mr. SCHRADER, and Mr. DEFAZIO.
H.R. 631: Mr. CONYERS.
H.R. 692: Mr. ROHRABACHER.
H.R. 708: Mr. GERLACH.
H.R. 718: Mr. MILLER of North Carolina, Mr. MCCOTTER, Mr. RIGELL, and Mr. TOWNS.
H.R. 719: Mr. OLSON.
H.R. 721: Mr. NEUGEBAUER, Mr. MCCAUL, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. GARRETT, and Mr. BARTON of Texas.
H.R. 812: Mr. CARNAHAN, Mr. MANZULLO, and Ms. BORDALLO.
H.R. 835: Ms. HAYWORTH and Ms. HAHN.
H.R. 885: Mr. CARNAHAN.
H.R. 890: Mr. CHABOT.
H.R. 972: Mr. GARY G. MILLER of California.
H.R. 1050: Mr. WITTMAN.
H.R. 1081: Mr. SCHIFF and Mr. LANCE.

H.R. 1092: Mr. MCCOTTER.
H.R. 1148: Mr. DEFAZIO, Mr. PETERSON, Mr. COURTNEY, Mr. KISSELL, Mrs. MALONEY, Mr. FILNER, Mr. ELLISON, Mr. ROSS of Florida, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. HIGGINS, Mr. MCGOVERN, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. POLIS, Mr. REHBERG, Mr. CONYERS, Mr. HOLDEN, and Mr. LARSEN of Washington.
H.R. 1164: Mr. JONES and Mr. DUNCAN of Tennessee.
H.R. 1175: Mr. MICHAUD.
H.R. 1182: Mr. AMASH and Mr. ROONEY.
H.R. 1219: Ms. LORETTA SANCHEZ of California and Mr. KEATING.
H.R. 1221: Mr. FORBES, Mr. VISCLOSKY, and Mr. LOBIONDO.
H.R. 1288: Mr. ALTMIRE.
H.R. 1295: Mr. JACKSON of Illinois.
H.R. 1297: Mr. AMODEI.
H.R. 1307: Mr. JONES and Mr. DUNCAN of Tennessee.
H.R. 1330: Mr. ANDREWS.
H.R. 1351: Mr. GRIFFITH of Virginia.
H.R. 1385: Mr. MEEHAN and Mr. MARINO.
H.R. 1417: Ms. CLARKE of New York.
H.R. 1449: Mr. COURTNEY.
H.R. 1513: Ms. HANABUSA, Mr. JOHNSON of Illinois, Ms. ROYBAL-ALLARD, and Mr. MCDERMOTT.
H.R. 1546: Mr. DENT.
H.R. 1558: Mrs. BONO MACK.
H.R. 1571: Mr. DUFFY.
H.R. 1580: Mr. DESJARLAIS and Mr. WHITFIELD.
H.R. 1639: Mr. DAVIS of Kentucky and Mr. BRADY of Pennsylvania.
H.R. 1653: Mr. YARMUTH and Mr. ROSS of Florida.
H.R. 1661: Mr. CICILLINE.
H.R. 1697: Mr. BROOKS.
H.R. 1738: Mr. MCINTYRE, Mr. MCNERNEY, Mr. FRANK of Massachusetts, and Mr. ROE of Tennessee.
H.R. 1755: Mrs. MILLER of Michigan.
H.R. 1815: Mr. PIERLUISI and Mr. JONES.
H.R. 1834: Mr. WOMACK and Mr. KISSELL.
H.R. 1897: Ms. FUDGE, Mr. RAHALL, Mrs. CAPPS, and Mr. ISRAEL.
H.R. 1903: Ms. BROWN of Florida.
H.R. 1905: Mr. BENISHEK, Mr. KINGSTON, and Ms. NORTON.
H.R. 1941: Mr. COURTNEY and Ms. BALDWIN.
H.R. 2051: Mr. LATTA.
H.R. 2069: Mr. TONKO.
H.R. 2070: Mr. PALAZZO and Mr. JONES.
H.R. 2105: Mr. YOUNG of Alaska and Mr. HULTGREN.
H.R. 2182: Mr. MCCAUL and Mr. CASSIDY.
H.R. 2214: Mr. COHEN, Ms. JENKINS, Mr. ROSS of Florida, Mr. WEBSTER, Ms. HERRERA BEUTLER, Mr. KINZINGER of Illinois, Mr. KING of Iowa, and Mr. RIBBLE.
H.R. 2299: Mr. THOMPSON of Pennsylvania.
H.R. 2304: Mr. SCALISE.
H.R. 2335: Mr. BERG and Mr. ISSA.
H.R. 2367: Mr. GALLEGLY.
H.R. 2412: Mr. FRANK of Massachusetts.
H.R. 2414: Mr. HULTGREN.
H.R. 2499: Ms. TSONGAS.
H.R. 2505: Mr. LANCE, Mr. DAVIS of Illinois, and Mr. LATHAM.
H.R. 2508: Ms. HANABUSA, Mr. COSTA, and Mr. FALEOMAVAEGA.
H.R. 2528: Mr. BRADY of Texas.
H.R. 2538: Mrs. BONO MACK.
H.R. 2541: Mr. WALBERG.
H.R. 2557: Mr. ELLISON.
H.R. 2559: Mr. STARK.
H.R. 2580: Mr. CRITZ.
H.R. 2600: Mr. FARENTHOLD, Ms. HAYWORTH, Mr. KINZINGER of Illinois, Mr. CLARKE of Michigan, and Mr. HECK.
H.R. 2632: Mr. BRADY of Pennsylvania.
H.R. 2674: Mr. JOHNSON of Ohio.
H.R. 2697: Mr. MATHESON.
H.R. 2733: Mr. MCGOVERN and Mr. JONES.
H.R. 2772: Mr. MCINTYRE.
H.R. 2815: Mr. DEUTCH.
H.R. 2827: Mrs. BIGGERT and Mr. RIBBLE.
H.R. 2866: Mr. DAVIS of Illinois.
H.R. 2885: Mr. NUNNELEE and Mr. HECK.
H.R. 2893: Mr. ROSS of Florida.
H.R. 2900: Mr. LAMBORN and Mr. HUNTER.
H.R. 2918: Mr. BOREN, Mr. KELLY, and Mr. MANZULLO.
H.R. 2945: Mr. CHABOT.
H.R. 2966: Ms. HIRONO.
H.R. 2967: Mr. PASCRELL.
H.R. 2970: Mr. LEVIN.
H.R. 2982: Ms. GRANGER.
H.R. 2992: Mr. MANZULLO and Mr. KELLY.
H.R. 3012: Mr. THOMPSON of Pennsylvania.
H.R. 3057: Mrs. ELLMERS, Mr. GRAVES of Missouri, Mr. JOHNSON of Illinois, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, and Mr. JOHNSON of Ohio.
H.R. 3059: Mr. PAULSEN.
H.R. 3066: Mr. SMITH of Nebraska.
H.R. 3087: Mr. GRIJALVA.
H.R. 3096: Mr. YOUNG of Alaska.
H.R. 3097: Mr. POE of Texas and Mr. CALVERT.
H.R. 3142: Mr. MANZULLO, Mr. COBLE, Mr. GINGREY of Georgia, and Mr. MCINTYRE.
H.R. 3151: Mr. FRANK of Massachusetts, Mr. ISRAEL, and Mr. HINCHEY.
H.R. 3158: Mr. LATHAM and Mr. REHBERG.
H.R. 3162: Mr. BONNER and Mr. REED.
H.R. 3168: Mr. CAMPBELL, Mr. KING of Iowa, Mr. WEST, and Mr. BURTON of Indiana.
H.R. 3178: Mr. CONYERS, Mr. CUMMINGS, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. MORAN, Ms. SCHAKOWSKY, Mr. STARK, Ms. LEE of California, Mr. PAYNE, and Mr. ELLISON.
H.R. 3180: Ms. BORDALLO, Mr. WOMACK, Mr. CARTER, Ms. JACKSON LEE of Texas, and Mr. BARTLETT.
H.R. 3187: Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. BILBRAY, Mrs. BONO MACK, Mr. MCCARTHY of California, and Mr. DIAZ-BALART.
H.R. 3193: Mr. BILBRAY, Mr. ROE of Tennessee, and Mr. GOHMERT.
H.R. 3200: Mr. MCNERNEY and Mr. LOEBSACK.
H.R. 3210: Mr. YOUNG of Alaska, Mr. HUNTER, Mr. MANZULLO, and Mr. PAULSEN.
H.R. 3211: Mr. KLINE.
H.R. 3243: Mrs. LUMMIS and Mr. NUNNELEE.
H.R. 3245: Mr. JONES.
H.R. 3250: Ms. SEWELL, Ms. MOORE, Ms. NORTON, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DAVIS of Illinois.
H.R. 3264: Mr. AMASH.
H.R. 3266: Ms. BORDALLO, Mr. ACKERMAN, Mr. DOGGETT, Ms. LEE of California, and Mr. FRANK of Massachusetts.
H.R. 3286: Ms. TSONGAS and Ms. MATSUI.
H.R. 3288: Ms. SCHAKOWSKY and Mr. KEATING.
H.R. 3323: Mrs. HARTZLER.
H.R. 3324: Mr. FRANK of Massachusetts.
H.R. 3339: Mr. ROSKAM.
H.R. 3349: Mr. RYAN of Ohio.
H.R. 3350: Mr. RYAN of Ohio.
H.R. 3351: Mr. RYAN of Ohio and Mr. LATTA.
H.R. 3356: Mr. GRIFFITH of Virginia.
H.R. 3365: Mr. BLUMENAUER.
H.R. 3379: Mr. YOUNG of Alaska and Mrs. LUMMIS.
H.R. 3388: Mr. CICILLINE.
H.R. 3402: Ms. HAHN and Mr. MCGOVERN.
H.R. 3405: Ms. BROWN of Florida.
H.R. 3409: Mr. STIVERS and Mr. HARRIS.
H.R. 3410: Mr. KELLY.
H.R. 3425: Mr. SCOTT of Virginia and Mr. GRIJALVA.
H.J. Res. 78: Mr. HINCHEY and Mr. MCDERMOTT.
H.J. Res. 80: Mr. MORAN.
H.J. Res. 83: Mr. SHERMAN.
H.J. Res. 85: Mr. NUGENT, Mr. CRAWFORD, Mr. HARPER, Mr. WALSH of Illinois, Mrs. LUMMIS, Mr. GUINTA, Mr. HUIZENGA of Michigan, Mr. MARCHANT, Mr. WALBERG, Mr. RIBBLE, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. BROOKS, Mr. BARTLETT, Mr. LAMBORN, and Mr. BILBRAY.
H. Res. 98: Mr. FLEMING, Mr. WALSH of Illinois, Mr. MARCHANT, Mr. RIBBLE, and Mr. FRANKS of Arizona.
H. Res. 111: Mr. ROYCE.
H. Res. 374: Mr. KLINE.

¶150.40 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3010: Mr. BACA.
H.R. 3086: Mr. THOMPSON of Pennsylvania.

THURSDAY, NOVEMBER 17, 2011 (151)

¶151.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. POE of Texas, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 17, 2011.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶151.2 RECESS—11:30 A.M.

The SPEAKER pro tempore, Mr. REED, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 30 minutes a.m., until noon.

¶151.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶151.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 16, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶151.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3899. A letter from the Director, Office of Science and Technology Policy, transmitting a letter reporting the views of the Office of Science and Technology Policy regarding the conclusion of the GAO that the Office violated the Antideficiency Act; to the Committee on Appropriations.

3900. A letter from the Acting Under Secretary, Department of Defense, transmitting the termination of the Joint Tactical Radio System Ground Mobile Radio based on growth in the unit procurement costs; to the Committee on Armed Services.

3901. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2011 Unified Command Plan; to the Committee on Armed Services.

3902. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program; Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Reconsideration of Two Aspects of the Certification Order; AT&T Services, Inc. Petition for Reconsideration of AT&T [CG Docket No.: 10-51] received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3903. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3904. A letter from the Secretary, Department of Labor, transmitting the Reissued Agency Financial Report for FY 2010; to the Committee on Oversight and Government Reform.

3905. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Draft Strategic Plan: Fiscal Years 2012- 2016; to the Committee on Oversight and Government Reform.

3906. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2010; to the Committee on Oversight and Government Reform.

3907. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon [Docket No.: 101027536-1591-03] (RIN: 0648-BA38) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3908. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Trademark Technical and Conforming Amendments [Docket No.: PTO-T-2010-0014] (RIN: 0651-AC39) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3909. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Piqua Organic Moderated Reactor in Piqua, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3910. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3911. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from W.R. Grace and Company in Curtis Bay, Maryland, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3912. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3913. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Y-12 facility in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3914. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T.Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3322-EM in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No.: FAA-2010-1270; Directorate Identifier 2001-NE-50-AD; Amendment 39-16788; AD 2005-25-10R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0381; Directorate Identifier 2010-NM-203-AD; Amendment 39-16799; AD 2011-18-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0151; Directorate Identifier 2009-NM-205-AD; Amendment 39-16781; AD 2011-17-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0474; Directorate Identifier 2010-NM-213-AD; Amendment 39-16802; AD 2011-18-20] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, Model A330-300 Series Airplanes, Model A340-200 Series Airplanes, and Model A340-300 Series Airplanes [Docket No.: FAA-2011-0387; Directorate Identifier 2010-NM-222-AD; Amendment 39-16804; AD 2011-18-22] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2010-1045; Directorate Identifier 2010-NM-101-AD; Amendment 39-16809; AD 2011-19-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No.: FAA-2011-0646; Directorate Identifier 2010-NM-224-AD; Amendment 39-16814; AD 2011-20-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No.: FAA-2011-0221; Directorate Identifier 2010-NM-120-AD; Amendment 39-16805; AD 2011-18-23] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 Series Airplanes) and A310 Series Airplanes [Docket No.: FAA-2011-0647; Directorate Identifier 2010-NM-193-AD; Amendment 39-16812; AD 2011-20-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines [Docket No.: FAA-2010-1055; Directorate Identifier 2010-NE-35-AD; Amendment 39-16801; AD 2011-18-19] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0910; Directorate Identifier 2011-NM-151-AD; Amendment 39-16797; AD 2011-18-15] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the GAO report entitled, ''ACQUISITION PLANNING: Opportunities to Build Strong Foundations for Better Services Contracts''; jointly to the Committees

on Oversight and Government Reform and Science, Space, and Technology.

3928. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts'' covering the period from February 17, 2011 to August 16, 2011; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

3929. A letter from the Secretary, Department of Homeland Security, transmitting a legislative proposal to implement a pay reform initiative; jointly to the Committees on Education and the Workforce, Oversight and Government Reform, Homeland Security, and Ways and Means.

¶151.6 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2112

Ms. FOXX, by direction of the Committee on Rules, called up the following resolution (H. Res. 467):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

On motion of Ms. FOXX, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶151.7 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT, by direction of the Committee on Rules, called up the following resolution (H. Res. 466):

Resolved, That it shall be in order at any time through the legislative day of November 18, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States. Debate on such a motion shall be extended to five hours.

SEC. 2. The Chair may postpone further consideration of a motion considered pursuant to this resolution to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. NUGENT moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. DOLD, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 173

¶151.8 [Roll No. 854]

YEAS—243

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

NAYS—173

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

NOT VOTING—17

Bachmann
Biggert
Bishop (GA)
Conyers
Courtney
Gardner
Garrett
Giffords
Hirono
Lucas
Manzullo
Napolitano
Paul
Rogers (MI)
Rokita
Roskam
Shimkus

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DOLD, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 248 / Nays 169

¶151.9 [Roll No. 855]

YEAS—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash

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

NAYS—169

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

NOT VOTING—16

Bachmann
Biggert
Bishop (GA)
Courtney
Gardner
Garrett
Giffords
Gohmert
Hirono
Lucas
Manzullo
Napolitano
Paul
Roskam
Shimkus
Yarmuth

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶151.10 H. RES. 467—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOLD, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 467) providing for consideration of the conference report to accompany 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.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 262 / Nays ..... 156 }

¶151.11 [Roll No. 856]

YEAS—262

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

NAYS—156

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden

Holt	Meeks	Schakowsky
Honda	Miller (NC)	Schrader
Hoyer	Miller, George	Schwartz
Israel	Moore	Scott (VA)
Jackson (IL)	Moran	Scott, David
Jackson Lee (TX)	Nadler	Serrano
Johnson (GA)	Neal	Sewell
Johnson, E. B.	Olver	Sires
Kildee	Pallone	Slaughter
Kind	Pastor (AZ)	Smith (WA)
Kucinich	Payne	Speier
Langevin	Pelosi	Stark
Larsen (WA)	Perlmutter	Sutton
Larson (CT)	Peters	Thompson (CA)
Lee (CA)	Pingree (ME)	Thompson (MS)
Levin	Polis	Tierney
Lewis (GA)	Price (NC)	Tonko
Lipinski	Quigley	Towns
Loebsack	Rahall	Tsongas
Lofgren, Zoe	Rangel	Van Hollen
Lowey	Reyes	Velázquez
Luján	Richardson	Visclosky
Lynch	Richmond	Walz (MN)
Maloney	Rothman (NJ)	Wasserman Schultz
Markey	Roybal-Allard	Waters
Matsui	Ruppersberger	Watt
McCarthy (NY)	Rush	Waxman
McCollum	Ryan (OH)	Welch
McDermott	Sánchez, Linda T.	Wilson (FL)
McGovern	Sanchez, Loretta	Woolsey
McNerney	Sarbanes	Yarmuth

NOT VOTING—15

Bachmann	Gardner	Napolitano
Biggert	Giffords	Paul
Bishop (GA)	Hirono	Roskam
Cardoza	Lucas	Schock
Courtney	Manzullo	Shimkus

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶151.12 AGRICULTURE APPROPRIATIONS FY 2012

Mr. ROGERS of Kentucky, pursuant to House Resolution 467, called up the following conference report (Rept. No. 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 reestablishing 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 brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–

10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available 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.

When said conference report was considered.

After debate,

Pursuant to House Resolution 467, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. GRIMM, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 298 / Nays ..... 121 }

¶151.13 [Roll No. 857]

YEAS—298

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kissell
Kline
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Richardson
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)

NAYS—121

Adams
Akin
Amash
Amodei
Austria
Bartlett
Barton (TX)
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Canseco
Chabot
Chaffetz
Clarke (NY)
Coffman (CO)
Conyers
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Farenthold
Fincher
Flake
Fleischmann
Fleming
Foxx
Franks (AZ)
Fudge
Garrett
Gingrey (GA)
Gohmert
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Guinta
Harris
Hastings (FL)
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Jenkins
Johnson (IL)
Jones
Jordan
King (IA)
Kinzinger (IL)
Kucinich
Labrador
Lamborn
Landry
Lankford
Lee (CA)
Lummis
Mack
Marchant
McClintock
McCotter
McHenry
Meeks
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Paulsen
Pearce
Pence
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Reyes
Ribble
Rigell
Ross (FL)
Royce
Rush
Ryan (OH)
Ryan (WI)
Schakowsky
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Southerland
Stark
Stearns
Stutzman
Sullivan
Terry
Tipton
Towns
Velázquez
Walberg
Walsh (IL)
Waters
Westmoreland
Wilson (SC)
Woolsey
Young (IN)

NOT VOTING—14

Bachmann
Biggert
Bishop (GA)
Brown (FL)
Courtney
Filner
Gardner
Giffords
Manzullo
Napolitano
Paul
Richmond
Roskam
Shimkus

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶151.14 BALANCED BUDGET AMENDMENT

Mr. SMITH of Texas, pursuant to House Resolution 466, moved to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States; as amended.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. SMITH of Texas, and Mr. CONYERS, each for two and one-half hours.

After debate,

Pursuant to section 2 of House Resolution 466, further consideration of the motion was postponed.

¶151.15 PROVIDING FOR CONSIDERATION OF H.R. 3094

Ms. FOXX, by direction of the Committee on Rules, reported (Rept. No. 112–291) the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to

representation hearings and the timing of elections of labor organizations under that Act.

When said resolution and report were referred to the House Calendar and ordered printed.

¶151.16 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

¶151.17 MESSAGE FROM THE PRESIDENT—NAVAL PETROLEUM RESERVE

The SPEAKER pro tempore, Mr. FARENTHOLD, laid before the House a message from the President, which was read as follows:

To The Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

BARACK OBAMA.

THE WHITE HOUSE, *November 17, 2011*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Armed Services and ordered to be printed (H. Doc. 112–73).

¶151.18 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) ''An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.''.

¶151.19 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2112. An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

¶151.20 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1412. An Act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

¶151.21 BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 16, 2011, she presented to the President of the United States, for his approval, the following bill:

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

¶151.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. NAPOLITANO, for today and balance of the week; and

To Mr. BISHOP of Georgia, for today.

And then,

¶151.23 ADJOURNMENT

On motion of Mr. GOHMERT, at 9 o'clock and 44 minutes p.m., the House adjourned.

¶151.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act (Rept. 112–291). Referred to the House Calendar.

¶151.25 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. MCKINLEY (for himself, Mrs. CAPITO, and Mr. RAHALL):

H.R. 3451. A bill to designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the ''Frederick P. Stamp, Jr. Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 3452. A bill to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative for skiers, called ''SkiLink'', to connect two ski resorts in the Wasatch Mountains, and for other purposes; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. RIBBLE, and Mr. HUIZENGA of Michigan):

H.R. 3453. A bill to amend the Endangered Species Act of 1973 to authorize permits for takings of wolves to protect from wolf depredation in States where wolf populations exceed the recovery goals in a recovery plan under that Act; to the Committee on Natural Resources.

By Mrs. ROBY (for herself, Ms. SEWELL, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H.R. 3454. A bill to amend the Food Security Act of 1985 with respect to maximum enrollment and eligible land in the conservation reserve program; to the Committee on Agriculture.

By Mr. PALAZZO (for himself, Mr. HOLDEN, Mr. BARTLETT, Mr. THOMPSON of Mississippi, Mr. WESTMORELAND, Mr. LATHAM, Mr. LOBIONDO, Mr. NUNNELEE, and Mr. HARPER):

H.R. 3455. A bill to amend title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff and to reestablish the position of Vice Chief of the National Guard Bureau; to the Committee on Armed Services.

By Ms. HAYWORTH:

H.R. 3456. A bill to authorize the President's request to eliminate the Ready-to-Learn program; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. BISHOP of New York, and Ms. DEGETTE):

H.R. 3457. A bill to require ingredient labeling of certain consumer cleaning products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mrs. MCMORRIS RODGERS, Mr. HUIZENGA of Michigan, Mr. REHBERG, and Mr. WALDEN):

H.R. 3458. A bill to amend title XVIII of the Social Security Act to ensure the eligibility of eligible professionals practicing in rural health clinics for electronic health records and quality improvement incentives under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. BECERRA (for himself and Ms. ROS-LEHTINEN):

H.R. 3459. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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 Ms. BERKLEY (for herself, Mr. MORAN, and Mr. POLIS):

H.R. 3460. A bill to amend the Internal Revenue Code of 1986 to allow temporarily a reduced rate of tax with respect to repatriated foreign earnings; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mrs. MALONEY, Mr. BACHUS, Mr. SCHWEIKERT, Mr. POSEY, Mr. WESTMORELAND, Mr. RENACCI, Mr. CARNEY, Mr. PEARCE, and Mr. DUFFY):

H.R. 3461. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. CLARKE of Michigan (for himself, Mr. BENISHEK, Mr. HUIZENGA of Michigan, and Mr. WALBERG):

H.R. 3462. A bill to require the Secretary of Veterans Affairs to make tuition payments for veterans enrolled in institutions of higher learning who are receiving assistance under the Post-9/11 Educational Assistance Program by not later than the tuition due

date for the quarter, semester, or term; to the Committee on Veterans' Affairs.

By Mr. HARPER (for himself and Mr. COLE):

H.R. 3463. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; to the Committee on House Administration, and in addition to the Committee on Ways and Means, 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. HONDA (for himself and Mr. COLE):

H.R. 3464. A bill to authorize the Secretary of Education to award grants to promote civic learning and engagement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself, Mr. GRIJALVA, Mr. MARKEY, Ms. DEGETTE, Mr. HINCHEY, Mr. LANGEVIN, Mr. BERMAN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. SERRANO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. CLEAVER, Mr. MORAN, Mr. ANDREWS, Mr. CONNOLLY of Virginia, Mr. WAXMAN, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. LEVIN, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. NADLER, Mr. CUMMINGS, Ms. TSONGAS, Mr. DOYLE, Mr. LARSON of Connecticut, Ms. SCHWARTZ, Mr. ACKERMAN, Mr. CARSON of Indiana, Mr. STARK, Mr. LIPINSKI, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Mr. RAHALL, Mr. MCDERMOTT, Mr. HEINRICH, Mr. SCHIFF, Ms. EDWARDS, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. VAN HOLLEN, Mr. GARAMENDI, Mr. LUJÁN, Mr. COOPER, Mr. HOLT, Ms. HIRONO, Mr. BRALEY of Iowa, Mrs. CAPPS, Ms. MOORE, Mr. DINGELL, Mr. RYAN of Ohio, Mr. PRICE of North Carolina, Ms. CHU, Mr. ROTHMAN of New Jersey, Ms. WOOLSEY, Mr. WALZ of Minnesota, Ms. LEE of California, Mr. PASCRELL, Mr. MCNERNEY, Mr. JOHNSON of Georgia, Mr. OLVER, Ms. ESHOO, Mr. ELLISON, Mr. CONYERS, Mrs. MALONEY, Mr. TIERNEY, Mr. CARNAHAN, Ms. NORTON, Ms. VELÁZQUEZ, Mr. FILNER, Ms. SPEIER, Ms. MATSUI, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. JACKSON LEE of Texas, Mr. QUIGLEY, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. SUTTON, Mr. RANGEL, Mr. SARBANES, Ms. FUDGE, Mr. MCGOVERN, Mr. HIGGINS, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. KILDEE, Mr. DOGGETT, Mr. NEAL, Mrs. LOWEY, Mr. CICILLINE, Mr. COHEN, Mr. RUSH, Mr. ISRAEL, Mr. KEATING, Mr. KUCINICH, Ms. RICHARDSON, Mr. CLAY, Mr. TONKO, Mr. SHERMAN, Mr. FATTAH, Mr. JOHNSON of Illinois, Mr. KIND, Mrs. MCCARTHY of New York, and Ms. CASTOR of Florida):

H.R. 3465. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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. KING of New York (for himself, Mr. CUELLAR, Mr. GRIMM, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. POLIS, Mr. HANNA, Mr. MCCAUL, Mr. DAVID SCOTT of Georgia, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. AKIN, Mr. WOLF, Ms. LORETTA SANCHEZ of California, Mr. MCCOTTER, and Mr. BACHUS):

H.R. 3466. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. RANGEL):

H.R. 3467. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3468. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3469. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and the Workforce.

By Mr. RIBBLE (for himself, Mr. PETRI, Mr. MEEHAN, and Mr. AUSTRIA):

H.R. 3470. A bill to remove arbitrary and anticompetitive limitations from the grant program for ICAC Program training; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 3471. A bill to authorize the Secretary of Labor to award grants for the employment of individuals in targeted communities to perform work for the benefit of such communities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. YOUNG of Alaska:

H.R. 3472. A bill to prevent forfeited fishing vessels from being transferred to private parties and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Energy and Commerce, and Ways and Means, 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 Ms. CASTOR of Florida:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. CHABOT, Mr. PAUL, Mr. WALSH of Illinois, and Mr. WESTMORELAND):

H. Res. 471. A resolution amending the Rules of the House of Representatives to require that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

¶151.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. DESJARLAIS, Mr. FLAKE, Mr. MICA and Mr. DOLD.
H.R. 23: Mr. INSLEE.
H.R. 114: Mr. BERG.
H.R. 139: Ms. ZOE LOFGREN of California, Mr. CARSON of Indiana, Mr. ANDREWS, Ms. DELAURO, Ms. DEGETTE and Mr. KEATING.
H.R. 303: Ms. ZOE LOFGREN of California.
H.R. 365: Mr. HOLDEN.
H.R. 436: Mr. TURNER of New York.
H.R. 458: Mr. RUSH.
H.R. 463: Mr. DUNCAN of South Carolina.
H.R. 487: Mr. GENE GREEN of Texas.
H.R. 615: Ms. HAYWORTH.
H.R. 665: Mr. QUIGLEY.
H.R. 733: Mr. BOUSTANY and Mr. COHEN.
H.R. 735: Mr. AKIN.
H.R. 745: Mr. GRIFFIN of Arkansas.
H.R. 778: Mr. RAHALL, Mr. CUMMINGS, Mr. CONYERS and Ms. BERKLEY.
H.R. 797: Ms. WOOLSEY.
H.R. 835: Mr. BARTLETT and Mr. WALBERG.
H.R. 893: Ms. MCCOLLUM.
H.R. 998: Mr. INSLEE.
H.R. 1029: Mr. PERLMUTTER.
H.R. 1148: Mr. SCHIFF, Mr. CARNEY, Mr. POE of Texas, Mr. HIMES, Mr. GENE GREEN of Texas, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. BURGESS, Mr. CHABOT, Mr. HINCHEY, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. WEST, Mr. PETERS, Mr. BASS of New Hampshire, Mr. PRICE of North Carolina and Mr. ACKERMAN.
H.R. 1164: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.
H.R. 1167: Mr. BILIRAKIS.
H.R. 1173: Mr. SHUSTER.
H.R. 1175: Ms. SCHWARTZ.
H.R. 1176: Mr. HIMES.
H.R. 1193: Mr. ENGEL.
H.R. 1206: Mr. DAVIS of Kentucky.
H.R. 1221: Mr. COFFMAN of Colorado.
H.R. 1281: Mr. LATTA.
H.R. 1307: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.
H.R. 1340: Mr. GUTHRIE.
H.R. 1352: Mr. WELCH.
H.R. 1370: Mr. NUNES and Mr. DESJARLAIS.
H.R. 1386: Mr. ISRAEL, Mr. ELLISON, Mr. CARNAHAN and Ms. SLAUGHTER.
H.R. 1416: Mr. GRIJALVA.
H.R. 1426: Mr. DUNCAN of South Carolina, Mr. GERLACH and Mr. FLEISCHMANN.
H.R. 1449: Mr. HARRIS and Mr. GEORGE MILLER of California.
H.R. 1489: Mr. PALLONE.
H.R. 1558: Mr. WHITFIELD.
H.R. 1633: Mr. AKIN and Mr. BROUN of Georgia.
H.R. 1639: Mr. CRAWFORD, Mr. MEEHAN, Mr. MARCHANT and Ms. WILSON of Florida.
H.R. 1648: Mr. WELCH, Mr. RUPPERSBERGER, Mr. MCNERNEY and Mr. INSLEE.
H.R. 1653: Mr. NEUGEBAUER, Mr. DESJARLAIS and Mr. RIBBLE.
H.R. 1715: Mr. ROHRABACHER.
H.R. 1730: Ms. HANABUSA, Ms. BASS of California, Ms. BROWN of Florida, Mr. CICILLINE, Ms. JACKSON LEE of Texas and Ms. WILSON of Florida.
H.R. 1734: Mr. DUNCAN of South Carolina and Mr. WESTMORELAND.
H.R. 1738: Ms. WASSERMAN SCHULTZ.
H.R. 1744: Mr. DUFFY.
H.R. 1749: Mr. CLEAVER.
H.R. 1755: Mr. CHANDLER.
H.R. 1756: Mr. KELLY and Mr. MEEKS.
H.R. 1798: Mr. DANIEL E. LUNGREN of California and Mr. GARRETT.
H.R. 1815: Mr. HEINRICH, Mr. INSLEE, Mr. MILLER of Florida, Mr. STEARNS, Mr. SIMPSON, and Mr. FALEOMAVAEGA.
H.R. 1834: Mr. ALTMIRE.
H.R. 1842: Mr. BRADY of Pennsylvania and Mr. BISHOP of New York.
H.R. 1903: Ms. DEGETTE and Mr. GRIJALVA.
H.R. 1946: Mr. AUSTIN SCOTT of Georgia.
H.R. 1971: Mr. AUSTIN SCOTT of Georgia.
H.R. 2040: Mr. AUSTIN SCOTT of Georgia.
H.R. 2053: Mr. BENISHEK.
H.R. 2070: Mr. RIBBLE, Mr. STUTZMAN, Mrs. HARTZLER, Mr. BROOKS, Mr. LANKFORD, Mr. CONAWAY, and Mr. HUIZENGA of Michigan.
H.R. 2122: Mr. TURNER of New York, Mr. MCCAUL, and Mr. BILIRAKIS.
H.R. 2131: Mr. ROSS of Arkansas, Mr. BRALEY of Iowa, Mr. SHULER, Ms. HERRERA

BEUTLER, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, and Ms. JENKINS.
H.R. 2137: Mrs. CAPITO.
H.R. 2226: Mr. ANDREWS.
H.R. 2288: Mr. BACHUS and Mr. ROONEY.
H.R. 2299: Mr. MCCLINTOCK.
H.R. 2334: Mr. DEUTCH and Mr. ANDREWS.
H.R. 2360: Mr. HOLT.
H.R. 2446: Mr. DOLD, Mr. COOPER, and Mr. FLEISCHMANN.
H.R. 2477: Mr. COSTA.
H.R. 2492: Ms. HAHN and Mr. BARTLETT.
H.R. 2505: Mr. KIND, Ms. ROYBAL-ALLARD, and Mr. PERLMUTTER.
H.R. 2514: Mr. BERG.
H.R. 2580: Mr. SERRANO.
H.R. 2604: Ms. HAHN.
H.R. 2617: Ms. PINGREE of Maine.
H.R. 2672: Mr. KELLY.
H.R. 2674: Mr. PALAZZO.
H.R. 2679: Mrs. CHRISTENSEN.
H.R. 2697: Mr. WESTMORELAND, Mr. MORAN, and Ms. BERKLEY.
H.R. 2705: Mr. DOGGETT.
H.R. 2717: Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. KISSELL, Mr. BOSWELL, Mr. PETERSON, Mr. ANDREWS, Mr. SHULER, Mr. CLAY, Mr. BARTLETT, Mr. BOREN, Mr. ALTMIRE, and Mr. COOPER.
H.R. 2731: Mr. FLORES.
H.R. 2735: Ms. JENKINS.
H.R. 2770: Mr. PETERSON.
H.R. 2787: Mr. ALTMIRE.
H.R. 2815: Ms. JACKSON LEE of Texas.
H.R. 2827: Mr. HUIZENGA of Michigan.
H.R. 2874: Mr. MANZULLO, Mr. MILLER of Florida, and Mr. CASSIDY.
H.R. 2885: Mr. COFFMAN of Colorado and Mr. CRENSHAW.
H.R. 2898: Mr. LATTA.
H.R. 2900: Mr. ROSS of Florida and Mr. AUSTIN SCOTT of Georgia.
H.R. 2902: Mr. JACKSON of Illinois, Mr. COHEN, Mr. CLARKE of Michigan, and Ms. HAHN.
H.R. 2914: Ms. SPEIER.
H.R. 2926: Mr. AUSTIN SCOTT of Georgia.
H.R. 2948: Mr. SHERMAN.
H.R. 2949: Mr. CUELLAR.
H.R. 2950: Mr. CUELLAR.
H.R. 2962: Mr. GRIJALVA, Mrs. BLACK, Mr. HECK, Mr. HIMES, and Mr. REHBERG.
H.R. 2966: Mr. MEEHAN and Ms. HANABUSA.
H.R. 2978: Mr. FINCHER, Mr. WHITFIELD, Ms. JENKINS, Mr. COBLE, and Mr. GOWDY.
H.R. 2982: Mr. BRALEY of Iowa, Mr. DUNCAN of South Carolina, Mr. BUTTERFIELD, and Mr. CAPUANO.
H.R. 3020: Mr. GUTIERREZ and Mr. NEAL.
H.R. 3039: Ms. HANABUSA, Mr. HONDA, and Mr. LOBIONDO.
H.R. 3059: Mr. COHEN.
H.R. 3063: Mr. GUTIERREZ.
H.R. 3096: Ms. HERRERA BEUTLER.
H.R. 3126: Mr. STARK.
H.R. 3127: Mr. COBLE.
H.R. 3151: Mr. NADLER and Ms. DELAURO.
H.R. 3159: Mr. ROHRABACHER.
H.R. 3178: Mr. BISHOP of New York, Mr. HOLT, Mr. KUCINICH, Mr. SCOTT of Virginia, and Mr. HONDA.
H.R. 3179: Mr. CRAWFORD and Mr. CAPUANO.
H.R. 3236: Mr. MORAN.
H.R. 3268: Mr. RUSH.
H.R. 3269: Mr. CRAWFORD, Mr. ROSS of Florida, Mr. NEAL, Mr. PIERLUISI, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. BROOKS, Mrs. MYRICK, Mr. HECK, Mr. FINCHER, Mr. CASSIDY, Mr. GERLACH, Mr. MULVANEY, Mr. CRITZ, Mr. GUTHRIE, Mr. FRANK of Massachusetts, Mr. SIMPSON, Mr. RUPPERSBERGER, Ms. WILSON of Florida, Mr. SESSIONS, Mr. BOUSTANY, Ms. SCHWARTZ, Mr. STEARNS, Mr. AKIN, Mrs. DAVIS of California, Mr. GINGREY of Georgia, Mr. HANNA, Mr. DESJARLAIS, Mrs. ROBY, Mr. KINZINGER of Illinois, Mr. MCHENRY, Mr. RIBBLE, Ms. HAHN, Mr. MATHESON, Mr. GRIMM, Mr. WALZ of Minnesota, and Mrs. BLACK.
H.R. 3294: Mr. ROKITA.
H.R. 3299: Ms. WASSERMAN SCHULTZ.
H.R. 3327: Mr. TURNER of New York, Mr. HANNA, Mr. LONG, and Mr. RIBBLE.
H.R. 3359: Mr. JONES, Mr. MCNERNEY, and Mr. FARR.
H.R. 3362: Mr. GOHMERT.
H.R. 3364: Mr. LATHAM, Mr. DOYLE, and Mr. BOSWELL.
H.R. 3373: Mr. LUJÁN.
H.R. 3381: Mr. PIERLUISI.
H.R. 3391: Ms. DEGETTE.
H.R. 3409: Mr. ROE of Tennessee, Mr. BUCSHON, Mr. KELLY, and Mr. ROGERS of Kentucky.
H.R. 3410: Mr. DENT and Mr. SCHILLING.
H.R. 3414: Mr. WALBERG and Mr. MARCHANT.
H.R. 3421: Mr. MARINO, Mr. ROONEY, Mr. GRIMM, Mr. WEST, Ms. TSONGAS, Mr. HANNA, Mr. NUNES, Mr. FITZPATRICK, Mr. MCKINLEY, Mr. CRENSHAW, Mr. GUINTA, Ms. BERKLEY, Ms. HIRONO, Mr. CALVERT, Mr. MURPHY of Pennsylvania, Ms. JACKSON LEE of Texas, Mr. WALDEN, Mr. THOMPSON of Pennsylvania, Mr. CRITZ, Mr. BROOKS, Ms. ESHOO, Mr. RUNYAN, Mr. GOWDY, Mr. HECK, Mr. WOLF, Mr. HOLDEN, Mr. OLVER, Mr. KELLY, Mr. ALTMIRE, Mr. ROSS of Florida, Mr. SCOTT of South Carolina, Mr. SULLIVAN, Ms. RICHARDSON, Mr. POLIS, Mr. CRAWFORD, Mrs. ROBY, Mr. PALAZZO, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. SHULER, Mr. LIPINSKI, Mr. WALZ of Minnesota, Mr. DENHAM, Mr. GUTHRIE, Mr. GIBBS, Mr. BISHOP of New York, Mr. BOSWELL, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mrs. CHRISTENSEN, Mr. HUIZENGA of Michigan, Mr. DOYLE, Mr. YARMUTH, Mr. LOEBSACK, Mrs. SCHMIDT, Mr. LUETKEMEYER, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. MCCAUL, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BERG, Mrs. BLACK, Mr. BENISHEK, Mrs. CAPITO, Mr. CRAVAACK, Mr. DUFFY, Mr. FLEISCHMANN, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. HARRIS, Mr. HURT, Ms. JENKINS, Mr. SIMPSON, Ms. SPEIER, Mr. WALSH of Illinois, and Mr. CONAWAY.
H.R. 3425: Mr. TIERNEY.
H.R. 3440: Mr. ROSS of Florida, Mr. DANIEL E. LUNGREN of California, and Mr. YOUNG of Alaska.
H.J. Res. 28: Mr. HONDA, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. RICHARDSON, Ms. WILSON of Florida, and Mrs. CHRISTENSEN.
H.J. Res. 29: Mr. ELLISON.
H.J. Res. 30: Mr. ELLISON.
H.J. Res. 31: Mr. ELLISON.
H.J. Res. 32: Mr. ELLISON.
H.J. Res. 33: Mr. ELLISON.
H.J. Res. 34: Mr. ELLISON.
H.J. Res. 35: Mr. ELLISON.
H.J. Res. 36: Mr. GENE GREEN of Texas and Mr. ELLISON.
H.J. Res. 86: Mr. COHEN.
H.J. Res. 87: Mr. CICILLINE, Mr. LANGEVIN, and Mr. YARMUTH.
H. Con. Res. 63: Ms. KAPTUR and Ms. WOOLSEY.
H. Con. Res. 82: Mr. RIBBLE.
H. Res. 295: Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, and Mr. REYES.
H. Res. 298: Mr. POLIS and Mr. TIPTON.
H. Res. 433: Mr. FORBES and Mr. WILSON of South Carolina.
H. Res. 468: Mr. HANNA, Mr. CHABOT, Mr. MULVANEY, Ms. HAHN, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mrs. ELLMERS, Mr. LANDRY, Mr. ROE of Tennessee, Mr. RIGELL, Mr. RICHMOND, Mr. LOEBSACK, Mr. COBLE, and Ms. RICHARDSON.

FRIDAY, NOVEMBER 18, 2011 (152)

The House was called to order by the SPEAKER.

¶152.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, November 17, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶152.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3930. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Bromeliad Plants in Growing Media From Belgium, Denmark, and the Netherlands [Docket No.: APHIS-2010-0005] (RIN: 0579-AD36) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3931. A letter from the Regulatory Officer, Department of Commerce, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3932. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3933. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Program For Nuclear Power Plants, Regulatory Guide 5.66, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3934. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities, Regulatory Guide 3.39, Revision 1, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3935. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-510, Revision 2, "Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection" Project No. 753 received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3936. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assuring the Availability of Funds for Decommissioning Nuclear Reactors, Regulatory Guide 1.159, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3937. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3938. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3939. A letter from the Director, Defense Security Cooperation Agency, transmitting

Transmittal No. 11-37, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3940. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States [Docket No.: 100804325-0351-01] (RIN: 0694-AE97) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3941. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Libya and UNSCR 2009 (RIN: 1400-AC97) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3942. A letter from the Chief Counsel — Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3943. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — United States — Peru Trade Promotion Agreement (RIN: 1515-AD79) received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶152.3 PROVIDING FOR CONSIDERATION OF H.R. 3094

Ms. FOXX, by direction of the Committee on Rules, called up the following resolution (H. Res. 470):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. FOXX, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶152.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WOMACK, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 18, 2011 at 8:52 a.m.:

That the Senate passed with amendments H.R. 2056.

That the Senate passed with an amendment H.R. 1059.

That the Senate passed with an amendment H.R. 3321.

That the Senate passed S. 99.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶152.5 AMENDMENTS OF THE SENATE NUMBERED 1 AND 2 WITH AN AMENDMENT TO H.R. 394

On motion of Mr. SMITH of Texas, by unanimous consent, the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; together with the following amendments of the Senate numbered 1 and 2 thereto, with an amendment, were taken from the Speaker's table:

On page 9, line 17, strike ''1454'' and insert ''1455.''

On page 12, after line 4, strike ''1454. Procedure for removal of criminal prosecutions.'' and insert ''1455. Procedure for removal of criminal prosecutions.''

On motion of Mr. SMITH of Texas, amendment of the Senate numbered 1 was agreed to, and amendment of the Senate numbered 2 was agreed to, with the following amendment:

Add at the end the following:

Redesignate section 104 as section 105 and insert the following after section 103:

SEC. 104. TECHNICAL AMENDMENT.

Section 1446(g) of title 28, United States Code, is amended by striking ''subsections (b) and (c)'' and inserting ''subsection (b) of this section and paragraph (1) of section 1455(b)''.

Amend the table of contents of the bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.

Sec. 105. Effective date.

A motion to reconsider the vote whereby amendment of the Senate numbered 1 was agreed to, and amendment of the Senate numbered 2 was agreed to, with an amendment was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶152.6 APPEAL TIME CLARIFICATION

On motion of Mr. SMITH of Texas, by unanimous consent, the bill of the Senate (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶152.7 BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore, Mr. WOMACK, pursuant to section 2 of House Resolution 466, announced that further proceedings were resumed on the motion to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States; as amended.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mrs. ROBY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLATTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 261 / Nays 165

¶152.8 [Roll No. 858]

YEAS—261

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

NAYS—165

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

NOT VOTING—8

Bass (CA)
Deutch
Filner
Giffords
Napolitano
Nunes
Olver
Paul

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said joint resolution, as amended, was not passed.

¶152.9 H. RES. 470—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. ROBY, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 167

¶152.10 [Roll No. 859]

YEAS—239

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

NAYS—167

Ackerman
Altmire
Andrews
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt

Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—27

Baca
Bass (CA)
Butterfield
Capuano
Courtney
Crenshaw
Deutch
Doyle
Ellison
Filner
Gallegly
Giffords
Hirono
Larson (CT)
Marchant
Napolitano
Neal
Nunes
Olver
Pascrell
Paul
Roskam
Ryan (WI)
Sanchez, Loretta
Sires
Tierney
Waxman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶152.11 ADJOURNMENT OVER

On motion of Mr. LoBIONDO, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, November 22, 2011; and further, when the House adjourns on Tuesday, November 22, 2011, it adjourn to meet at 1 p.m. on Friday, November 25, 2011; and further, when the House adjourns on Friday, November 25, 2011, it adjourn to meet at 2 p.m. on Tuesday, November 29, 2011.

¶152.12 AMENDMENT OF THE SENATE TO H.R. 3321

On motion of Mr. LoBIONDO, by unanimous consent, the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Cup Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

On motion of Mr. LoBIONDO, said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶152.13 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. 99. An Act to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Commerce; in addition to the Committee on Science, Space and Technology and the Committee on the Budget 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.

¶152.14 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1637. An Act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

¶152.15 BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 17, 2011, she

presented to the President of the United States, for his approval, the following bill:

H.R. 2112. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

And then,

¶152.16 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 4 o'clock and 19 minutes p.m., the House adjourned until 10 a.m. on Tuesday, November 22, 2011.

¶152.17 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3012. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, with an amendment (Rept. 112–292). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. H.R. 10. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with an amendment (Rept. 112–278, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

¶152.18 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. RAHALL (for himself and Mr. PETRI):

H.R. 3473. A bill to provide employment opportunities for veterans in transportation construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 3474. A bill to amend titles XI and XVIII of the Social Security Act to prevent fraud and abuse under the Medicare program and to require National Provider Identifiers for reimbursement of prescriptions under part D of the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. SAM JOHNSON of Texas (for himself, Mr. BERG, Mr. BRADY of Texas, Mr. HERGER, Ms. JENKINS, Mr. MARCHANT, Mr. SCHOCK, and Mr. TIBERI):

H.R. 3475. A bill to protect information received by the Commissioner of Social Security related to deceased individuals; to the Committee on Ways and Means.

By Mr. HANNA (for himself and Mr. KEATING):

H.R. 3476. A bill to provide incentives for economic growth, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. PAUL, Mr. CARTER, Mr. MCCAUL, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. HINOJOSA, Ms. GRANGER, Ms. JACKSON LEE of Texas, Mr. SMITH of Texas, Mr. FLORES, Mr. CONAWAY, Mr. CULBERSON, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. OLSON, Mr. FARENTHOLD, Mr. THORNBERRY, Mr. CANSECO, Mr. HALL, Mr. GOHMERT, Mr. SESSIONS, Mr. BARTON of Texas, Mr. CUELLAR, Mr. REYES, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. BURGESS, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN of South Carolina, Mr. BOUSTANY, Mr. CHAFFETZ, Ms. HAYWORTH, Mr. BACA, and Mr. PENCE):

H.R. 3477. A bill to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to extend bond authority for those empowerment and enterprise zones with unused bond limitation at the end of 2011; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. HALL, and Mr. PALAZZO):

H.R. 3479. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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. GRIFFIN of Arkansas:

H.R. 3480. A bill to amend title 5, United States Code, to provide for the termination of further retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, and for other purposes; to the Committee on House Administration, 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 Mr. GRIFFIN of Arkansas:

H.R. 3481. A bill to prohibit universal service support of commercial mobile service through the Lifeline program; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida:

H.R. 3482. A bill to prevent identity theft and tax crimes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. CARDOZA, and Mr. JONES):

H.R. 3483. A bill to amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FARR (for himself, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. HIRONO, Mr. CICILLINE, Mr. RAHALL, Mr. ENGEL, Mr. FATTAH, Mr. OLVER, Mr. DICKS, and Mr. REYES):

H.R. 3484. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. CICILLINE, Mr. POLIS, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SPEIER, Mr. HINCHEY, Mr. HOLT, Mr. CLAY, Mr. JACKSON of Illinois, Ms. LEE of California, Mrs. MALONEY, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. LANGEVIN, Ms. TSONGAS, Ms. PINGREE of Maine, Mrs. CAPPS, Mr. HONDA, Mr. STARK, Mr. NADLER, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. MORAN, Mr. DOGGETT, Ms. ROYBAL-ALLARD, Mr. QUIGLEY, Mr. SARBANES, Mr. BERMAN, Mr. CUMMINGS, Mr. CAPUANO, Ms. WOOLSEY, Mr. DINGELL, Mr. YARMUTH, Ms. ZOE LOFGREN of California, Mr. FILNER, Ms. DEGETTE, Mr. MICHAUD, Ms. MCCOLLUM, Mr. COHEN, Mr. FARR, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WELCH, and Mr. MCGOVERN):

H.R. 3485. A bill to provide certain benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, House Administration, and the Judiciary, 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 Ms. BASS of California (for herself, Mr. SCHILLING, Mr. MCDERMOTT, Mr. FORTENBERRY, Mr. CARNAHAN, Mr. TOWNS, Ms. WILSON of Florida, Mr. LOEBSACK, Ms. CLARKE of New York, and Ms. RICHARDSON):

H.R. 3486. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Education and the Workforce.

By Mr. BUCHANAN:

H.R. 3487. A bill to encourage job creation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Energy and Commerce, Science, Space, and Technology, Education and the Workforce, Small Business, 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. BUCSHON (for himself and Mr. LANDRY):

H.R. 3488. A bill to prohibit foreign assistance to countries with a gross domestic product of $1,500,000,000,000 or more; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mrs. MALONEY, Mr. KING of New York, and Mr. SMITH of New Jersey):

H.R. 3489. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. LOEBSACK):

H.R. 3490. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CICILLINE:

H.R. 3491. A bill to amend title 18, United States Code, to prohibit former Members of Congress from engaging in lobbying contacts; to the Committee on the Judiciary.

By Ms. HAHN:

H.R. 3492. A bill to amend section 70107 of title 46, United States Code, to authorize appropriations for the port security grant program through 2015; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 3493. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. HECK:

H.R. 3494. A bill to restore faith and trust in the United States economy and financial system by reducing Federal spending, reducing the size of the Federal workforce, liquidating certain property and assets of the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Appropriations, the Budget, and Natural Resources, 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. HONDA (for himself, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. GRIJALVA, Ms. LEE of California, Mr. CARSON of Indiana, Ms. WILSON of Florida, Mr. CICILLINE, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. CLARKE of New York, and Mr. JACKSON of Illinois):

H.R. 3495. A bill to amend the Internal Revenue Code of 1986 to provide market-based manufacturing incentives, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 3496. A bill to sustain fish, plants, and wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. LANCE:

H.R. 3497. A bill to promote the development of meaningful treatments for patients; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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. MCKEON (for himself, Mr. ANDREWS, and Mr. HUNTER):

H.R. 3498. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina:

H.R. 3499. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. REHBERG (for himself and Mr. MILLER of Florida):

H.R. 3500. A bill to provide for the conveyance of a small parcel of National Forest System land in the Flathead National Forest in the State of Montana containing a World War II memorial to the Whitefish Mountain Resort; to the Committee on Natural Resources.

By Mr. STUTZMAN:

H.R. 3501. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. CLAY, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. CARSON of Indiana, Mr. PETERS, Ms. NORTON, Ms. RICHARDSON, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. CICILLINE, Ms. JACKSON LEE of Texas, Mr. KILDEE, and Mr. CARNAHAN):

H.R. 3502. A bill to create jobs and reinvest in communities through the rehabilitation of abandoned and foreclosed residential and commercial properties, and for other purposes; to the Committee on Financial Services.

By Mr. WESTMORELAND:

H.R. 3503. A bill to amend the Sarbanes-Oxley Act of 2002 to make Public Company Accounting Oversight Board disciplinary proceedings open to the public; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3504. A bill to provide for a website to receive gifts to reduce the public debt; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

By Mr. HALL (for himself and Mr. DINGELL):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARPER:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution; to the Committee on House Administration.

By Mr. DREIER (for himself and Mr. MEEKS):

H. Res. 472. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with Egypt; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Mr. LANGEVIN, Mr. MEEKS, Ms. JACKSON LEE of Texas, and Ms. NORTON):

H. Res. 473. A resolution expressing support for the goals and ideals of National Family Caregivers Month; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H. Res. 474. A resolution recognizing the valuable contributions of community colleges and encouraging local partnerships with such institutions to train and revitalize the United States workforce, inspire entrepreneurship, educate skilled workers, and invest in local communities; to the Committee on Education and the Workforce.

¶152.19 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. MYRICK introduced a bill (H.R. 3505) for the relief of Bruce William Stewart, Dianne Stewart, Sarah Jane Caitlin Stewart, and Michael Bruce Albert Stewart; which was referred to the Committee on the Judiciary.

¶152.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MACK.
H.R. 49: Mr. POSEY.
H.R. 132: Mr. HINCHEY.
H.R. 154: Mr. MCCAUL.
H.R. 157: Mr. LANCE and Mr. SCHILLING.
H.R. 178: Mr. SMITH of Texas.
H.R. 181: Mr. HOLT.
H.R. 308: Mr. LEVIN.
H.R. 321: Mr. STARK.
H.R. 361: Mr. SCHILLING.
H.R. 420: Mr. CUELLAR, Mr. CASSIDY, and Ms. HAYWORTH.
H.R. 451: Mr. QUAYLE.
H.R. 466: Mr. COHEN.
H.R. 539: Ms. WOOLSEY.
H.R. 589: Mr. PIERLUISI.
H.R. 645: Mr. AMODEI.
H.R. 668: Mr. DUNCAN of South Carolina.
H.R. 721: Mr. JOHNSON of Illinois, Mr. MACK, Mr. DAVIS of Kentucky, Mr. SMITH of Texas, and Mr. SCOTT of South Carolina.
H.R 733: Mr. CASSIDY.
H.R. 749: Mr. DAVIS of Kentucky.
H.R. 763: Ms. DEGETTE and Mr. SESSIONS.
H.R. 835: Mr. DICKS, Mr. PERLMUTTER, and Mr. BRALEY of Iowa.
H.R. 862: Mrs. LOWEY.
H.R. 886: Mr. MCINTYRE.
H.R. 920: Mr. MCKINLEY.
H.R. 942: Ms. BALDWIN.
H.R. 953: Mr. JOHNSON of Illinois.
H.R. 1005: Mr. ALTMIRE.
H.R. 1148: Mrs. MILLER of Michigan, Mr. MURPHY of Pennsylvania, Ms. LEE of California, Ms. KAPTUR, Mr. HOLT, Ms. EDWARDS, Mr. CLEAVER, Mr. LIPINSKI, Mr. BOSWELL, Mr. MCDERMOTT, Mr. KILDEE, Ms. NORTON, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. AUSTIN SCOTT of Georgia, Ms. WOOLSEY, Mrs. NOEM, Mr. THOMPSON of California, Mr. REICHERT, Ms. ESHOO, Mr. BOREN, Mr. PASTOR of Arizona, Mr. MATHESON, Mr. LANGEVIN, Ms. HIRONO, Mr. MILLER of North Carolina, and Mrs. DAVIS of California.
H.R. 1179: Mr. GRIFFIN of Arkansas.
H.R. 1236: Mrs. SCHMIDT and Mr. BUTTERFIELD.
H.R. 1265: Mr. ROSS of Florida.
H.R. 1366: Mr. SCHIFF.
H.R. 1370: Mr. PAULSEN.
H.R. 1416: Mr. PASTOR of Arizona.
H.R. 1418: Ms. WATERS.
H.R. 1426: Ms. HERRERA BEUTLER.
H.R. 1454: Mr. RIBBLE.
H.R. 1499: Mr. GRAVES of Missouri and Mrs. EMERSON.
H.R. 1513: Mr. WALBERG, Mr. FARR, and Mr. RAHALL.
H.R. 1515: Mr. GUTIERREZ.
H.R. 1533: Mr. LARSEN of Washington and Mr. KUCINICH.
H.R. 1546: Mr. DUNCAN of South Carolina, Mrs. BLACKBURN, and Mr. CARNAHAN.
H.R. 1550: Mr. FALEOMAVAEGA and Mrs. CHRISTENSEN.
H.R. 1580: Mr. PAULSEN, Mr. CASSIDY, and Mr. GIBBS.
H.R. 1581: Mr. GRIFFIN of Arkansas.

H.R. 1614: Mr. BENISHEK.
H.R. 1633: Mr. THORNBERRY.
H.R. 1639: Mr. GIBSON.
H.R. 1653: Mrs. MYRICK, Mrs. BONO MACK, and Mr. ISRAEL.
H.R. 1697: Mr. LOEBSACK.
H.R. 1704: Mr. DOGGETT.
H.R. 1716: Ms. HOCHUL.
H.R. 1737: Mr. BARTLETT.
H.R. 1738: Mr. GONZALEZ and Mr. MILLER of North Carolina.
H.R. 1744: Mr. TURNER of Ohio.
H.R. 1815: Mr. GINGREY of Georgia, Mr. MURPHY of Connecticut, Mr. WOODALL, Mr. BASS of New Hampshire, and Mr. MACK.
H.R. 1834: Mr. FRELINGHUYSEN and Mr. MCINTYRE.
H.R. 1842: Mr. MURPHY of Connecticut.
H.R. 1897: Mr. DEUTCH, Mr. GALLEGLY, and Mr. DENT.
H.R. 1940: Mr. MCCOTTER, Ms. MOORE, and Mr. SMITH of Washington.
H.R. 1956: Mr. DUNCAN of South Carolina and Mrs. HARTZLER.
H.R. 1964: Mr. NADLER and Mr. ACKERMAN.
H.R. 1978: Ms. WILSON of Florida.
H.R. 1988: Mr. CICILLINE.
H.R. 2016: Mrs. CAPPS.
H.R. 2028: Mr. MILLER of North Carolina.
H.R. 2051: Mr. WESTMORELAND.
H.R. 2086: Mr. JONES and Mr. GARY G. MILLER of California.
H.R. 2092: Mr. ROSKAM.
H.R. 2139: Mrs. BLACK, Mr. FILNER, Mr. DUNCAN of South Carolina, Mr. MCCAUL, Mr. MURPHY of Connecticut, Mr. GONZALEZ, Mr. MARCHANT, and Mr. CARDOZA.
H.R. 2140: Mr. COURTNEY, Mr. BARTLETT, Mr. PASTOR of Arizona, and Mr. YOUNG of Florida.
H.R. 2229: Mr. MICHAUD.
H.R. 2233: Ms. JACKSON LEE of Texas.
H.R. 2277: Mrs. MALONEY.
H.R. 2284: Ms. ZOE LOFGREN of California.
H.R. 2288: Mr. CONYERS.
H.R. 2299: Mr. BURGESS.
H.R. 2305: Mr. MCGOVERN.
H.R. 2335: Mr. BOREN.
H.R. 2394: Mr. DAVIS of Illinois and Ms. WATERS.
H.R. 2397: Mr. PAUL.
H.R. 2412: Mr. GUTIERREZ and Mrs. NAPOLITANO.
H.R. 2461: Ms. JENKINS.
H.R. 2492: Mr. SCHILLING and Ms. HANABUSA.
H.R. 2499: Mr. MCGOVERN.
H.R. 2500: Mr. MCCAUL.
H.R. 2505: Mr. PAYNE and Mr. MCGOVERN.
H.R. 2514: Mr. KINZINGER of Illinois.
H.R. 2528: Mr. FINCHER.
H.R. 2538: Mr. LONG.
H.R. 2557: Mr. LATHAM.
H.R. 2568: Ms. ROS-LEHTINEN.
H.R. 2569: Mr. ALTMIRE, Mr. FINCHER, Mr. RIBBLE, Mr. BRADY of Texas, Mr. TIBERI, and Mr. TOWNS.
H.R. 2579: Mr. CARNAHAN.
H.R. 2580: Mr. TONKO.
H.R. 2595: Ms. HOCHUL.
H.R. 2655: Mr. GONZALEZ, Mr. SCHIFF, and Mr. PRICE of North Carolina.
H.R. 2672: Mr. HOLDEN and Mr. BURGESS.
H.R. 2697: Mr. FLAKE and Mr. POMPEO.
H.R. 2717: Mr. CUMMINGS and Mr. HOLT.
H.R. 2722: Mr. MICHAUD.
H.R. 2729: Mr. LATHAM and Mr. MICHAUD.
H.R. 2738: Ms. CHU.
H.R. 2750: Ms. MCCOLLUM.
H.R. 2780: Mr. ROSKAM.
H.R. 2827: Mrs. EMERSON and Mr. GIBSON.
H.R. 2834: Mr. ROKITA and Mr. MARCHANT.
H.R. 2866: Mr. HONDA, Mr. COBLE, and Mr. TOWNS.
H.R. 2874: Mr. NEUGEBAUER, Mr. MARCHANT, and Mr. SHIMKUS.
H.R. 2875: Mr. RUSH.
H.R. 2886: Mr. MEEHAN.
H.R. 2888: Mr. GALLEGLY.
H.R. 2902: Ms. BORDALLO, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MR. DAVIS of Illinois, Ms. LEE of California and Ms. BROWN of Florida.
H.R. 2910: Mr. AKIN.
H.R. 2925: Mr. LIPINSKI.
H.R. 2948: Mr. ISRAEL, Mr. COURTNEY, and Mr. MURPHY of Connecticut.
H.R. 2964: Mr. WALSH of Illinois.
H.R. 2966: Mr. DICKS and Mr. ELLISON.
H.R. 2969: Mr. FITZPATRICK, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. PLATTS, and Mrs. EMERSON.
H.R. 2970: Mr. COHEN.
H.R. 2980: Mr. GENE GREEN of Texas.
H.R. 2982: Mrs. MILLER of Michigan and Mr. HULTGREN.
H.R. 2985: Mr. RAHALL.
H.R. 2989: Ms. JENKINS.
H.R. 2992: Mr. ROYCE.
H.R. 2997: Mr. FRANKS of Arizona, Mr. GOSAR, Mr. JORDAN, Mrs. LUMMIS, Mr. PENCE, Mr. POMPEO, Mr. QUAYLE, Mrs. SCHMIDT, Mr. TURNER of New York, Mr. YOUNG of Indiana, Mr. WITTMAN, Mrs. ELLMERS, Mr. GRAVES of Georgia, Mr. CARNAHAN, Mrs. NOEM, Mr. MANZULLO, Mr. COFFMAN of Colorado, and Mr. BUCSHON.
H.R. 3010: Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. FLAKE, Ms. JENKINS, and Mr. SHULER.
H.R. 3012: Mr. MORAN, Mr. FLAKE, and Mrs. MALONEY.
H.R. 3017: Mr. THOMPSON of California.
H.R. 3050: Mr. JOHNSON of Ohio.
H.R. 3057: Mr. PITTS.
H.R. 3059: Mr. POSEY, and Mr. MURPHY of Pennsylvania.
H.R. 3065: Mr. WELCH.
H.R. 3067: Mr. HANNA, Mr. PAULSEN, Mr. ACKERMAN, Mr. MCGOVERN, Mr. RANGEL, Ms. LEE of California, Mr. LOBIONDO, Mr. MARKEY, Mr. GUINTA, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. ENGEL and Mr. LANCE.
H.R. 3068: Mrs. BLACKBURN, Mr. GARRETT, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. GUINTA, Mr. BILBRAY, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. FLORES, Mr. BARTLETT, and Mr. ROKITA.
H.R. 3074: Mr. PAULSEN, Mr. ROSS of Arkansas, and Mr. MILLER of Florida.
H.R. 3077: Mr. HINCHEY, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Ms. NORTON, Mrs. DAVIS of California, Mr. HONDA, Mr. LUJÁN, and Mr. FILNER.
H.R. 3090: Mr. WESTMORELAND.
H.R. 3091: Mr. HASTINGS of Washington and Mr. TIBERI.
H.R. 3123: Ms. JENKINS.
H.R. 3130: Mr. KLINE and Mr. CHABOT.
H.R. 3134: Ms. JACKSON LEE of Texas.
H.R. 3138: Ms. SUTTON.
H.R. 3159: Mr. DUNCAN of South Carolina.
H.R. 3176: Mr. CAMPBELL.
H.R. 3186: Mr. KING of New York.
H.R. 3192: Mr. WOLF.
H.R. 3207: Mr. COBLE.
H.R. 3210: Mr. MCCLINTOCK.
H.R. 3216: Mr. PASTOR of Arizona, Mr. GUTHRIE and Mr. GRIMM.
H.R. 3243: Mr. JONES, Mr. LONG and Mr. PRICE of Georgia.
H.R. 3260: Mr. ELLISON.
H.R. 3264: Mr. SCHWEIKERT.
H.R. 3266: Ms. RICHARDSON.
H.R. 3269: Mr. ALTMIRE, Mr. GOWDY, Mrs. NOEM, Ms. SUTTON, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. MARKEY, and Mr. BASS of New Hampshire.
H.R. 3271: Ms. HAHN.
H.R. 3308: Mr. HUELSKAMP, Mr. SCHWEIKERT, Mr. MCCLINTOCK, Mr. ROYCE, Mr. RYAN of Wisconsin, and Mr. DUFFY.
H.R. 3313: Ms. NORTON.
H.R. 3316: Mr. FARR and Ms. LEE of California.
H.R. 3317: Mr. FARR and Ms. LEE of California.
H.R. 3318: Mr. WALSH of Illinois, Mr. KING of Iowa, Mr. HALL, Mr. GINGREY of Georgia, Mr. COBLE, Mr. WEST, Mrs. BACHMANN, Mr. KELLY, and Mr. AMODEI.
H.R. 3323: Mr. JOHNSON of Illinois.
H.R. 3324: Mr. MORAN.
H.R. 3334: Ms. DEGETTE.
H.R. 3337: Mr. WITTMAN, Mr. BENISHEK, Mr. CARNAHAN, Ms. CHU, and Mr. COURTNEY.
H.R. 3341: Ms. BERKLEY.
H.R. 3346: Mr. ROTHMAN of New Jersey, Ms. TSONGAS, Ms. CASTOR of Florida, Ms. CHU, Mr. BISHOP of New York, and Mrs. CAPPS.
H.R. 3362: Mr. LONG.
H.R. 3364: Mr. GUTHRIE and Mr. CLARKE of Michigan.
H.R. 3366: Mr. MARCHANT and Mr. CROWLEY.
H.R. 3393: Mr. MILLER of Florida, Mr. ROONEY, and Mr. WEST.
H.R. 3395: Mr. HANNA.
H.R. 3400: Mr. WILSON of South Carolina, Mr. KLINE, Mr. WESTMORELAND, Mr. ROKITA, Mr. FLORES, Mr. GINGREY of Georgia, Mr. HARRIS, and Mrs. MYRICK.
H.R. 3410: Mrs. MILLER of Michigan.
H.R. 3418: Mr CONNOLLY of Virginia.
H.R. 3422: Mr. MARCHANT.
H.R. 3423: Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Ms. TSONGAS, Mr. LARSON of Connecticut, Mr. BERG, Mr. LIPINSKI, Mr. COURTNEY, and Mr. RYAN of Ohio.
H.R. 3424: Mr. ROTHMAN of New Jersey.
H.R. 3425: Mr. LEWIS of Georgia.
H.R. 3427: Mr. LEVIN and Mr. PALLONE.
H.R. 3435: Ms. CHU, Mr. LARSON of Connecticut, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. CAPUANO, Mr. MCGOVERN, Mr. WELCH, and Mr. CARNAHAN.
H.R. 3440: Mr. KLINE and Mr. BARTLETT.
H.R. 3453: Mr. SENSENBRENNER.
H.R. 3466: Mr. BISHOP of New York.
H.J. Res. 20: Mr. GRIFFIN of Arkansas.
H.J. Res. 72: Mr. COHEN.
H.J. Res. 80: Mrs. MALONEY.
H.J. Res. 85: Mr. FLORES, Mr. DUNCAN of South Carolina, and Mr. POSEY.
H.J. Res. 88: Ms. SLAUGHTER, Mr. JONES, and Mr. COHEN.
H. Con. Res. 78: Mr. LEWIS of Georgia.
H. Res. 134: Mr. RIGELL and Mr. LAMBORN.
H. Res. 253: Mr. TURNER of Ohio, Mr. AUSTIN SCOTT of Georgia, and Mr. PEARCE.
H. Res. 306: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 341: Mr. MORAN, Mrs. NAPOLITANO, Mr. LEVIN, Mr. STARK, Mr. MCCOTTER, Mr. PRICE of North Carolina, and Ms. ZOE LOFGREN of California.
H. Res. 367: Mr. NADLER.
H. Res. 376: Mr. KEATING.
H. Res. 429: Mr. FORBES, Mr. GALLEGLY, Mr. GRIFFIN of Arkansas, and Mrs. MILLER of Michigan.
H. Res. 452: Ms. PINGREE of Maine.
H. Res. 454: Ms. MCCOLLUM, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. MEEKS, and Ms. PINGREE of Maine.
H. Res. 460: Mr. LEVIN, Ms. BASS of California, Mr. FRELINGHUYSEN, Mr. CARNAHAN, Mr. COHEN, and Mr. MCGOVERN.
H. Res. 468: Mr. CICILLINE, Mr. WEST, Ms. HERRERA BEUTLER, and Mr. TOWNS.

TUESDAY, NOVEMBER 22, 2011 (153)

¶153.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 22, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶153.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced he had examined and approved the Journal of the proceedings of Friday, November 18, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶153.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3944. A letter from the Under Secretary, Department of Defense, transmitting the Department's certification that the survivability testing of the Ship to Shore Connector (SSC) would be unreasonably expensive, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

3945. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Mitchell H. Stevenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3946. A letter from the Chair, Community Preventive Services Task Force, transmitting the first Annual Report to Congress, pursuant to Public Law 111-148, section 4003(b)(1); to the Committee on Energy and Commerce.

3947. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2011 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

3948. A letter from the Chair, Preventive Care Task Force, transmitting the first Annual Report to Congress on High Priority Evidence Gaps for Clinical Preventive Services, pursuant to Public Law 111-148, section 4003(a); to the Committee on Energy and Commerce.

3949. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(B) (111 Stat. 734); to the Committee on the Judiciary.

3950. A letter from the Chair, United States Sentencing Commission, transmitting a Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System (as directed by section 4713 of Public Law 111-84); to the Committee on the Judiciary.

3951. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3327-EM in the State of North Carolina, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3952. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3328-EM in the State of New York, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY [Docket FAA No.: FAA-2011-0439; Airspace Docket No. 11-ANM-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Palymra, PA [Docket No.: FAA-2011-0707; Airspace Docket No. 11-AEA-17] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rutherfordton, NC [Docket No.: FAA-2010-1330; Airspace Docket No. 10-ASO-41] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Shelby, NC [Docket No.: FAA-2011-0280; Airspace Docket No. 11-ASO-16] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Allakaket, AK [Docket No.: FAA-2011-0756; Airspace Docket No. 11-AAL-09] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Air Traffic Service Routes; Northeast United States [Docket No.: FAA-2011-0376; Airspace Docket No. 10-AEA-11] (RIN: 2120-AA66) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lebanon, PA [Docket No.: FAA-2011-0558; Airspace Docket No. 11-AEA-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace and Revocation of Class E Airspace; Manassas, VA [Docket No.: FAA-2011-0579; Airspace Docket No. 11-AEA-14] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3961. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Burlington, VT [Docket No.: FAA-2011-0243; Airspace Docket No. 11-ANE-12] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Wrightstown, NJ [Docket No.: FAA-2011-0623; Airspace Docket No. 11-AEA-15] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Chinle, AZ [Docket No.: FAA-2011-0517; Airspace Docket No. 11-AWP-7] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Description of VOR Federal Airway V-299; CA [Docket No.: FAA-2011-1015; Airspace Docket No. 10-AWP-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30805; Amdt. No. 496] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3966. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30807; Amdt. No. 3447] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3967. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30806 Amdt. No. 3446] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶153.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC November 21, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, The 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, I have the honor to transmit a sealed envelope received from the White House on November 21, 2011, at 4:15 p.m., and said to contain a message from the President whereby he submits to the Congress an Executive Order, he has issued with respect to Iran.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶153.5 NATIONAL EMERGENCY WITH RESPECT TO IRAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President

in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

In the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (22 U.S.C. 8501 et seq.) (CISADA), which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. The Congress also found in CISADA that economic sanctions imposed pursuant to the provisions of CISADA, the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), and IEEPA, and other authorities available to the United States to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA (22 U.S.C. 8514(a)), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in ISA, as amended by, inter alia, CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed pursuant to ISA by the Secretary of State.

This order expands upon actions taken pursuant to ISA, as amended by, inter alia, CISADA. The ISA requires that, absent a waiver, the President impose at least three of nine possible forms of sanctions on persons determined to have made certain investments in Iran's energy sector. The CISADA expanded ISA to, inter alia, require the same treatment of persons determined to have provided refined petroleum to Iran above specified monetary thresholds or have provided certain goods, services, technology, information, or support to Iran related to the importation or development of refined petroleum. This order authorizes the Secretary of State to impose similar sanctions on persons determined to have provided certain goods, services, technology, or support that contributes to either Iran's development of petroleum resources or to Iran's production of petrochemicals, two sectors that continue to fund Iran's illicit nuclear activities and that could serve as conduits for Iran to obtain proliferation sensitive technology. Because CISADA has impeded Iran's ability to develop its domestic refining capacity, Iran has tried to compensate by using its petrochemical facilities to refine petroleum. These new authorities will allow the United States to target directly Iran's attempts to subvert U.S. sanctions.

This order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose sanctions on a person upon determining that the person:

knowingly, on or after the effective date of the order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of $1,000,000 or more or that, during a 12–month period, has an aggregate fair market value of $5,000,000 or more, and that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran;

knowingly, on or after the effective date of this order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of $250,000 or more or that, during a 12–month period, has an aggregate fair market value of $1,000,000 or more, and that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products;

is a successor entity to a person that engaged in a provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order;

owns or controls a person that engaged in provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order and had actual knowledge or should have known that the person engaged in the activities; or

is owned or controlled by, or under common ownership or control with, a person that engaged in the provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order, and knowingly participated in the provision of such goods, services, technology, or support.

The following sanctions may be selected for imposition on a person that the Secretary of State determines to meet any of the above criteria:

the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

with respect to a sanctioned person that is a financial institution, the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

the Secretary of the Treasury shall prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12–month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

the Secretary of the Treasury shall prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

the Secretary of the Treasury shall prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

the Secretary of the Treasury shall block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

the Secretary of the Treasury shall restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of section 3 of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *November 20, 2011*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 112–74).

¶153.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication from Mr. GARDNER:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 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 to testify and to produce documents, issued by the District Court of Larimer County, Colorado.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House. Furthermore, on November 10, 2011, the District Court of Larimer County, Colorado quashed this subpoena. Therefore, my testimony and production of documents are no longer required.

Sincerely,

CORY GARDNER,
Member of Congress.

And then,

¶153.7 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, and pursuant to the special order of the House agreed to on November 18, 2011, at 10 o'clock and 15 minutes a.m., declared the House adjourned until 1 p.m. on Friday, November 25, 2011.

¶153.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1550. A bill to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes; with an amendment (Rept. 112–293). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3010. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents; with an amendment (Rept. 112–294). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1254. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; with an amendment (Rept. 112–295, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1254. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; with an amendment (Rept. 112–295, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

¶153.9 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. REED (for himself, Mr. PAULSEN, and Mr. THOMPSON of California):

H.R. 3506. A bill to strengthen and protect Medicare hospice programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WILSON of Florida:

H.R. 3507. A bill to halt removal of aliens to Haiti until a report is made to the Congress on the status of post-earthquake humanitarian, reconstruction, and development efforts in Haiti; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. MCINTYRE):

H.R. 3508. A bill to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶153.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 890: Mr. RYAN of Ohio, Mr. CLAY, and Mr. BRADY of Pennsylvania.

H.R. 931: Mr. LAMBORN.

H.R. 1148: Mr. LONG, Mr. REYES, Mr. SCOTT of Virginia, Mr. JOHNSON of Ohio, Ms. SEWELL, Mr. DONNELLY of Indiana, and Mr. HECK.

H.R. 1639: Mr. MCCAUL, Mr. SCOTT of South Carolina, Mr. CRITZ, Mr. BACA, and Mr. CRAVAACK.

H.R. 1905: Mr. BOSWELL and Mr. REYES.

H.R. 2105: Mr. CALVERT and Mrs. MYRICK.

H.R. 2492: Mr. BRALEY of Iowa, Mr. CHABOT, Ms. LEE of California, and Mr. ROTHMAN of New Jersey.

H.R. 2815: Mr. COFFMAN of Colorado and Mr. ROTHMAN of New Jersey.

H.R. 2874: Mr. ALEXANDER.

H.R. 2886: Mr. PIERLUISI.

H.R. 2962: Mr. SCHOCK, Mr. TONKO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3159: Ms. BASS of California.

H.R. 3167: Mr. GERLACH and Mr. CROWLEY.

H.R. 3236: Mr. BRALEY of Iowa.

H.R. 3409: Mr. FLORES, Mr. HARPER, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. ROKITA, and Mr. MCKINLEY.

H.R. 3422: Mr. HANNA.

H.R. 3440: Mr. LONG, Mr. REHBERG, and Mr. BURTON of Indiana.

H.R. 3461: Mr. DOLD, Mr. JONES, Mr. MCCOTTER, Mrs. BIGGERT, Mr. ROYCE, Mr. GRIMM, and Mr. GARDNER.

H.R. 3477: Mr. DOGGETT.

H. Res. 413: Mr. GRIMM, Mr. RANGEL, and Mr. KING of New York.

¶153.11 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of Southern States Energy Board, Georgia, relative to urging Congress to adopt legislation prohibiting the EPA, by any means necessary, from regulating greenhouse gas emissions; to the Committee on Energy and Commerce.

29. Also, a petition of Southern States Energy Board, Georgia, relative to urging the Member States of the Southern States Energy Board and the EPA to issue PSD permits for new coal-fueled electric generating units; to the Committee on Energy and Commerce.

30. Also, a petition of Southern States Energy Board, Georgia, relative to submitting to Congress a piece of proposed legislation; to the Committee on Ways and Means.

31. Also, a petition of Southern States Energy Board, Georgia, relative to submitting a piece of proposed legislation; to the Committee on Ways and Means.

32. Also, a petition of Southern States Energy Board, Georgia, relative to submitting a piece of proposed legislation; to the Committee on Ways and Means.

FRIDAY, NOVEMBER 25, 2011 (154)

¶154.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 25, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶154.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced he had examined and approved the Journal of the proceedings of Tuesday, November 22, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶154.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3968. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule—Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF [Release No.: IA–3308; File No. S7–05–11] (RIN: 3235–AK92) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3969. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule— Position Limits for Futures and Swaps (RIN: 3038–AD17) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3970. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's Fiscal Year 2011 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

3971. A letter from the Secretary, Department of Labor, transmitting the Department's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

3972. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report; Telework: Weighing the Information, Determining an Appropriate Approach; to the Committee on Oversight and Government Reform.

¶154.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 22, 2011 at 10:53 a.m.:

That the Senate passed S. 1541.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶154.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. LATOURETTE, announced that, pursuant to clause 4 of rule I, the Speaker pro tempore, Mr. UPTON, signed the following enrolled bills on Saturday, November 19, 2011:

H.R. 674. An Act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities.

H.R. 3321. An Act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

¶154.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication from Toinetta Bridgeforth, Contract Specialist, office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 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 issued by the Superior Court of the District of Columbia for testimony in a civil case.

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,

TOINETTA BRIDGEFORTH,
Contract Specialist.

¶154.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication from Lawrence B. Toperoff, Chief Acquisitions Officer, office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, The Capitol, 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 issued by the Superior Court of the District of Columbia for testimony in a civil case.

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,

LAWRENCE B. TOPEROFF,
Chief Acquisitions Officer.

And then,

¶154.8 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, and pursuant to the special order of the House agreed to on November 18, 2011, at 1 o'clock and 5 minutes p.m., declared the House adjourned until 2 p.m. on Tuesday, November 29, 2011.

¶154.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 965: Mr. CONYERS, Ms. MCCOLLUM, and Mr. PETERS.
H.R. 1410: Ms. CHU and Mr. COBLE.
H.R. 1578: Ms. CHU.
H.R. 1681: Ms. HAHN.
H.R. 1842: Mr. PRICE of North Carolina.
H.R. 2085: Mr. FILNER.
H.R. 2471: Mr. PETRI.
H.R. 2492: Mr. WELCH and Mr. JOHNSON of Georgia.
H.R. 2524: Ms. BERKLEY.
H.R. 2815: Mr. RANGEL and Mr. MCCAUL.
H.R. 2830: Mr. SCHIFF, Mr. RIVERA, Ms. BUERKLE, Ms. ROYBAL-ALLARD, Mr. TERRY, Mr. OLVER, and Mrs. CAPPS.
H.R. 3324: Ms. ROYBAL-ALLARD.
H.R. 3423: Mrs. MCCARTHY of New York, Ms. HERRERA BEUTLER, Mr. TIBERI, Mr. ACKERMAN, and Mr. POSEY.

TUESDAY, NOVEMBER 29, 2011 (155)

¶155.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HARRIS, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 29, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶155.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HARRIS, announced he had examined and approved the Journal of the proceedings of Friday, November 25, 2011.

Mr. KUCINICH, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HARRIS, announced that the yeas had it.

Mr. KUCINICH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶155.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

3973. A letter from the Under Secretary, Department of Defense, transmitting Selected Acquisition Reports for the quarter ending June 30; to the Committee on Armed Services.

3974. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Fire-Resistant Fiber for Production of Military Uniforms (DFARS Case 2011-D021) (RIN: 0750-AH22) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3975. A letter from the Secretary, Department of Defense, transmitting first report on the Responsible Redeployment of U.S. Armed Forces from Iraq; to the Committee on Armed Services.

3976. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations (DFARS Case 2011-D032) (RIN: 0750-AH29) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3977. A letter from the Under Secretary, Department of Defense, transmitting a study pursuant to the Conference Report of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

3978. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Representation Relating to Compensation of Former DoD Officials (DFARS Case 2010-D020) (RIN: 0750-AG99) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3979. A letter from the Deputy Director, Office of Labor-Management Standards, Department of Labor, transmitting the Department's final rule — Labor Organization Officer and Employee Reports (RIN: 1215-AB74) (RIN: 1245-AA01) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3980. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Frequency Regulation Compensation in the Organized Wholesale Power Markets [Docket Nos.: RM11-7-000 and AD10-11-000; Order No. 755] received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3981. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-36, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3982. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-38, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3983. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3984. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3985. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-74, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3986. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-71, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3987. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3988. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3989. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-17, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3990. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3991. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3992. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorizations in the People's Republic of China: National Semiconductor Corporation and Semiconductor Manufacturing International Corporation [Docket No.: 110804481-1527-01] (RIN: 0694-AF32) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3993. A letter from the Secretary, Department of Defense, transmitting a letter pursuant to the authority of section 1033 of the National Defense Authorization Act for Fiscal Year 1998; to the Committee on Foreign Affairs.

3994. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

3995. A letter from the Under Secretary, Department of Defense, transmitting the annual report on ''The Worldwide Nuclear, Biological, and Chemical Weapons and Ballistic and Cruise Missile Threat''; to the Committee on Foreign Affairs.

3996. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Filing, Retention, and Return of Export Licenses and Filing of Export Information (RIN: 1400-AC91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3997. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d)(3) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Mexico (Transmittal No. DDTC-11-117); to the Committee on Foreign Affairs.

3998. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List all chemical toilets and their related components, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3999. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-064, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4000. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-121, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4001. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4002. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-122, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4003. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4004. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4005. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4006. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4007. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4008. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-111, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4009. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-086, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4010. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 11-069, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4011. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to section 81(d) of the Arms Export Control Act and Section 11C(d) of the Export Administration Act of 1979; to the Committee on Foreign Affairs.

4012. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 51th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Foreign Affairs.

4013. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter responding to GAO report number GAO-11-431C; to the Committee on Foreign Affairs.

4014. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a signed determination pursuant to Section 620H of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

4015. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on CWC Compliance; to the Committee on Foreign Affairs.

4016. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

4017. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the California Advisory Committee; to the Committee on the Judiciary.

4018. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a ''foreign terrorist organization'', pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

4019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bumpass, VA [Docket No.: FAA-2011-0377; Airspace Docket No. 11-AEA-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Gordonsville, VA [Docket No.: FAA-2011-0375; Airspace Docket No. 11-AEA-9] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Miles City, MT [Docket No.: FAA-2011-0515; Airspace Docket No. 11-ANM-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Orangeburg, SC [Docket No.: FAA-2010-1325; Airspace Docket No. 10-ASO-40] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gary, IN [Docket No.: FAA-2011-0427; Airspace Docket No. 11-AGL-7] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Shelby, MT [Docket No.: FAA-2011-0536; Airspace Docket No. 11-ANM-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY [Docket No.: FAA-2011-0439; Airspace Docket No. 11-ANM-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Brunswick, ME [Docket No.: FAA-2011-0116; Airspace Docket No. 11-ANE-1] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Northway, AK [Docket No.: FAA-2011-0758; Airspace Docket No. 11-AAL-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, MS [Docket No.: FAA-2011-0102; Airspace Docket No. 11-ASO-39] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nahunta, GA [Docket No.: FAA-2011-0727; Airspace Docket No. 11-ASO-32] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Market, VA [Docket No.: FAA-2011-0380; Airspace Docket No. 11-AEA-12] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Description of VOR Federal Airway V-299; C [Docket No.: FAA-2011-1015; Airspace Docket No. 10-AWP-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a Statement of Actions with respect to the GAO report entitled, ''Personal ID Verification: Agencies Should Set a Higher Priority on Using the Capabilities of Standardized Identification Cards''; to the Committee on Science, Space, and Technology.

4033. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4034. A letter from the Acting Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4035. A letter from the Chairman, National Health Care Workforce Commission, transmitting a letter describing the status of the National Health Care Workforce Commission; jointly to the Committees on Energy and Commerce and Ways and Means.

¶155.4 RECESS—2:13 P.M.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 13 minutes p.m., until approximately 4 p.m.

¶155.5 AFTER RECESS—4:05 P.M.

The SPEAKER pro tempore, Mr. HARRIS, called the House to order.

¶155.6 IMMIGRATION AND NATIONALITY

Mr. CHAFFETZ moved to suspend the rules and pass the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. CHAFFETZ and Mr. COHEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶155.7 NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION

Mr. CHAFFETZ moved to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. CHAFFETZ and Mr. COHEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶155.8 SECURITY SCREENINGS FOR MEMBERS OF THE ARMED FORCES

Mr. CRAVAACK moved to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; as amended.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. CRAVAACK and Ms. RICHARDSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CRAVAACK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶155.9 FEDERAL EMPLOYEES' COMPENSATION

Mr. WALBERG moved to suspend the rules and pass the bill (H.R. 2465) to amend the Federal Employees' Compensation Act; as amended.

The SPEAKER pro tempore, Mr. HARRIS, recognized Mr. WALBERG and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶155.10 RECESS—5:03 P.M.

The SPEAKER pro tempore, Mr. HARRIS, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 3 minutes p.m., until approximately 6:30 p.m.

¶155.11 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CHAFFETZ, called the House to order.

¶155.12 H.R. 3012—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHAFFETZ, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that two-thirds of those present had voted in the affirmative.

Mr. CAPUANO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 15

¶155.13 [Roll No. 860]

YEAS—389

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
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—15

Burgess
Burton (IN)
DesJarlais
Duncan (TN)
Franks (AZ)
Hunter
Jones
King (IA)
Kissell
Marchant
McCotter
McIntyre
Posey
Webster
Westmoreland

NOT VOTING—29

Bachmann
Blackburn
Bono Mack
Broun (GA)
Campbell
Cantor
Carter
Costa
Costello
Deutch
Diaz-Balart
Dreier
Fortenberry
Giffords
Gonzalez
Gutierrez
Hinchey
Inslee
Mack
Miller (FL)
Noem
Paul
Pence
Platts
Rokita
Ruppersberger
Rush
Schilling
Sutton

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶155.14 H.R. 2192—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEST, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 1

¶155.15 [Roll No. 861]

YEAS—407

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)

Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Amash

NOT VOTING—25

Bachmann
Blackburn
Bono Mack
Broun (GA)
Campbell
Carter
Costa
Costello
Deutch
Diaz-Balart
Dreier
Fortenberry
Giffords
Gonzalez
Gutierrez
Hinchey
Inslee
Mack
Miller (FL)
Noem
Paul
Pence
Rokita
Rush
Schilling

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶155.16 H.R. 1801—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEST, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶155.17 [Roll No. 862]

YEAS—404

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
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
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall

Woolsey	Yoder	Young (FL)
Yarmuth	Young (AK)	Young (IN)

NOT VOTING—29

Bachmann	Costello	Mack
Bass (CA)	Deutch	Miller (FL)
Blackburn	Diaz-Balart	Noem
Bono Mack	Dreier	Paul
Broun (GA)	Giffords	Pence
Campbell	Gonzalez	Rokita
Cardoza	Goodlatte	Rush
Carson (IN)	Gutierrez	Schilling
Carter	Hinchey	Serrano
Costa	Inslee	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶155.18 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEST, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, November 25, 2011.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. WEST, announced that the yeas had it.

So the Journal was approved.

¶155.19 PROVIDING FOR CONSIDERATION OF H.R. 3463, H.R. 527, AND H.R. 3010

Mr. WOODALL, by direction of the Committee on Rules, reported (Rept. No. 112–296) the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal Agencies analyze and formulate new regulations and guidance documents.

When said resolution and report were referred to the House Calendar and ordered printed.

¶155.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. SUTTON, for today.

And then,

¶155.21 ADJOURNMENT

On motion of Mr. TONKO, at 8 o'clock and 21 minutes p.m., the House adjourned.

¶155.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 477. Resolution providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (Rept. 112–296). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. Supplemental report on H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; Referred to the Committee of the Whole House on the state of the Union. (Rept. 112–289 Pt. 3).

¶155.23 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. WAXMAN (for himself, Ms. ESHOO, Mr. MARKEY, Mr. DOYLE, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. PALLONE, Ms. DEGETTE, Mr. ENGEL, and Ms. SCHAKOWSKY):

H.R. 3509. A bill to provide for the creation of a public safety broadband network, to ensure a more efficient and innovative allocation of the electromagnetic spectrum, to permit the Federal Communications Commission to conduct incentive auctions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, 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. GRIMM (for himself, Mr. PIERLUISI, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. KING of New York, Mr. TOWNS, Mr. DIAZ-BALART, Ms. BORDALLO, Mr. BACHUS, Mrs. MALONEY, Mr. BILBRAY, Mr. MORAN, Mr. CRENSHAW, Mr. MEEKS, Mr. FITZPATRICK, Mr. MARKEY, Mr. HANNA, Mr. SERRANO, Mr. POSEY, Ms. BROWN of Florida, Mr. TURNER of New York, Ms. MCCOLLUM, Mr. DOLD, Mr. SABLAN, Mr. GIBSON, Mr. REYES, Ms. NORTON, Ms. TSONGAS, Mr. CONNOLLY of Virginia, Mr. BLUMENAUER, Mr. FALEOMAVAEGA, and Ms. ROS-LEHTINEN):

H.R. 3510. A bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, 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. OLSON:

H.R. 3511. A bill to amend the Public Health Service Act to clarify liability protections regarding emergency use of automated external defibrillators; to the Committee on Energy and Commerce.

By Mr. NADLER:

H.R. 3512. A bill to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed; to the Committee on Financial Services.

By Ms. BROWN of Florida (for herself, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. CLARKE of Michigan, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. MOORE, Mr. DAVID SCOTT of Georgia, Ms. WILSON of Florida, Ms. HANABUSA, Ms. SEWELL, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. CLARKE of New York, Mr. PIERLUISI, Mr. TOWNS, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. MEEKS, Mr. HASTINGS of Florida, Ms. WATERS, Mr. RICHMOND, Mr. RUSH, Mr. RANGEL, Ms. NORTON, and Mr. CLEAVER):

H.R. 3513. A bill to require at least 10 percent of certain transportation funding to be made available for small business concerns owned and controlled by socially and economically disadvantaged individuals; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, 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. CLAY (for himself, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 3514. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 3515. A bill to save money and reduce tragedies through prevention grants; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. LARSON of Connecticut):

H.R. 3516. A bill to amend title XVIII of the Social Security Act with respect to Medicare payment for long-term care hospital services; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 3517. A bill to amend the Passport Act of 1920 to waive the collection of passport fees to replace passports that were lost, damaged, or destroyed as a result of major disasters or emergencies; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan:

H.R. 3518. A bill to impose a regulatory moratorium and prevent taxes from being raised for 2 years; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, 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. TOWNS (for himself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. CLAY, Mr. CARSON of Indiana, Ms. HANABUSA, and Mr. HASTINGS of Florida):

H.R. 3519. A bill to amend to exempt the Medicare program from fallback sequestration under the Budget Control Act of 2011; to the Committee on the Budget.

By Mr. YOUNG of Alaska:

H.R. 3520. A bill to amend title 10, United States Code, to ensure that the retired pay benefits promised a person when they join the Armed Forces are not reduced; to the Committee on Armed Services.

By Mr. ROE of Tennessee (for himself, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. PALAZZO, Mr. BUCSHON, Mr. BARLETTA, Mr. BONNER, Mr. HARPER, Mr. BILIRAKIS, Mr. WOODALL, Mr. CRAWFORD, Mr. GOHMERT, Mr. BURGESS, Mr. ALEXANDER, Mr. MCCLINTOCK, and Mrs. MILLER of Michigan):

H. Res. 475. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, 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. MCGOVERN (for himself, Mr. CAPUANO, Ms. BORDALLO, Mr. MORAN, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. SIRES, Mr. HASTINGS of Florida, Mr. KEATING, Mr. LEVIN, Mr. LEWIS of Georgia, and Ms. TSONGAS):

H. Res. 476. A resolution recognizing the 30th anniversary of Students Against Destructive Decisions (SADD); to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 478. A resolution expressing the sense of the House of Representatives that the Justices of the United States Supreme Court should make themselves subject to the existing and operative ethics guidelines set out in the Code of Conduct for United States Judges, most of which are already legally binding on them; to the Committee on the Judiciary.

¶155.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MURPHY of Connecticut.
H.R. 100: Mr. KING of Iowa and Mr. YOUNG of Alaska.
H.R. 115: Mr. MCGOVERN.
H.R. 190: Ms. MCCOLLUM and Mr. MCGOVERN.
H.R. 200: Mr. LEWIS of California.
H.R. 265: Mr. RANGEL and Mr. SCOTT of Virginia.
H.R. 363: Mr. SHERMAN.
H.R. 365: Mr. DANIEL E. LUNGREN of California.
H.R. 376: Mr. JACKSON of Illinois.
H.R. 452: Mrs. MYRICK and Mr. FRANK of Massachusetts.
H.R. 459: Mr. CRAVAACK and Mr. LANDRY.
H.R. 487: Ms. LEE of California.
H.R. 640: Mr. ENGEL, Mrs. MALONEY, and Mr. LEWIS of Georgia.
H.R. 719: Mr. ROE of Tennessee.
H.R. 721: Mr. CRAVAACK and Mrs. BLACKBURN.
H.R. 787: Mr. HUIZENGA of Michigan.
H.R. 807: Mr. LOEBSACK.
H.R. 809: Mr. MORAN.
H.R. 835: Mr. PAYNE and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 860: Mr. LAMBORN, Mr. DENT, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. TERRY, Mr. REYES, and Ms. EDWARDS.
H.R. 890: Ms. HIRONO and Mr. RUPPERSBERGER.
H.R. 891: Mr. WALZ of Minnesota.
H.R. 993: Mr. MILLER of Florida.
H.R. 996: Mr. RAHALL.
H.R. 1145: Mr. MCCOTTER.
H.R. 1148: Ms. JENKINS, Mr. HONDA, Mrs. HARTZLER, Mr. ISRAEL, Mr. SCHRADER, Mr. WOLF, Ms. MATSUI, Mr. SIRES, Ms. FUDGE, Mr. LANCE, Mr. RUPPERSBERGER, Mr. CICILLINE, Ms. CASTOR of Florida, Mr. GERLACH, Mr. DUNCAN of South Carolina, Mr. LABRADOR, Mrs. MYRICK, and Mr. STARK.
H.R. 1161: Mr. CARSON of Indiana.
H.R. 1164: Mr. LONG and Mr. THORNBERRY.
H.R. 1219: Mr. BARTON of Texas.
H.R. 1244: Mr. CARSON of Indiana and Mr. SENSENBRENNER.
H.R. 1295: Ms. CASTOR of Florida.
H.R. 1307: Mr. LONG.
H.R. 1350: Mr. JONES.
H.R. 1370: Mr. DUNCAN of Tennessee and Mr. JOHNSON of Ohio.
H.R. 1394: Ms. MATSUI, Mr. GUTIERREZ, Mr. LYNCH, Mr. WATT, Mr. BUTTERFIELD, Mr. PAYNE, Mrs. MALONEY, Mr. COSTA, Mr. HINOJOSA.
H.R. 1426: Ms. DEGETTE and Mr. TURNER of Ohio.
H.R. 1449: Ms. CLARKE of New York and Ms. ROYBAL-ALLARD.
H.R. 1488: Ms. HAHN.
H.R. 1509: Mrs. MYRICK.
H.R. 1511: Mr. MCINTYRE.
H.R. 1513: Mrs. DAVIS of California, Mr. PAYNE, Mr. LANCE, Mr. WELCH, Mr. DOYLE, and Mr. DAVIS of Illinois.
H.R. 1558: Mr. BASS of New Hampshire.
H.R. 1621: Mr. AUSTIN SCOTT of Georgia.
H.R. 1653: Mr. BISHOP of Georgia and Mr. KINGSTON.
H.R. 1704: Ms. CASTOR of Florida.
H.R. 1718: Mr. ROSS of Florida.
H.R. 1744: Mrs. MYRICK, Mr. AMODEI, and Mr. YODER.
H.R. 1776: Mr. JOHNSON of Georgia.
H.R. 1792: Mr. JOHNSON of Ohio.
H.R. 1798: Mr. HURT.
H.R. 1809: Mr. BISHOP of New York.
H.R. 1815: Mrs. BONO MACK.
H.R. 1821: Mr. HOLT.
H.R. 1834: Mr. CASSIDY and Mr. WESTMORELAND.
H.R. 1903: Mr. HOLT and Mr. DOYLE.
H.R. 1905: Ms. PINGREE of Maine and Mr. RICHMOND.
H.R. 1956: Mr. LABRADOR and Mr. BERG.
H.R. 1988: Mr. VAN HOLLEN.
H.R. 2012: Mr. HONDA.
H.R. 2014: Mr. YOUNG of Alaska.
H.R. 2071: Ms. DEGETTE.
H.R. 2077: Mr. YOUNG of Indiana.
H.R. 2082: Mr. ROTHMAN of New Jersey.
H.R. 2139: Mr. BOUSTANY, Ms. JACKSON LEE of Texas, and Ms. DELAURO.
H.R. 2161: Mr. STARK.
H.R. 2185: Mr. STARK and Mr. HASTINGS of Florida.
H.R. 2248: Mr. KILDEE and Mr. PLATTS.
H.R. 2299: Mr. SIMPSON and Mr. SMITH of Nebraska.
H.R. 2342: Mr. RAHALL.
H.R. 2408: Mr. AMODEI.
H.R. 2412: Mrs. MALONEY and Ms. SCHAKOWSKY.
H.R. 2414: Mr. LONG, Mr. CRAVAACK, Mr. HANNA, Mr. COBLE, and Mr. BRADY of Texas.
H.R. 2459: Mr. SOUTHERLAND.
H.R. 2479: Mr. LARSON of Connecticut, Mr. NEAL, and Mr. BRALEY of Iowa.
H.R. 2513: Mrs. LOWEY.
H.R. 2528: Mr. DUNCAN of South Carolina.
H.R. 2569: Mr. REED, Mr. MARCHANT, Mr. MICHAUD, Ms. ESHOO, and Mr. CLEAVER.
H.R. 2580: Mr. HOLT, Mr. HIGGINS, and Mr. CROWLEY.
H.R. 2643: Mr. KUCINICH.
H.R. 2672: Mr. THOMPSON of Pennsylvania.
H.R. 2674: Mr. COHEN.
H.R. 2730: Mr. MCDERMOTT and Mr. GUTIERREZ.
H.R. 2733: Mr. KISSELL.
H.R. 2735: Mr. LARSON of Connecticut.
H.R. 2742: Ms. RICHARDSON and Ms. SEWELL.
H.R. 2815: Ms. LEE of California.
H.R. 2827: Mr. QUAYLE, Mr. GARY G. MILLER of California, and Mrs. ELLMERS.
H.R. 2828: Mr. GARAMENDI.
H.R. 2866: Ms. SLAUGHTER.
H.R. 2885: Mr. AMODEI.
H.R. 2899: Mr. DUNCAN of South Carolina.
H.R. 2918: Mr. RANGEL.
H.R. 2948: Mr. MILLER of North Carolina and Mr. HIMES.
H.R. 2955: Ms. PINGREE of Maine.
H.R. 2966: Mr. KILDEE, Mr. COHEN, Mr. COURTNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TURNER of New York, and Mr. DAVIS of Illinois.
H.R. 2980: Mr. FILNER.
H.R. 2982: Mr. MCCOTTER, Mr. NADLER, and Mr. POSEY.
H.R. 3032: Mr. MURPHY of Pennsylvania.
H.R. 3046: Ms. HAHN.
H.R. 3059: Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. GARAMENDI, Mr. WALZ of Minnesota, and Mr. MCCOTTER.
H.R. 3066: Mr. PETRI.
H.R. 3074: Mr. TURNER of New York.
H.R. 3083: Mr. DIAZ-BALART.
H.R. 3145: Mr. PALLONE, Mrs. NAPOLITANO, and Mr. PASCRELL.
H.R. 3154: Mr. PETRI.
H.R. 3158: Mr. KLINE.
H.R. 3178: Ms. NORTON, Mr. HINCHEY, and Ms. DELAURO.
H.R. 3180: Mr. MCGOVERN.
H.R. 3200: Mrs. MCCARTHY of New York.
H.R. 3244: Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. FLORES, Mr. RIBBLE, and Mr. POSEY.
H.R. 3271: Ms. MOORE, Ms. LEE of California, Ms. SLAUGHTER, and Mr. GRIJALVA.
H.R. 3278: Ms. RICHARDSON.
H.R. 3286: Ms. LINDA T. SÁNCHEZ of California, Mr. CLARKE of Michigan, Mr. CARSON of Indiana, and Mrs. MALONEY.
H.R. 3307: Mr. YOUNG of Alaska, Mr. BARTLETT, Mr. WELCH, and Ms. SEWELL.
H.R. 3308: Mr. DUNCAN of South Carolina and Mr. ROSS of Florida.
H.R. 3309: Mr. BARTON of Texas, Mr. TERRY, Mr. BASS of New Hampshire, Mrs. BLACKBURN, and Mr. SCALISE.
H.R. 3310: Mrs. BLACKBURN, Mr. BASS of New Hampshire, Mr. TERRY, Mr. LANCE, and Mr. KINZINGER of Illinois.
H.R. 3316: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3317: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3346: Mr. WAXMAN, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, Mr. FATTAH, Mr. PIERLUISI, Mr. SIRES, Mr. ELLISON, Ms. FUDGE and Mr. LARSON of Connecticut.
H.R. 3357: Mr. STARK, Mr. FARR, Mr. OLVER, and Mr. SHULER.
H.R. 3364: Mr. MORAN, Mr. ACKERMAN, Ms. ESHOO, and Mr. KING of Iowa.
H.R. 3365: Mr. DEFAZIO.
H.R. 3366: Mr. BOUSTANY and Mr. REICHERT.
H.R. 3368: Ms. SLAUGHTER, Mr. BRALEY of Iowa, and Mr. DEFAZIO.
H.R. 3371: Mr. MCINTYRE and Mr. JOHNSON of Georgia.
H.R. 3379: Mrs. MCMORRIS RODGERS and Mr. PETERSON.
H.R. 3393: Ms. WASSERMAN SCHULTZ.
H.R. 3405: Mr. CARSON of Indiana, Mr. LOEBSACK, and Mr. RYAN of Ohio.
H.R. 3409: Mr. SHUSTER.
H.R. 3421: Mr. MEEHAN, Mr. FILNER, Mr. PRICE of Georgia, Mr. NADLER, Mr. KING of New York, Mrs. MCMORRIS RODGERS, Mr. PAULSEN, Ms. MOORE, Mr. PRICE of North Carolina, Mr. PIERLUISI, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SCHWARTZ, Mrs. LUMMIS, Mr. FORTENBERRY, Mr. COLE, Mr. CULBERSON, Mr. COURTNEY, Ms. HERRERA BEUTLER, Mr. WOMACK, Ms.

NORTON, Mr. TERRY, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FATTAH, Mr. SCHOCK, Mr. BOREN, Mr. RYAN of Wisconsin, Mr. DENT, Mr. RANGEL, Mr. TONKO, Mrs. ELLMERS, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. DIAZ-BALART, Mr. COHEN, Mrs. MILLER of Michigan, Mr. BARLETTA, Mr. REED, Mr. BOUSTANY, Mr. ROKITA, Mr. TOWNS, Mr. LONG, Mr. LARSON of Connecticut, Mr. RUSH, Mr. SESSIONS, Mr. DOLD, Mr. HULTGREN, Mr. MILLER of Florida, Mr. PITTS, Mr. GERLACH, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. AUSTRIA, Mr. ELLISON, Mr. RENACCI, Mr. MANZULLO, Mr. QUIGLEY Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, and Mr. DAVID SCOTT of Georgia.

H.R. 3437: Ms. SLAUGHTER, Mr. SABLAN, and Mr. CARNAHAN.

H.R. 3462: Mr. CONYERS.

H.R. 3466: Mr. JACKSON of Illinois.

H.R. 3476: Mr. BILIRAKIS and Mr. OWENS.

H.R. 3485: Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. HAHN, and Ms. BERKLEY.

H.R. 3486: Mr. BOSWELL, Mr. CHABOT, Ms. DELAURO, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MCGOVERN, and Ms. NORTON.

H.R. 3490: Mr. GRIJALVA.

H.J. Res. 88: Mr. FILNER and Mr. BLUMENAUER.

H. Con. Res. 63: Mr. COLE.

H. Con. Res. 85: Mrs. NAPOLITANO and Mr. HONDA.

H. Res. 298: Mr. HONDA, Mr. HARPER, Mr. KISSELL, and Mr. SHIMKUS.

H. Res. 364: Mr. BILBRAY, Mr. VISCLOSKY, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUPPERSBERGER, Ms. SEWELL, Mr. BOUSTANY, Mr. BURGESS, Mr. SCOTT of Virginia, Ms. VELÁZQUEZ, Mr. NEAL, Mr. CRENSHAW, Mr. GINGREY of Georgia, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. FLEISCHMANN, Mr. ROHRABACHER, Mr. LOBIONDO, Mr. SMITH of Texas, Mr. STEARNS, Mr. BUCHANAN, Mr. CRAVAACK, Mr. CANSECO, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BUCSHON, Mr. LAMBORN, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. POSEY, Mr. DREIER, Mr. MULVANEY, and Mr. SMITH of Nebraska.

H. Res. 376: Mr. POE of Texas, Ms. BASS of California, Mr. ROYCE, Mr. MARINO, Mr. SHERMAN, Mr. PETERSON, Mr. MCGOVERN, Mr. SAM JOHNSON of Texas, and Mr. KELLY.

H. Res. 397: Mr. COHEN, Mrs. MALONEY, and Mr. FALEOMAVAEGA.

H. Res. 433: Mr. YOUNG of Alaska.

H. Res. 474: Mr. SABLAN, Mr. ISRAEL, and Ms. BORDALLO.

WEDNESDAY, NOVEMBER 30, 2011 (156)

¶156.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. BROOKS, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 30, 2011.

I hereby appoint the Honorable MO BROOKS to act as speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶156.2 RECESS—11:05 A.M.

The SPEAKER pro tempore, Mr. BROOKS, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 5 minutes a.m., until noon.

¶156.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶156.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, November 29, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶156.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4036. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending September 30, 2011; to the Committee on Armed Services.

4037. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4040. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Investing in Innovation Fund [Docket ID: ED-2011-OII-0001] received November 4, 2011; to the Committee on Education and the Workforce.

4041. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Promise Neighborhoods Program [CFDA: 84.215P] (RIN: 1855-ZA07) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [EPA-R08-OAR-2009-0556; FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4043. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [EPA-R03-OAR-2011-0773; FRL-9487-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4044. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2011-0426; FRL-9485-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District [EPA-R09-OAR-2011-0356; FRL-9479-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District [EPA-R09-OAR-2011-0382; FRL-9477-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0601; FRL-9481-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0463; FRL-9481-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4049. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4050. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4051. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Affairs.

4052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 21- August 20, 2011 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4053. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2011 Annual Report, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A) (94 Stat. 2711); to the Committee on Oversight and Government Reform.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-234, ''Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-228, ''Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-235, ''Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-236, ''Criminal Penalty for Unregistered Motorist Repeal Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-237, ''The Washington Ballet Equitable Real Property Tax Relief Act of 2011''; to the Committee on Oversight and Government Reform.

4059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-238, ''Vault Tax Clarification Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4060. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-239, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

4061. A letter from the Secretary, Department of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2011; to the Committee on Oversight and Government Reform.

4062. A letter from the Director, Department of the Interior, transmitting the 2010 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4063. A letter from the Deputy Director, Department of the Interior, transmitting the 2009 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

4064. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek further review of the decision of the United States Court of Appeals for the Ninth Circuit in the case United States v. Luis Mario Barajas-Alvarado, No. 10-50134 (9th Cir.); to the Committee on the Judiciary.

4065. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2008''; jointly to the Committees on Energy and Commerce and Ways and Means.

4066. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2011 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

¶156.6 GABRIEL ZIMMERMAN MEETING ROOM

Mr. FLEISCHMANN moved to suspend the rules and agree to the resolution (H. Res. 364):

Whereas public events allowing Members of Congress to meet with constituents are an intrinsic element of American democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her ''Congress on your Corner'' event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona's Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords' Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords' January 8, 2011 ''Congress on your Corner'' event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords' staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoor enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to exercise its critical constitutional duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, ''I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve.''; and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties: Now, therefore, be it

Resolved, That room HVC 215 of the Capitol Visitor Center is designated as the ''Gabriel Zimmerman Meeting Room''.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. FLEISCHMANN and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WASSERMAN SCHULTZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, December 1, 2011.

¶156.7 PROVIDING FOR CONSIDERATION OF H.R. 3463, H.R. 527, AND H.R. 3010

Mr. WOODALL, by direction of the Committee on Rules, called up the following resolution (H. Res. 477):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. It shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing railway labor.

When said resolution was considered.

After debate,

Mr. WOODALL moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. POE of Texas, announced that the nays had it.

Mr. WOODALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶156.8 WORKFORCE DEMOCRACY

The SPEAKER pro tempore, Mrs. ROBY, pursuant to House Resolution 470 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

The SPEAKER pro tempore, Mrs. ROBY, by unanimous consent, designated Mr. POE of Texas, as Chairman of the Committee of the Whole; and after some time spent therein,

¶156.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the preferential motion submitted by Ms. MOORE, that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken.

It was decided in the negative ..... { Yeas ..... 176 / Nays 241

¶156.10 [Roll No. 863]

AYES—176

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

NOES—241

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

Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—16

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Mack
McKeon
Paul
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

So the preferential motion was not agreed to.

¶156.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 112-291, submitted by Mr. BISHOP of New York:

Page 8, line 2, strike ''and''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end the following:

''(f)(1) Prior to presenting any objection, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as 'filing') in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances, to assure that—

''(A) such a filing is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

''(B) the claims, defenses, positions, and other legal contentions in the filing are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

''(C) the factual contentions in the filing have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or development of the record; and

''(D) any denials of factual contentions in the filing are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

''(2)(A) At any stage of a representation proceeding prior to an election under this section, including pre-election hearings, requests for Board reviews, or Board reviews, the Board or its agents, upon their own motion or that of a party to the proceeding, shall have discretion to impose sanctions against a party for presenting a frivolous or vexatious filing or raising a frivolous or vexatious matter to the Board under this section, or upon a finding that an attorney or other party representative breached his or her duty under this subsection. Sanctions may include reasonable litigation costs, salaries, transcript and record costs, travel and other reasonable costs and expenses. If the Board determines that a party has raised a frivolous or vexatious matter for purposes of delaying an election, the Board shall immediately direct that an election be conducted not less than 7 days after such determination.

''(B) For purposes of this section, a frivolous or vexatious filing is one that an attorney of ordinary competence would recognize as so lacking in merit that there is no substantial possibility that the Board would accept it as valid. The Board shall be guided by Rule 11 of the Federal Rules of Civil Procedure in determining whether an objection, filing, pleading, paper or appeal is frivolous.''.

It was decided in the negative ..... { Yeas ..... 187 / Nays 228

¶156.12 [Roll No. 864]

AYES—187

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

NOES—228

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

NOT VOTING—18

Bachmann
Baldwin
Berman
Dicks
Dreier
Giffords
Gutierrez
Harris
Mack
McKeon
Paul
Pearce
Pelosi
Rogers (MI)
Ruppersberger
Smith (WA)
Wasserman Schultz
Young (FL)

So the amendment was not agreed to.

¶156.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 112-291, submitted by Mr. BOSWELL:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the average employee during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

It was decided in the negative ..... { Yeas ..... 181 / Nays 239

¶156.14 [Roll No. 865]

AYES—181

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

NOES—239

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

NOT VOTING—13

Bachmann
Baldwin
Broun (GA)
Cantor
Dreier
Giffords
Gutierrez
LaTourette
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

So the amendment was not agreed to.

¶156.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 112-291, submitted by Mr. WALZ of Minnesota:

Page 8, line 2, strike ''and''.

Page 8, line 20, insert ''(except those designated parties described in subparagraph (C))'' after ''parties''.

Page 9, line 19, strike the second period and insert ''; and'' and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

''(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

It was decided in the negative ..... { Yeas ..... 200 / Nays 221

¶156.16 [Roll No. 866]

AYES—200

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

NOES—221

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly

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

NOT VOTING—12

Bachmann
Baldwin
Cantor
Coffman (CO)
Dreier
Giffords
Gutierrez
Mack
Paul
Pearce
Pelosi
Wasserman Schultz

So the amendment was not agreed to.

¶156.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 112-291, submitted by Ms. JACKSON LEE of Texas:

Page 8, beginning on line 4, strike ''subparagraph (B)—'' and all that follows through ''(B) by inserting'' on line 8, and insert ''subparagraph (B), by inserting''.

Page 8, line 24, strike ''last sentence—'' and all that follows through page 9, line 9, and insert ''last sentence, by inserting 'or consideration of a request for review of a regional director's decision and direction of election,' after 'record of such hearing'; and''.

It was decided in the negative ..... { Yeas ..... 188 / Nays 236

¶156.18 [Roll No. 867]

AYES—188

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

NOES—236

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

NOT VOTING—9

Bachmann
Baldwin
Cantor
Dreier
Giffords
Gutierrez
Mack
Paul
Wasserman Schultz

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. YODER, assumed the Chair.

When Mr. CHAFFETZ, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 470, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workforce Democracy and Fairness Act''.

SEC. 2. TIMING OF ELECTIONS.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—

(1) in subsection (b), by striking ''The Board shall decide'' and all that follows through ''*Provided,* That the'' and inserting: ''In each case, prior to an election, the Board shall determine, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, and excluding bargaining unit determinations promulgated through rulemaking effective before August 26, 2011, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity

of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the sole exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity. The''; and

(2) in subsection (c)(1), in the matter following subparagraph (B)—

(A) by inserting '', but in no circumstances less than 14 calendar days after the filing of the petition'' after ''hearing upon due notice'';

(B) by inserting before the last sentence the following: ''An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to unit appropriateness, the Board's jurisdiction and any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election's outcome. Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.'';

(C) in the last sentence—

(i) by inserting ''or consideration of a request for review of a regional director's decision and direction of election,'' after ''record of such hearing''; and

(ii) by inserting ''to be conducted as soon as practicable but not less than 35 calendar days following the filing of an election petition'' after ''election by secret ballot''; and

(D) by adding at the end the following: ''Not earlier than 7 days after final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list of all eligible voters to be made available to all parties, which shall include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employee in writing.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. SUTTON moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

''(C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

''(D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for each party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

''(E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. YODER, announced that the nays had it.

Ms. SUTTON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 185 / Nays ..... 239 }

¶156.19 [Roll No. 868]

AYES—185

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

NOES—239

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

Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Nunnelee
Paul
Wasserman Schultz

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. YODER, announced that the yeas had it.

Mr. George MILLER of California, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 188

¶156.20 [Roll No. 869]

AYES—235

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

NOES—188

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

NOT VOTING—10

Bachmann
Baldwin
Braley (IA)
Dreier
Giffords
Gutierrez
Mack
Paul
Ross (AR)
Wasserman Schultz

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶156.21 H. RES. 477—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. YODER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 184

¶156.22 [Roll No. 870]

YEAS—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—184

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

NOT VOTING—10

Bachmann
Baldwin
Dreier
Giffords
Gutierrez
Mack
Paul
Royce
Walden
Wasserman Schultz

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. YODER, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 178

¶156.23 [Roll No. 871]

AYES—239

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

NOES—178

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

NOT VOTING—16

Bachmann
Baldwin
Blackburn
Carter
DesJarlais
Dreier
Ellison
Giffords
Gutierrez
Labrador
Mack
Marchant
Moore
Paul
Peterson
Wasserman Schultz

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶156.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DREIER, for November 29 and today.

And then,

¶156.25 ADJOURNMENT

On motion of Mr. KING of Iowa, at 7 o'clock and 40 minutes p.m., the House adjourned.

¶156.26 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. RYAN of Wisconsin (for himself and Mr. VAN HOLLEN):

H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, 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. LEWIS of Georgia (for himself, Mr. KEATING, Ms. DELAURO, and Mr. NEAL):

H.R. 3522. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. RUPPERSBERGER, Mr. KING of New York, Mr. UPTON, Mrs. MYRICK, Mr. LANGEVIN, Mr. CONAWAY, Mr. MILLER of Florida, Mr. BOREN, Mr. LOBIONDO, Mr. CHANDLER, Mr. NUNES, Mr. GUTIERREZ, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. ROONEY, Mr. HECK, Mr. DICKS, Mr. MCCAUL, Mr. WALDEN, Mr. CALVERT, Mr. SHIMKUS, Mr. TERRY, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. THOMPSON of California, Mr. KINZINGER of Illinois, Mr. AMODEI, and Mr. POMPEO):

H.R. 3523. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BRALEY of Iowa:

H.R. 3524. A bill to amend title 38, United States Code, to provide certain rights for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, and Mr. BLUMENAUER):

H.R. 3525. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mrs. CAPPS:

H.R. 3526. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULTGREN (for himself, Mr. BOREN, Mrs. BIGGERT, Mr. DOLD, Mr. JOHNSON of Illinois, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. MANZULLO, and Mr. SCHOCK):

H.R. 3527. A bill to amend the Commodity Exchange Act to clarify the definition of swap dealer; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. COHEN, and Ms. MOORE):

H.R. 3528. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3529. A bill to provide for the reinstatement of certain NAFTA Customs fees exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER (for himself and Mr. SCHWEIKERT):

H.R. 3530. A bill to require the exercise of clean-up call options under securities issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and to prohibit any new mortgage-backed securities issued by such enterprises to contain provisions for a clean-up call option; to the Committee on Financial Services.

By Mr. PERLMUTTER:

H.R. 3531. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. YOUNG of Alaska (for himself and Mr. BOREN):

H.R. 3532. A bill to empower federally recognized Indian tribes to accept restricted fee tribal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. MICA:

H.J. Res. 91. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; to the Committee on Transportation and Infrastructure.

¶156.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. FALEOMAVAEGA.
H.R. 100: Mr. GRAVES of Georgia, Mrs. EMERSON, Mr. MCCAUL, and Mr. ROE of Tennessee.
H.R. 132: Ms. SCHAKOWSKY.
H.R. 265: Mr. COHEN and Mr. CLAY.
H.R. 266: Mr. COHEN and Mr. CLAY.
H.R. 267: Mr. COHEN and Mr. CLAY.
H.R. 374: Mrs. BLACK.
H.R. 399: Mr. CARNEY.
H.R. 427: Mr. AMODEI.
H.R. 459: Ms. SPEIER.
H.R. 668: Mrs. HARTZLER.
H.R. 721: Ms. SLAUGHTER.
H.R. 733: Ms. MATSUI.
H.R. 735: Mr. LATTA and Mr. QUAYLE.
H.R. 831: Mr. DEFAZIO.
H.R. 835: Mr. GRIJALVA.
H.R. 876: Mr. ROTHMAN of New Jersey and Mr. MCGOVERN.
H.R. 1012: Ms. JENKINS.
H.R. 1048: Mr. BISHOP of New York, Ms. HAHN, and Ms. LEE of California.
H.R. 1148: Mr. LATTA, Mr. AMODEI, Mr. ROONEY, Mr. FARR, Mr. FLORES, Mr. DEUTCH, Mr. CRITZ, Ms. SUTTON, Mr. YARMUTH, Mr. BILBRAY, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. LEVIN, and Mr. CONNOLLY of Virginia.
H.R. 1164: Mr. WITTMAN.
H.R. 1193: Mr. POSEY.
H.R. 1294: Mr. COHEN.
H.R. 1300: Mr. FARR.
H.R. 1307: Mr. STEARNS.
H.R. 1370: Mr. TIPTON, Mr. SAM JOHNSON of Texas, and Mr. WITTMAN.
H.R. 1385: Mr. SHUSTER.
H.R. 1409: Mr. SOUTHERLAND.
H.R. 1426: Mr. GARY G. MILLER of California and Mr. COHEN.
H.R. 1433: Mr. POE of Texas.
H.R. 1474: Mr. KINZINGER of Illinois.
H.R. 1477: Ms. WILSON of Florida.
H.R. 1533: Mr. SCHOCK.
H.R. 1587: Ms. WILSON of Florida.
H.R. 1629: Mr. SARBANES.
H.R. 1633: Mr. AUSTRIA, Mr. SOUTHERLAND, and Mr. HARPER.
H.R. 1639: Mr. WHITFIELD.
H.R. 1672: Mr. CUMMINGS and Mr. TOWNS.
H.R. 1681: Ms. VELÁZQUEZ.
H.R. 1697: Ms. CHU, Mr. HULTGREN, Mr. TIPTON, Mr. KLINE, and Mr. BOSWELL.
H.R. 1700: Mr. GIBSON.
H.R. 1815: Mr. REHBERG.
H.R. 1840: Mr. GIBSON.
H.R. 1848: Mr. WALBERG.
H.R. 1946: Mr. POSEY.
H.R. 1956: Mr. HARRIS.
H.R. 1966: Mr. CARNAHAN.
H.R. 1968: Mr. MCKINLEY.
H.R. 1981: Mr. ROSS of Florida and Mr. PENCE.
H.R. 1983: Ms. PINGREE of Maine.
H.R. 1988: Mr. NEAL.
H.R. 1995: Mr. MICHAUD.
H.R. 2016: Ms. MOORE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. SEWELL, Mr. CLARKE of Michigan, Ms. NORTON, Mr. KISSELL, Mr. HOLT, Mr. HINOJOSA, Mr. YARMUTH, Mr. REYES, Mr. BACA, Ms. CHU, Mr. ENGEL, Mr. SERRANO, Mr. HONDA, Mr. LANGEVIN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. RANGEL, Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. QUIGLEY Mr. COHEN, Mr. FARR, and Mr. BLUMENAUER.
H.R. 2040: Mr. SMITH of Nebraska.
H.R. 2051: Mr. SOUTHERLAND and Mr. MCCOTTER.
H.R. 2059: Mr. YODER.
H.R. 2069: Ms. CLARKE of New York.
H.R. 2070: Mr. STEARNS.
H.R. 2104: Mr. LYNCH, Mr. THORNBERRY, and Mr. DEFAZIO.
H.R. 2137: Mr. DENT.
H.R. 2182: Mr. BROOKS.
H.R. 2268: Mr. HOLT.
H.R. 2299: Mr. UPTON.
H.R. 2306: Ms. PINGREE of Maine.
H.R. 2335: Mr. MARINO.
H.R. 2359: Mr. CLARKE of Michigan.
H.R. 2364: Ms. HAHN.
H.R. 2393: Mr. GARAMENDI.
H.R. 2394: Ms. LEE of California.
H.R. 2397: Mr. MATHESON and Mr. WITTMAN.
H.R. 2464: Mr. DAVIS of Illinois.
H.R. 2492: Mr. COSTELLO, Mr. SHERMAN, Mrs. DAVIS of California, Mr. KEATING, Mr. GRIJALVA, Mr. WALBERG, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2499: Mr. WALZ of Minnesota.
H.R. 2500: Mr. ALTMIRE.
H.R. 2505: Mr. REYES.
H.R. 2528: Mr. ROSS of Florida.
H.R. 2586: Mr. DOLD.
H.R. 2595: Mr. HIGGINS.
H.R. 2620: Mr. CLAY.
H.R. 2624: Ms. LEE of California.
H.R. 2629: Mr. MURPHY of Connecticut.
H.R. 2655: Mr. SCHOCK.
H.R. 2682: Mr. DOLD.
H.R. 2697: Mr. WALBERG and Mr. MILLER of Florida.
H.R. 2728: Mr. COHEN.
H.R. 2779: Mr. DOLD.
H.R. 2780: Mr. SCHOCK.
H.R. 2834: Mr. NUGENT.
H.R. 2857: Mr. FILNER, Ms. WATERS, and Ms. CLARKE of New York.
H.R. 2870: Mr. STIVERS.
H.R. 2874: Mr. MCCOTTER, Mr. LUETKEMEYER, and Mr. FORTENBERRY.
H.R. 2885: Mr. ALTMIRE.
H.R. 2962: Mr. WESTMORELAND and Mr. WITTMAN.
H.R. 2966: Ms. HAYWORTH and Mr. ROSKAM.
H.R. 2977: Mr. LOEBSACK and Mr. BOSWELL.
H.R. 2981: Ms. MOORE, Mr. CAPUANO, Mr. PAYNE, Mr. NADLER, and Mr. POLIS.
H.R. 2982: Mr. LUETKEMEYER, Mr. MARCHANT, Mr. GRIJALVA, and Mr. COHEN.
H.R. 3039: Mr. LUETKEMEYER.
H.R. 3040: Mr. HASTINGS of Florida.
H.R. 3042: Mr. OWENS, Mr. SHUSTER, and Mr. BARTLETT.
H.R. 3043: Mr. COLE.
H.R. 3100: Mr. DOGGETT.

H.R. 3118: Mr. POSEY.
H.R. 3122: Mr. JOHNSON of Illinois, Mr. CARNAHAN, Ms. NORTON, and Mrs. NAPOLITANO.
H.R. 3123: Mr. CARSON of Indiana and Ms. SLAUGHTER.
H.R. 3162: Mr. SOUTHERLAND and Ms. FOXX.
H.R. 3192: Mr. LANGEVIN.
H.R. 3193: Mr. FLORES, Mr. ROKITA, and Mr. HARRIS.
H.R. 3199: Mr. MCINTYRE.
H.R. 3208: Mr. CULBERSON and Mr. WALDEN.
H.R. 3209: Mr. CULBERSON and Mr. WALDEN.
H.R. 3235: Ms. NORTON.
H.R. 3236: Mr. HEINRICH.
H.R. 3243: Mr. ALEXANDER.
H.R. 3261: Ms. CHU, Mr. HOLDEN, and Mr. LARSON of Connecticut.
H.R. 3262: Mr. POSEY.
H.R. 3271: Mr. STARK and Ms. DELAURO.
H.R. 3300: Mr. CLAY.
H.R. 3308: Mr. GOWDY.
H.R. 3310: Mr. STEARNS.
H.R. 3316: Mr. STARK and Mr. HOLT.
H.R. 3317: Mr. STARK and Mr. HOLT.
H.R. 3323: Mr. CAMPBELL.
H.R. 3331: Mr. KLINE.
H.R. 3340: Mr. JONES.
H.R. 3366: Mr. PAULSEN.
H.R. 3379: Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. MCCLINTOCK.
H.R. 3393: Ms. WILSON of Florida.
H.R. 3410: Mr. GIBSON, Mr. KLINE, and Mr. BURTON of Indiana.
H.R. 3415: Mr. RYAN of Ohio.
H.R. 3418: Mrs. MALONEY.
H.R. 3425: Mr. COHEN.
H.R. 3453: Mr. DUFFY.
H.R. 3455: Mr. JONES.
H.R. 3506: Mr. CARNEY and Mr. PASCRELL.
H.R. 3510: Mr. CRITZ, Ms. HAYWORTH, Mr. AUSTIN SCOTT of Georgia, Mr. GERLACH, and Mr. MICHAUD.
H.J. Res. 85: Mr. COLE, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. GOHMERT, Ms. GRANGER, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. FORBES, Mrs. BLACKBURN, Mr. PITTS, Mr. YODER, Mr. HARRIS, and Mr. LANDRY.
H. Res. 20: Mr. BACA.
H. Res. 111: Mr. GRAVES of Missouri.
H. Res. 134: Mr. JACKSON of Illinois.
H. Res. 137: Mr. LEWIS of Georgia.
H. Res. 180: Mr. MCCOTTER.
H. Res. 220: Mr. FRANK of Massachusetts.
H. Res. 304: Ms. HAHN.
H. Res. 306: Ms. HAHN.
H. Res. 333: Mr. BERMAN and Mr. FARR.
H. Res. 376: Ms. ROS-LEHTINEN.
H. Res. 407: Mr. FITZPATRICK.
H. Res. 450: Mr. GRIJALVA.
H. Res. 474: Mr. FARR.
H. Res. 475: Mr. HUIZENGA of Michigan, Mr. BROOKS, Mrs. LUMMIS, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. WILSON of South Carolina, Mr. POSEY, Mr. FORBES, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUELSKAMP, Mr. GARRETT, Mr. COLE, Mr. HULTGREN, Mr. NEUGEBAUER, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. DESJARLAIS, Mr. FLEISCHMANN, and Mr. FINCHER.

THURSDAY, DECEMBER 1, 2011 (157)

¶157.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. WEST, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 1, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶157.2 RECESS—11:28 A.M.

The SPEAKER pro tempore, Mr. WEST, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 28 minutes a.m., until noon.

¶157.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶157.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 30, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶157.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4067. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of French Beans and Runner Beans From the Republic of Kenya Into the United States [Docket No.: APHIS-2010-0101] (RIN: 0579-AD39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments [FNS-2007-0023] (RIN: 0584-AD54) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4069. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities, Requirements, and Selection Criteria; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools [CFDA Number: 84.282M] (RIN: 1855-ZA08) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4070. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC44) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4071. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water Quality Standard; Establishing an Allowable Level for di(2-ethylhexyl)phthalate [Docket No.: FDA 1993-N-0259 (Formerly Docket No.: 1993N-0085)] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No.: 04-37] [ET Docket No.: 03-104] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Panama City, Florida) [MB Docket No.: 11-140] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No.: 00-168] [MM Docket No.: 00-44] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility; [CGB-CC-0005] [CGB-CC-0007] [CG Docket No.: 06-181] [CG Docket No.: 11-175] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision [CG Docket No.: 10-213] [WT Docket No.: 96-198] [CG Docket No.: 10-145] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Standards of Conduct [Notice 2011-16] (RIN: 3209-AA15) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4078. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Fee for Filing a Patent Application Other than by the Electronic Filing System [Docket No.: PTO-P-2011-0065] (RIN: 0651-AC64) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4079. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended (RIN: 1400-AC86) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4080. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4081. A letter from the Program Manager, Department of Homeland Security, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AQ15) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4082. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2011-90] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4083. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee; Guidance for the 2012 Fee Year [Notice 2011-92] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4084. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appleton v. Commissioner, 135 T.C. 461 received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4085. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds — Request for Public Comment on Volume Cap Allocation Process and Optional Extension of Deadline to Issue Bonds (Announcement 2011-71) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4086. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information reporting of mortgage interest received in a trade or business from an individual (Rev. Proc. 2011-55) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4087. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Graduated Retained Interests [TD 9555] (RIN: 1545-BH94) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶157.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WESTMORELAND, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 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 December 1, 2011 at 9:51 a.m.:

That the Senate agreed to House amendment to Senate amendment H.R. 394.

Appointments:

National Commission for Review of Research and Development Programs of the United States Intelligence Community.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶157.7 ELECTION ASSISTANCE COMMISSION

Mr. HARPER, pursuant to House Resolution 477, called up for consideration the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

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

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the bill were postponed.

¶157.8 RECESS—1:56 P.M.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 56 minutes p.m., for a period of less than 15 minutes.

¶157.9 AFTER RECESS—2:05 P.M.

The SPEAKER pro tempore, Mr. DENHAM, called the House to order.

¶157.10 ELECTION ASSISTANCE COMMISSION

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

Mr. BISHOP of Georgia, moved to recommit the bill to the Committee on House Administration with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 207. PROTECTIONS FOR ELDERLY, DISABLED, AND MILITARY VOTERS.

Notwithstanding any provision of this Act or any amendment made by this Act, to the extent that the Election Assistance Commission is responsible for the administration or enforcement of any of the following provisions of law as of the Commission termination date described in section 1004(a) of the Help America Vote Act of 2002 (as added by section 201(a)), any successor to the Commission shall remain responsible for the administration or enforcement of such provisions after such date:

(1) Any provision of law relating to the rights of the elderly to vote and cast ballots in elections for Federal office.

(2) Any provision of law relating to the rights of the elderly and other individuals who are registered to vote in elections for Federal office to obtain absentee ballots in such elections.

(3) Any provision of law relating to the access of the elderly, the disabled, and other individuals to polling places in elections for Federal office, including the Americans with Disabilities Act of 1990.

(4) Any provision of law relating to the protection of the rights of members of the uniformed services and overseas citizens to vote and cast ballots in elections for Federal office, including the Uniformed and Overseas Citizens Absentee Voting Act.

(5) Any other provision of law relating to the protection of the right of citizens of the United States to vote in elections for Federal office, including the Voting Rights Act of 1965.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. DENHAM, announced that the nays had it.

Mr. BISHOP of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 190 / Nays 236

¶157.11 [Roll No. 872]

YEAS—190

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

Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Yarmuth

NAYS—236

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

NOT VOTING—7

Bachmann
Giffords
Hartzler
Paul
Schmidt
Waxman
Woolsey

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that the yeas had it.

Mr. BRADY of Pennsylvania, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 190

¶157.12 [Roll No. 873]

AYES—235

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

NOES—190

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

NOT VOTING—8

Bachmann
Giffords
Gohmert
Hartzler
McNerney
Paul
Schmidt
Waxman

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.13 REGULATORY FLEXIBILITY IMPROVEMENTS

The SPEAKER pro tempore, Mr. WEBSTER, pursuant to House Resolution 477 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

The SPEAKER pro tempore, Mr. WEBSTER, by unanimous consent, designated Mr. DENHAM as Chairman of the Committee of the Whole; and after some time spent therein,

¶157.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part A of House Report 112-296, submitted by Ms. JACKSON LEE of Texas:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule promulgated by the Department of Homeland Security. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule promulgated by the Department of Homeland Security, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

It was decided in the negative ..... { Yeas ..... 173 / Nays 244

¶157.15 [Roll No. 874]

AYES—173

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

NOES—244

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

NOT VOTING—16

Bachmann
Bartlett
Chu
Cleaver
Deutch
Doyle
Filner
Flores
Frank (MA)
Giffords
Gonzalez
Grijalva
Hartzler
Paul
Schmidt
Webster

So the amendment was not agreed to.

¶157.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part A of House Report 112-296, submitted by Mr. COHEN:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

It was decided in the negative ..... { Yeas ..... 171 / Nays 248

¶157.17 [Roll No. 875]

AYES—171

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell

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

NOES—248

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

NOT VOTING—14

Bachmann
Bartlett
Deutch
Donnelly (IN)
Doyle
Eshoo
Filner
Flores
Giffords
Hartzler
Markey
Paul
Pelosi
Schmidt

So the amendment was not agreed to.

¶157.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part A of House Report 112-296, submitted by Mr. PETERS:

Page 27, insert after line 18 the following:

SEC. 12. EXCEPTION FOR CERTAIN RULES.

Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as amended by this Act, shall not apply in the case of any proposed rule, final rule, or guidance that the Director of the Office of Management and Budget determines will result in net job creation. Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as in effect before the enactment of this Act shall apply to such proposed rules, final rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after the item relating to section 11 the following:

Sec. 12. Exception for certain rules.

It was decided in the negative { Yeas ..... 179 / Nays 243

¶157.19 [Roll No. 876]

AYES—179

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

NOES—243

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long

Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Akin
Bachmann
Bartlett
Deutch
Doyle
Filner
Giffords
Hartzler
Paul
Pelosi
Schmidt

So the amendment was not agreed to.

¶157.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part A of House Report 112-296, submitted by Ms. JACKSON LEE of Texas:

Add, at the end of the bill, the following:

SEC. 12. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the cost effectiveness of the amendments made by this Act. Such report shall include the following:

(1) A list of all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by this Act.

(2) The effect of this Act and the amendments made by this Act on the efficiency of the rule making process (including the amount of time required to make and implement a new rule).

(3) To what extent this Act or the amendments made by this Act will impact the making and implementation of new rules in the event of an emergency.

(4) The overall effectiveness of this Act or the amendments made by this Act (including the extent to which agencies are in compliance with the Act or the amendments to the Act).

It was decided in the negative ..... { Yeas ..... 172 / Nays ..... 250 }

¶157.21 [Roll No. 877]

AYES—172

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

NOES—250

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

NOT VOTING—11

Bachmann
Bartlett
Conyers
Deutch
Doyle
Filner
Giffords
Grijalva
Hartzler
Paul
Schmidt

So the amendment was not agreed to.

¶157.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part A of House Report 112-296, submitted by Mr. JOHNSON of Georgia:

Add at the end of the bill the following:

SEC. 12. APPLICATION WITH REGARD TO CERTAIN STATUTE.

None of the amendments made by this Act shall apply to any rule making to carry out the FDA Food Safety Modernization Act (21 U.S.C. 2201 note).

It was decided in the negative ..... { Yeas ..... 170 / Nays ..... 250 }

¶157.23 [Roll No. 878]

AYES—170

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating

Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

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

NOT VOTING—13

Bachmann
Bucshon
Deutch
Doyle
Filner
Garamendi
Giffords
Gonzalez
Hartzler
Paul
Reed
Rogers (KY)
Schmidt

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BISHOP of Utah, assumed the Chair.

When Mr. GARDNER, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Regulatory Flexibility Improvements Act of 2011''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
Sec. 3. Expansion of report of regulatory agenda.
Sec. 4. Requirements providing for more detailed analyses.
Sec. 5. Repeal of waiver and delay authority; Additional powers of the Chief Counsel for Advocacy.
Sec. 6. Procedures for gathering comments.
Sec. 7. Periodic review of rules.
Sec. 8. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.
Sec. 9. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.
Sec. 10. Clerical amendments.
Sec. 11. Agency preparation of guides.

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting ''and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))),'' after ''special districts,''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking '', and'' at the end and inserting '';'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.''.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule, or the cumulative impact of any other rule stemming from the implementation of the Free Trade Agreements, on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting ''detailed'' before ''description''; and

(C) by adding at the end the following:

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement'' the first place it appears; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking ''608(b),''.

(2) Section 611(a)(2) of such title is amended by striking ''608(b),''.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.''.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

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

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 10. CLERICAL AMENDMENTS.

(a) Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.''; and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. Loretta SANCHEZ of California, moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SEC. ____. PROTECTING INCENTIVES FOR SMALL BUSINESSES TO HIRE VETERANS.

This Act and the amendments made by this Act shall not apply to rule makings or revisions of rules, if such rule makings or revisions are for purposes of providing incentives to small businesses (as such term is defined in chapter 6 of title 5, United States Code) for hiring veterans (as such term is defined in section 101(2) of title 38).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that the nays had it.

Ms. Loretta SANCHEZ of California, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 188 / Nays 233

¶157.24 [Roll No. 879]

AYES—188

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

NOES—233

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Black
Cleaver
Doyle
Filner
Giffords
Hartzler
Heinrich
Luján
Paul
Schmidt
Schock

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that the nays had it.

Mr. McGOVERN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 263 / Nays 159

¶157.25 [Roll No. 880]

AYES—263

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

NOES—159

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

NOT VOTING—11

Bachmann
Bachus
Cleaver
Doyle
Filner
Giffords
Hartzler
Olver
Paul
Schmidt
Tipton

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶157.26 H. RES. 364—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the ''Gabriel Zimmerman Meeting Room''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶157.27 [Roll No. 881]

YEAS—419

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul

Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Canseco
Doyle
Filner
Flores
Frank (MA)
Garamendi
Giffords
Hartzler
Keating
McKinley
Miller (FL)
Paul
Schmidt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶157.28 PROVIDING FOR CONSIDERATION OF H.R. 10

Mr. NUGENT, by direction of the Committee on Rules, reported (Rept. No. 112–311) the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶157.29 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 394. An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

¶157.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DOYLE, for today after 4:30 p.m.

And then,

¶157.31 ADJOURNMENT

On motion of Mr. KING of Iowa, at 8 o'clock and 37 minutes p.m., the House adjourned.

¶157.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2845. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 112–297, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (Rept. 112–298). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1158. A bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; with an amendment (Rept. 112–299). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2172. A bill to facilitate the development of wind energy resources on Federal lands, with an amendment (Rept. 112–300, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2842. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation Law, and for other purposes; with an amendment (Rept. 112–301). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2803. A bill to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; with amendments (Rept. 112–302). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2578. A bill to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112–303). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2360 A bill to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (Rept. 112–304). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2351. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Rept. 112–305). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1556. A bill to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (Rept. 112–306). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1461. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights (Rept. 112–307). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 991. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; with an amendment (Rept. 112–308). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 850. A bill to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; with an amendment (Rept. 112–309). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 306. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; with an amendment (Rept. 112–310). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 479. Resolution providing for consideration of the bill (H.R. 10) to amend

chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (Rept. 112–311). Referred to the House Calendar.

¶157.33 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 2845 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 2172 referred to the Committee of the Whole House on the state of the Union.

¶157.34 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. RAHALL (for himself, Mr. DEFAZIO, Mr. COSTELLO, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. ALTMIRE, Mr. WALZ of Minnesota, and Mr. COHEN):

H.R. 3533. A bill to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANNA (for himself and Mr. MULVANEY):

H.R. 3534. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS (for himself and Mrs. DAVIS of California):

H.R. 3535. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself, Mr. BARLETTA, Mr. FILNER, Mr. HOLT, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. ALTMIRE, Mr. RANGEL, Ms. PINGREE of Maine, and Mr. BISHOP of New York):

H.R. 3536. A bill to direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 3537. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, Energy and Commerce, and Natural Resources, 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. MICA (for himself, Mr. GIBBS, Mr. COBLE, Mr. JONES, Mr. BARLETTA, Mr. GERLACH, Mr. PLATTS, Mr. CRAVAACK, Mr. DENHAM, Mr. SESSIONS, Mr. BUCSHON, Mr. RENACCI, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. WEST, Mr. WEBSTER, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. GOWDY, Mr. TURNER of Ohio, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. AUSTIN SCOTT of Georgia, Mrs. LUMMIS, Ms. FOXX, Mr. COLE, Mr. CRENSHAW, Mr. ADERHOLT, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALBERG, Mr. MACK, Mr. FARENTHOLD, Mr. GUINTA, Mr. CHAFFETZ, Mr. JORDAN, Ms. BUERKLE, Mr. GOSAR, Mr. ROSS of Florida, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. HERGER, Mr. CHABOT, Mr. DUNCAN of Tennessee, Mr. RIBBLE, Mr. HULTGREN, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. WOMACK, Mr. SOUTHERLAND, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. POE of Texas, Mrs. SCHMIDT, Mr. SHUSTER, Mr. HANNA, Mr. PETRI, Mr. SULLIVAN, Mr. STIVERS, Mr. HURT, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. FLEISCHMANN, Mr. BROOKS, Mr. LANDRY, Mrs. MYRICK, Mr. HUNTER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. STEARNS, Mr. LUCAS, Mr. CULBERSON, Mr. LATTA, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FORBES, Mr. BARTLETT, Mr. MCKEON, Mr. TIBERI, Mr. SMITH of Texas, Mr. LONG, Mr. PEARCE, Mr. HARPER, Ms. JENKINS, Mr. WOODALL, Mr. CARTER, Mrs. BLACKBURN, Mr. STUTZMAN, Ms. HAYWORTH, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. SCHOCK, Mr. AUSTRIA, Mr. SIMPSON, Mr. SCOTT of South Carolina, Mr. AMASH, Mr. FLAKE, Mr. HARRIS, Mr. CANSECO, Mr. KINZINGER of Illinois, Mr. BACHUS, Mr. KING of Iowa, Mr. BUCHANAN, Mrs. NOEM, Mr. DESJARLAIS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. ROSKAM, Mr. ROKITA, Mr. ISSA, Ms. HERRERA BEUTLER, Ms. GRANGER, Mr. PENCE, Mrs. ADAMS, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. ROONEY, Mr. COOPER, Mr. GARDNER, Mr. GARRETT, Mr. AKIN, Mr. HUELSKAMP, Mr. NEUGEBAUER, Mrs. CAPITO, Mr. REED, Mr. FINCHER, Mr. GRAVES of Georgia, Mr. BONNER, Mr. ROGERS of Alabama, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. BILIRAKIS, Mr. POSEY, Mr. SCALISE, Mr. PITTS, Mrs. BIGGERT, Mr. FLEMING, Mr. QUAYLE, Mrs. BONO MACK, Mr. CAMP, and Mr. BISHOP of Utah):

H.R. 3538. A bill to amend the Railway Labor Act to direct the National Mediation Board to apply the same procedures, including voting standards, to the direct decertification of a labor organization as is applied to elections to certify a representative, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANSECO:

H.R. 3539. A bill to terminate the HOPE VI program of the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committee on Appropriations, 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. CARTER (for himself, Mr. SMITH of Texas, and Mr. COURTNEY):

H.R. 3540. A bill to amend the Internal Revenue Code of 1986 to increase the tax benefits for child care assistance for military families; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. COLE, Mr. HUELSKAMP, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. POSEY, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. HULTGREN, Mr. GARRETT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. FORBES, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HARRIS, Mr. YODER, Mr. WALBERG, Mr. BOREN, Mr. BARTLETT, Mr. SMITH of Texas, Mr. LIPINSKI, Mrs. BLACK, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. PEARCE, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, Mr. BURTON of Indiana, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. MCCAUL, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. MCHENRY, Mr. LATTA, Mrs. ROBY, Mr. SCALISE, Mr. FARENTHOLD, Mr. MCCOTTER, Mr. COBLE, Mr. MILLER of Florida, Mr. PETERSON, and Mr. SMITH of New Jersey):

H.R. 3541. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 3542. A bill to amend section 5001 of division B of the American Recovery and Reinvestment Act of 2009 to extend the temporary increase in Medicaid FMAP through the end of fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3543. A bill 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; to the Committee on the Judiciary.

By Mr. MCCLINTOCK:

H.R. 3544. A bill to amend the Federal Water Pollution Control Act to limit citizens suits against publicly owned treatment works, to provide for defenses, to extend the period of a permit, to limit attorneys fees, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself, Mr. PETRI, Mr. HINOJOSA, Mr. HOLDEN, and Mr. RIBBLE):

H.R. 3545. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. TURNER of Ohio:

H.R. 3546. A bill to allow an occupancy preference for veterans in housing projects developed on property of the Department of Veterans Affairs with assistance provided under the Department of Housing and Urban Development program for supportive housing for very low-income elderly persons; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SCOTT of Virginia, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. TOWNS, Ms. SPEIER, Ms. WILSON of Florida, Mr. CLARKE of Michigan, Ms. NORTON, Mr. CLAY, Ms. BROWN of Florida, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. ELLISON, Mr. FILNER, Mr. GUTIERREZ, Mr. HONDA, Ms. SCHAKOWSKY, Mr.

BLUMENAUER, Mr. WATT, and Mr. SERRANO):

H.R. 3547. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES):

H. Con. Res. 91. Concurrent resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, 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. CANSECO:

H. Res. 480. A resolution amending the Rules of the House of Representatives to prohibit Members, Delegates, the Resident Commissioner, and officers and employees of the House from buying or selling securities while in possession of material, nonpublic information, and for other purposes; to the Committee on Ethics.

By Mr. CRENSHAW (for himself, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. ROSS of Florida, Mrs. MALONEY, Mr. MCGOVERN, Mr. MORAN, Mr. HOLT, Mr. LATHAM, Mr. TIBERI, and Mr. RANGEL):

H. Res. 481. A resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 482. A resolution prohibiting the use of a Members' representational allowance to obtain advertising on any Internet site other than an official site of the Member involved; to the Committee on House Administration.

¶157.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. HASTINGS of Florida, Ms. SPEIER, and Ms. WOOLSEY.
H.R. 266: Mr. RANGEL.
H.R. 267: Mr. RANGEL.
H.R. 329: Ms. BERKLEY.
H.R. 333: Mr. MCCOTTER, Ms. DEGETTE, and Mr. CARTER.
H.R. 363: Mr. BLUMENAUER.
H.R. 389: Mr. HARRIS, Mr. PAULSEN, Mr. BROUN of Georgia, Mr. FARENTHOLD, Mr. BISHOP of Utah, and Mr. FLORES.
H.R. 414: Mr. RYAN of Ohio.
H.R. 420: Mr. SCOTT of South Carolina and Mr. BASS of New Hampshire.
H.R. 452: Mr. SIMPSON and Mr. GARDNER.
H.R. 512: Mr. KILDEE.
H.R. 531: Mr. HIMES.
H.R. 555: Mr. NADLER.
H.R. 593: Mrs. ROBY and Mr. KLINE.
H.R. 618: Mr. DEUTCH.
H.R. 651: Ms. HAHN.
H.R. 665: Mr. CALVERT.
H.R. 718: Mr. MCDERMOTT and Ms. HERRERA BEUTLER.
H.R. 719: Mr. GENE GREEN of Texas.
H.R. 721: Mr. CARDOZA, Mrs. HARTZLER, Mr. HERGER, Mr. GOWDY, Mr. SMITH of Nebraska, and Mr. GRAVES of Georgia.
H.R. 808: Ms. HAHN.
H.R. 835: Mr. COFFMAN of Colorado.
H.R. 880: Mr. LATHAM.
H.R. 885: Mr. FRANK of Massachusetts.
H.R. 1063: Ms. SEWELL, Mr. OWENS, Mr. MARCHANT, and Mr. MCDERMOTT.
H.R. 1084: Mr. TOWNS.
H.R. 1131: Ms. WILSON of Florida.
H.R. 1133: Mr. MICHAUD.
H.R. 1148: Mr. GRIFFIN of Arkansas, Mr. TONKO, Mr. LANDRY, Mr. MCINTYRE, Mr. YOUNG of Indiana, Mr. GOSAR, Mrs. CAPITO, Mr. BECERRA, Mr. SCALISE, and Mr. YOUNG of Florida.
H.R. 1161: Mr. TURNER of Ohio.
H.R. 1175: Mr. SCHIFF, Mr. HOLDEN, and Mrs. MYRICK.
H.R. 1186: Mr. QUAYLE and Mr. FARENTHOLD.
H.R. 1206: Mr. MICA.
H.R. 1238: Ms. WILSON of Florida.
H.R. 1288: Mr. LATHAM.
H.R. 1327: Mr. SCALISE, Mr. DENHAM, Mr. TURNER of New York, Mr. KELLY, Mr. HARPER, Mr. POE of Texas, Mr. TURNER of Ohio, Mr. ROONEY, Mr. BUCSHON, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. NUNES, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. PERLMUTTER, and Mr. GUINTA.
H.R. 1370: Mr. LABRADOR and Mr. OLSON.
H.R. 1418: Ms. LORETTA SANCHEZ of California.
H.R. 1433: Mr. KING of Iowa.
H.R. 1489: Mr. YARMUTH.
H.R. 1511: Mr. TONKO and Mr. AMODEI.
H.R. 1513: Ms. MATSUI, Mr. KING of New York, and Mr. BASS of New Hampshire.
H.R. 1544: Mr. REED.
H.R. 1568: Mr. CLEAVER.
H.R. 1580: Mr. TIBERI and Mr. POMPEO.
H.R. 1614: Mr. POSEY.
H.R. 1639: Mr. CARTER.
H.R. 1656: Mr. HOLT.
H.R. 1704: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1734: Mr. WOMACK.
H.R. 1738: Ms. CASTOR of Florida and Ms. KAPTUR.
H.R. 1744: Ms. GRANGER.
H.R. 1834: Mr. STUTZMAN, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. GRANGER, Mr. HULTGREN, Mr. GOHMERT, Mr. COLE, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. LONG, Mr. BUCSHON, Mr. YODER, Mr. CRAWFORD, Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. GIBBS.
H.R. 1897: Mr. LOEBSACK and Mr. WOMACK.
H.R. 1903: Mrs. MALONEY.
H.R. 1905: Mr. ROGERS of Kentucky.
H.R. 2002: Mr. LABRADOR.
H.R. 2016: Mr. TONKO, Mr. POLIS, Mr. OWENS, Mr. COOPER, and Ms. TSONGAS.
H.R. 2070: Mr. HECK.
H.R. 2082: Mr. POLIS.
H.R. 2084: Mr. PRICE of North Carolina.
H.R. 2093: Mr. GRIJALVA.
H.R. 2121: Mrs. MYRICK.
H.R. 2127: Ms. MOORE and Ms. CASTOR of Florida.
H.R. 2245: Mr. PASCRELL.
H.R. 2267: Mr. MCKINLEY, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. TONKO, Mr. YOUNG of Alaska, Mr. COHEN, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. FITZPATRICK, Mr. JOHNSON of Illinois, Ms. NORTON, Mr. SMITH of Texas, Mr. TIPTON, and Mr. WALZ of Minnesota.
H.R. 2268: Mr. PITTS.
H.R. 2272: Ms. ZOE LOFGREN of California.
H.R. 2284: Mr. DENHAM.
H.R. 2288: Mr. CLEAVER and Mr. MILLER of Florida.
H.R. 2313: Mr. SCOTT of South Carolina, Mr. HUELSKAMP, Mr. COLE, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. POSEY, Mr. LAMBORN, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. BROOKS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Mr. ROKITA, and Mr. WALBERG.
H.R. 2316: Mr. DAVIS of Illinois.
H.R. 2335: Mr. GRIMM and Mr. YODER.
H.R. 2353: Mr. THOMPSON of California.
H.R. 2426: Mr. ROE of Tennessee.
H.R. 2461: Mr. WOMACK and Mr. YOUNG of Alaska.
H.R. 2484: Mr. DEFAZIO.
H.R. 2528: Mr. PITTS.
H.R. 2555: Mr. MILLER of North Carolina.
H.R. 2569: Mr. ROSS of Florida.
H.R. 2634: Mr. MCDERMOTT.
H.R. 2674: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. CUMMINGS, Mr. TURNER of Ohio, and Ms. SCHAKOWSKY.
H.R. 2697: Mr. TURNER of Ohio, Mr. FRANKS of Arizona, and Mr. BROUN of Georgia.
H.R. 2705: Mrs. CAPPS, Ms. HAHN, Mr. NADLER, and Mr. LARSON of Connecticut.
H.R. 2717: Mr. LYNCH, Mr. MURPHY of Connecticut, Mr. REYES, and Mr. MATHESON.
H.R. 2738: Mr. SCHIFF.
H.R. 2741: Mr. TOWNS.
H.R. 2772: Mr. POSEY.
H.R. 2866: Mr. SHIMKUS.
H.R. 2898: Mr. MILLER of Florida and Mr. SCALISE.
H.R. 2913: Mr. FLEMING and Mr. RIBBLE.
H.R. 2948: Mr. LEVIN.
H.R. 2966: Ms. MATSUI, Mr. LYNCH, Ms. CASTOR of Florida, and Mr. FARR.
H.R. 2969: Mr. PIERLUISI.
H.R. 3000: Mr. WOMACK.
H.R. 3001: Mr. BURTON of Indiana, Mr. CHABOT, Mr. BARTON of Texas, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. CLAY, Mr. ISRAEL, Mr. SCHWEIKERT, Ms. BROWN of Florida, Mr. CROWLEY, Ms. RICHARDSON, Mr. DEUTCH, Mr. ENGEL, Mr. CARNAHAN, and Ms. KAPTUR.
H.R. 3015: Mr. CUMMINGS.
H.R. 3040: Mr. PETERSON.
H.R. 3042: Mr. GERLACH and Mr. HINCHEY.
H.R. 3057: Mr. CRAVAACK.
H.R. 3059: Mr. POE of Texas and Mr. LANCE.
H.R. 3074: Mr. GRIFFIN of Arkansas.
H.R. 3104: Mr. YODER.
H.R. 3123: Mr. OWENS.
H.R. 3143: Mr. GARY G. MILLER of California.
H.R. 3151: Mr. TOWNS and Mr. HASTINGS of Florida.
H.R. 3178: Mr. TIERNEY, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. HAHN.
H.R. 3179: Mrs. NOEM, Mr. DEUTCH, and Ms. CHU.
H.R. 3187: Mr. STEARNS.
H.R. 3200: Mr. CONYERS and Mr. JOHNSON of Illinois.
H.R. 3210: Mr. KINGSTON.
H.R. 3236: Mr. PETERSON.
H.R. 3243: Mr. WOMACK.
H.R. 3258: Mr. PIERLUISI.
H.R. 3269: Mr. BILIRAKIS, Mr. CONNOLLY of Virginia, Mr. BURTON of Indiana, Mr. GRIFFIN of Arkansas, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mrs. ELLMERS, Mr. PAULSEN, Mr. RAHALL, Mr. REED, Mr. WITTMAN, Mr. NUGENT, Mr. GIBSON, Mr. MURPHY of Pennsylvania, Mr. WEST, Mr. REICHERT, Mr. JACKSON of Illinois, and Mr. ROSKAM.
H.R. 3271: Ms. SPEIER.
H.R. 3286: Mr. HEINRICH, Mr. BERMAN, and Mrs. NAPOLITANO.
H.R. 3294: Mr. BURGESS.
H.R. 3326: Mr. BROOKS, Mrs. LUMMIS, and Mr. HUIZENGA of Michigan.
H.R. 3364: Ms. MOORE and Mr. RUPPERSBERGER.
H.R. 3379: Mr. SIMPSON, Mr. WOMACK, and Mr. MCKINLEY.
H.R. 3409: Mr. BARTLETT and Mr. LATOURETTE.
H.R. 3414: Mr. WILSON of South Carolina and Mr. GOHMERT.
H.R. 3418: Ms. SCHAKOWSKY.
H.R. 3421: Mr. SCHILLING, Mr. PENCE, Mr. BUCSHON, Mr. SHIMKUS, Mr. TURNER of Ohio, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. LANDRY, Mr. LATHAM, Mrs. EMERSON, Mr. BUCHANAN, Mr. STIVERS, Mr. CAPUANO, Mr. HUNTER, Mr. LOBIONDO, Mr. CARSON of Indiana, Mr. TURNER of New York, Mr.

SMITH of Nebraska, Mr. JONES, Mr. GARY G. MILLER of California, Mr. GRIFFIN of Arkansas, Mr. ROSKAM, Mr. LATTA, Mr. SCALISE, Ms. BROWN of Florida, Mr. COBLE, Mr. PLATTS, Mr. GUTIERREZ, Mrs. BLACKBURN, Mr. THOMPSON of California, Mrs. HARTZLER, Mr. SCHIFF, Mr. YOUNG of Indiana, Mr. SERRANO, Ms. BORDALLO, Mr. MORAN, Mr. NUGENT, Mr. HINCHEY, Ms. HAYWORTH, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. DUNCAN of Tennessee, Mr. LANCE, Mr. MICA, Mr. BACHUS, Mr. BARTLETT, Mr. AUSTIN SCOTT of Georgia, Mr. QUAYLE, Mr. SMITH of Washington, Mr. UPTON, Mr. MARCHANT, and Mr. CAMP.

H.R. 3423: Ms. KAPTUR, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BASS of California, Mr. OLVER, and Mr. RIGELL.

H.R. 3425: Mr. MURPHY of Connecticut.

H.R. 3437: Mr. BERMAN.

H.R. 3440: Mr. BOUSTANY, Mr. CANSECO, and Mr. MCCLINTOCK.

H.R. 3470: Mr. RENACCI.

H.R. 3480: Mr. RIBBLE, Mr. FLORES, Mr. ROSS of Florida, and Mr. QUAYLE.

H.R. 3481: Mr. ROSS of Florida.

H.R. 3485: Ms. ESHOO and Mr. BLUMENAUER.

H.R. 3519: Mr. FILNER.

H.R. 3525: Mr. BRADY of Pennsylvania.

H.J. Res. 8: Mr. HIGGINS.

H.J. Res. 78: Mr. HEINRICH and Mr. GENE GREEN of Texas.

H.J. Res. 88: Mr. JACKSON of Illinois and Ms. PINGREE of Maine.

H.J. Res. 91: Mr. COOPER, Mr. LANDRY, and Mr. SHUSTER.

H. Con. Res. 85: Ms. FUDGE, Mr. DAVIS of Illinois, Mr. INSLEE, and Mr. CAPUANO.

H. Con. Res. 87: Mr. KISSELL.

H. Res. 462: Mr. HULTGREN.

H. Res. 475: Mrs. BLACK, Mr. BROUN of Georgia, Mr. GOWDY, Mr. BURTON of Indiana, Mr. WALBERG, and Mr. GUTHRIE.

H. Res. 476: Mr. MCINTYRE.

FRIDAY, DECEMBER 2, 2011 (158)

The House was called to order by the SPEAKER.

¶158.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, December 1, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶158.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2010-0866; FRL-9325-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyethylene glycol; Tolerance Exemption [EPA-HQ-OPP-2011-0606; FRL-8892-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prohexadione Calcium; Pesticide Tolerances [EPA-HQ-OPP-2010-0780; FRL-9326-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4091. A letter from the Under Secretary, Department of Defense, transmitting notice that the Department's Fiscal Year 2011 Agency Financial Report will be published electronically; to the Committee on Armed Services.

4092. A letter from the Principal Deputy, Department of Defense, transmitting a report on Redetermination Process for Permanently Incapacitated Dependents of Retired and Deceased Members of the Armed Forces; to the Committee on Armed Services.

4093. A letter from the Director, Directorate of Enforcement Programs, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 806 of the Sarbanes-Oxley Act of 2002, as Amended [Docket Number: OSHA-2011-0126] (RIN: 1218-AC53) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing [EPA-R03-OAR-2011-0603; FRL-9493-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA202-5203; FRL-9490-3] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area [EPA-R03-OAR-2011-0474; FRL-9494-2] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans;and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1010-201158; FRL-9493-5] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Greensboro-Winston-Salem-High Point 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1011-201159; FRL-9493-6] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); General Definitions; Definition of Modification of Existing Facility [EPA-R06-OAR-2005-TX-0025; FRL-9489-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2011-0147; FRL-9493-9] (RIN: 2060-AQ85) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4102. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-40, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4103. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-41, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4104. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting proposed amendments to the International Traffic in Arms Regulations; to the Committee on Foreign Affairs.

4105. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Certification and Determination with Respect to the Child Soldiers Prevention Act of 2008; to the Committee on Foreign Affairs.

4106. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes'', pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

4107. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

4108. A letter from the Executive Secretary, Agency for International Development, transmitting 4 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4109. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4110. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4111. A letter from the Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2011; to the Committee on Oversight and Government Reform.

4112. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Function and Reliability Flight Testing for Turbine-Powered Airplanes Weighing 6,000 pounds or Less [Docket No.: FAA-2010-0218; Amdt. No. 21-95] (RIN: 2120-AJ56) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Safety and Health Requirements Related to Camp Cars [Docket No.: FRA-2009-0042, Notice No. 2] (RIN: 2130-AC13) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Conductor Certification [Docket No.: FRA-2009-0035, Notice No. 2] (RIN: 2130-AC08) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9494-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Commissioner, Social Security Administration, transmitting a draft bill; to the Committee on Ways and Means.

4117. A letter from the Secretary, Department of the Interior, transmitting a draft bill; jointly to the Committees on Financial Services and Ways and Means.

¶158.3 REGULATORY ACCOUNTABILITY

The SPEAKER pro tempore, Mr. DOLD, pursuant to House Resolution 477 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

The SPEAKER pro tempore, Mr. DOLD, by unanimous consent, designated Mr. WOMACK as Chairman of the Committee of the Whole; and after some time spent therein,

¶158.4 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 112-296, submitted by Ms. MOORE:

Page 6, after line 20, insert the following and redesignate provisions accordingly:

''(4) Whether the problem the agency may address with agency action disproportionately impacts certain vulnerable subpopulations including individuals whose income is below 200% of the poverty line, individuals who are aged 65 and older, and individuals who are veterans, and whether that impact would be mitigated through new agency action.''.

It was decided in the negative { Yeas ..... 187 / Nays ..... 232 }

¶158.5 [Roll No. 882]

AYES—187

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

NOES—232

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

NOT VOTING—14

Baca
Bachmann
Braley (IA)
Emerson
Engel
Filner
Giffords
Hanna
Hartzler
Labrador
Paul
Schilling
Sessions
Young (AK)

So the amendment was not agreed to.

¶158.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 112-296, submitted by Ms. JACKSON LEE of Texas:

Page 8, line 19, strike ''shall'' and insert ''may, if the agency determines appropriate,''.

It was decided in the negative { Yeas ..... 162 / Nays ..... 250 }

¶158.7 [Roll No. 883]

AYES—162

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa

Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

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

NOT VOTING—21

Baca
Bachmann
Bachus
Braley (IA)
Clay
Emerson
Engel
Filner
Giffords
Hanna
Hartzler
Johnson (GA)
Labrador
Paul
Perlmutter
Schakowsky
Schilling
Sessions
Terry
Waters
Young (AK)

So the amendment was not agreed to.

¶158.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part B of House Report 112-296, submitted by Mr. CONNOLLY of Virginia:

Page 34, insert after line 19 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

"§ 553b. Exemption for certain rules and guidance

''Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall continue to apply, after such enactment, to any such proposed rule, final rule, or guidance, as appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

''553b. Exemption for certain rules and guidance.''.

It was decided in the negative ..... { Yeas ..... 171 / Nays 242

¶158.9 [Roll No. 884]

AYES—171

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

NOES—242

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick

Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—20

Baca
Bachmann
Berg
Braley (IA)
Ellison
Emerson
Engel
Filner
Giffords
Hartzler
Honda
Marchant
Paul
Perlmutter
Ribble
Rigell
Schilling
Sessions
Sires
Young (AK)

So the amendment was not agreed to.

¶158.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part B of House Report 112-296, submitted by Mr. NADLER:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

"§ 553b. Exemption for certain rules and guidance

''Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Nuclear Regulatory Commission under the Atomic Energy Act (42 U.S.C. 2011, et seq.). Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

''553b. Exemption for certain rules.''.

It was decided in the negative ..... { Yeas ..... 174 / Nays 247

¶158.11 [Roll No. 885]

AYES—174

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

NOES—247

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

NOT VOTING—12

Baca
Bachmann
Braley (IA)
Emerson
Engel
Filner
Giffords
Hartzler
Paul
Schilling
Sessions
Young (AK)

So the amendment was not agreed to.

¶158.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part B of House Report 112-296, submitted by Ms. JACKSON LEE of Texas:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

"§ 553b. Exemption for certain rules and guidance

''Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Secretary of Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

''553b. Exemption for certain rules.''.

It was decided in the negative ..... { Yeas ..... 175 / Nays 247

¶158.13 [Roll No. 886]

AYES—175

Ackerman
Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver

Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

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

NOT VOTING—11

Baca
Bachmann
Braley (IA)
Emerson
Filner
Giffords
Hartzler
Paul
Schilling
Sessions
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BASS of New Hampshire, assumed the Chair.

When Mr. WESTMORELAND, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 477, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Accountability Act of 2011''.

SEC. 2. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions;

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(D) significant impacts on multiple sectors of the economy;

''(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of $1,000,000,000 or more, adjusted annually for inflation;

''(17) 'guidance' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(D) significant impacts on multiple sectors of the economy;

''(19) the 'Information Quality Act' means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

''(20) the 'Office of Information and Regulatory Affairs' means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.''.

SEC. 3. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

''(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

''(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

''(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the agency's jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

''(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

''(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

''(A) the alternative of no Federal response;

''(B) amending or rescinding existing rules;

''(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

''(D) potential responses that—

''(i) specify performance objectives rather than conduct or manners of compliance;

''(ii) establish economic incentives to encourage desired behavior;

''(iii) provide information upon which choices can be made by the public; or

''(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

''(6) Notwithstanding any other provision of law—

''(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs (including an estimate of the net gain or loss in domestic jobs), economic growth, innovation, and economic competitiveness;

''(B) means to increase the cost-effectiveness of any Federal response; and

''(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

''(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule making for a major rule or high-impact rule or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

''(1) include a written statement identifying, at a minimum—

''(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

''(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

''(C) preliminary information available to the agency concerning the other considerations specified in subsection (b); and

''(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule;

''(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

''(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

''(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

''(A) a statement of the time, place, and nature of public rule making proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the terms of the proposed rule;

''(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

''(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

''(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

''(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

''(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

''(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D); and

''(ii) an additional statement of whether a rule is required by statute;

''(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

''(G) a discussion of—

''(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

''(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

''(iii) whether those alternatives meet relevant statutory objectives; and

''(iv) why the agency did not propose any of those alternatives; and

''(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

''(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public's use when the notice of proposed rule making is published.

''(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

''(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public's use when the notice of determination is published.

''(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

''(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

''(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

''(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

''(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

''(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

''(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

''(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

''(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making,

receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

''(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

''(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

''(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

''(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

''(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

''(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

''(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

''(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

''(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

''(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

''(A) a concise, general statement of the rule's basis and purpose;

''(B) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

''(C) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

''(D) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

''(i) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

''(ii) the agency's reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

''(E) the agency's reasoned final determination—

''(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

''(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

''(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

''(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

''(F) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act; and

''(G)(i) for any major rule or high-impact rule, the agency's plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule's benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

''(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public's use no later than when the rule is adopted.

''(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

''(A) Subsections (c) through (e).

''(B) Paragraphs (1) through (3) of subsection (f).

''(C) Subparagraphs (B) through (H) of subsection (f)(4).

''(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency's adoption of an interim rule.

''(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

''(C) Other than in cases involving interests of national security, upon the agency's publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency's determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

''(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsections (c), (d), (e), or (f)(1)–(3) and (f)(4)(B)–(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

''(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency's discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

''(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

''(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

''(2) interpretive rules and statements of policy; or

''(3) as otherwise provided by the agency for good cause found and published with the rule.

''(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

''(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information

and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

''(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

''(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

''(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

''(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

''(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator's specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

''(l) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

''(m) MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 4. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

''§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

''(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

''(1) make and document a reasoned determination that—

''(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

''(B) summarizes the evidence and data on which the agency will base the guidance;

''(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

''(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

''(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

''(b) Agency guidance—

''(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

''(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

''(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency's governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

''553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.''.

SEC. 5. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

''(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

''(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

''(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 6. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking ''Agency action made'' and inserting ''(a) Agency action made''; and

(2) by adding at the end the following: ''Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

''(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency's publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency's determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.''.

SEC. 7. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''(a) To the extent necessary'';

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after ''in accordance with law'' the following: ''(including the Information Quality Act)''; and

(3) by adding at the end the following:

''(b) The court shall not defer to the agency's—

''(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556–557 of chapter 5 of this title to issue the interpretation;

''(2) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

''(3) determinations made in the adoption of an interim rule; or

''(4) guidance.

''(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.''.

SEC. 8. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

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

(2) in paragraph (2), by striking the period at the end, and inserting ''; and''; and

(3) by adding at the end the following:

''(3) 'substantial evidence' means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title,

shall not apply to any rule makings pending or completed on the date of enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BOSWELL moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SECTION ____. GUARANTEEING THE LOWEST PRESCRIPTION DRUG PRICES FOR SENIORS.

This Act and the amendments made by this Act shall not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the nays had it.

Mr. BOSWELL demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 186 / Nays 233

¶158.14 [Roll No. 887]

AYES—186

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

NOES—233

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

NOT VOTING—14

Aderholt
Baca
Bachmann
Braley (IA)
Emerson
Filner
Franks (AZ)
Giffords
Hartzler
Paul
Sanchez, Loretta
Schilling
Sessions
Smith (NJ)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 253 / Nays 167

¶158.15 [Roll No. 888]

AYES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner

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

NOES—167

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

NOT VOTING—13

Baca
Bachmann
Braley (IA)
Carnahan
Coble
Emerson
Filner
Giffords
Hartzler
Paul
Sanchez, Loretta
Schilling
Sessions

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶158.16 ADJOURNMENT OVER

On motion of Mr. WOODALL, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Monday, December 5, 2011, for morning-hour debate and 2 p.m. for legislative business.

¶158.17 MESSAGE FROM THE SENATE

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

H.R. 2192. An Act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

¶158.18 BILLS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

June 29, 2011:

H.R. 2279. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 3, 2011:

H.R. 1383. An Act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post–9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post–9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

August 5, 2011:

H.R. 2553. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 12, 2011:

H.R. 2715. An Act to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

September 16, 2011:

H.R. 1249. An Act to amend title 35, United States Code, to provide for patent reform.

H.R. 2887. An Act to provide an extension of surface and air transportation programs, and for other purposes.

September 30, 2011:

H.R. 2005. An Act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An Act making continuing appropriations for fiscal year 2012, and for other purposes.

H.R. 2883. An Act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An Act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

October 5, 2011:

H.R. 2608. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 2646. An Act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

October 12, 2011:

H.R. 771. An Act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An Act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

October 21, 2011:

H.R. 2832. An Act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2944. An Act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An Act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An Act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An Act to implement the United States-Korea Free Trade Agreement.

November 7, 2011:

H.R. 489. An Act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An Act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An Act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the ''John Pangelinan Gerber Post Office Building''.

H.R. 1975. An Act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the ''First Lieutenant Oliver Goodall Post Office Building''.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the ''Matthew A. Pucino Post Office''.

H.R. 2149. An Act to designate the facility of the United States Postal Service located at 4354 Pahoa Avenue in Honolulu, Hawaii, as the ''Cecil L. Heftel Post Office Building''.

November 9, 2011:

H.R. 368. An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

November 18, 2011:

H.R. 2112. An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

November 21, 2011:

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

November 23, 2011:

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

H.R. 2447. An Act to grant the congressional gold medal to the Montford Point Marines.

November 29, 2011:

H.R. 3321. An Act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

¶158.19 SENATE BILLS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

July 26, 2011:

S. 1103. An Act to extend the term of the incumbent Director of the Federal Bureau of Investigation.

August 2, 2011:

S. 365. An Act to provide for budget control.

September 23, 2011:

S. 846. An Act to designate the United States courthouse located at 80 Lafayettte Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

November 9, 2011:

S. 894. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

November 12, 2011:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

November 21, 2011:

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.

November 23, 2011:

S. 1412. An Act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

November 29, 2011:

S. 1637. An Act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

¶158.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. EMERSON, for today;

To Mr. SCHILLING, for today; and

To Mr. SESSIONS, for today.

And then,

¶158.21 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 3 o'clock and 10 minutes p.m., the House adjourned until noon on Monday, December 5, 2011.

¶158.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2471. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; with an amendment (Rept. 112–312). Referred to the Committee of the Whole House on the state of the Union.

¶158.23 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. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKBURN, Mr. LATTA, Mr. MURPHY of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. REHBERG, Mr. BERG, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SCALISE, Mr. OLSON, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. BOUSTANY, Mr. GRIMM, Mr. BURGESS, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOCK, Mr. LATOURETTE, Mr. MCCOTTER, Mr. DAVIS of Kentucky, Mr. TURNER of Ohio, Mr. PEARCE, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZULLO, Mr. BARTON of Texas, and Mr. SHUSTER):

H.R. 3548. A bill to facilitate United States access to North American oil resources, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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. BACHUS (for himself and Mr. DUFFY):

H.R. 3549. A bill to amend the Ethics in Government Act of 1978 to require Members of Congress to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on House Administration.

By Mr. DUFFY:

H.R. 3550. A bill to amend the Ethics in Government Act of 1978 to require certain individuals subject to that Act to either place their securities in a blind trust or to report the sale, purchase, or exchange of securities; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, 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. LANDRY (for himself, Mr. MCCLINTOCK, and Mr. MULVANEY):

H.R. 3551. A bill to amend the extension of the temporary employee payroll tax holiday to give individuals the choice of whether to participate; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. BURTON of Indiana, Mr. PAYNE, and Mr. ENGEL):

H.R. 3552. A bill to extend the additional duty on ethanol; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, Ms. LEE of California, Mr. MORAN, Mr. POLIS, Ms. PINGREE of Maine, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, and Mr. YOUNG of Alaska):

H.R. 3553. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3554. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy

and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3555. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, 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. HIGGINS (for himself, Ms. HOCHUL, Mr. OWENS, Mrs. MALONEY, Mr. HANNA, Mr. ENGEL, Mr. ACKERMAN, Mr. ISRAEL, Mr. HINCHEY, Mr. GIBSON, Mr. MEEKS, Mr. CROWLEY, Mr. RANGEL, Mr. KING of New York, Ms. HAYWORTH, Mr. REED, Mr. TONKO, Mr. BISHOP of New York, Ms. CLARKE of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. GRIMM, Ms. BUERKLE, Ms. SLAUGHTER, and Mr. TURNER of New York):

H.R. 3556. A bill to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa (for himself, Mr. GOHMERT, Mr. ROSS of Florida, and Mr. COBLE):

H.R. 3557. A bill to require the country of origin of certain special immigrant religious workers to extend reciprocal immigration treatment to nationals of the United States; to the Committee on the Judiciary.

By Mr. LANCE (for himself and Mr. BURTON of Indiana):

H.R. 3558. A bill to amend the Internal Revenue Code of 1986 to provide that the prohibition on suits to restrain assessment or collection of tax does not apply to the tax provisions of the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H. Res. 483. A resolution calling for immediate full consular services to be provided by the United States Consulate in Erbil, the capital of the Kurdistan Region of Iraq; to the Committee on Foreign Affairs.

¶158.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. LONG, Mr. SIMPSON, Mr. AKIN, and Mr. MILLER of Florida.
H.R. 104: Mr. BRADY of Pennsylvania.
H.R. 139: Mr. ACKERMAN.
H.R. 157: Mr. PLATTS and Mr. RIBBLE.
H.R. 178: Mr. AMODEI.
H.R. 187: Mr. YOUNG of Indiana.
H.R. 210: Ms. HAHN.
H.R. 374: Mrs. NOEM.
H.R. 376: Mr. FRANK of Massachusetts.
H.R. 451: Mr. FRANKS of Arizona.
H.R. 487: Mr. GRIJALVA.
H.R. 507: Mr. UPTON.
H.R. 529: Mr. PRICE of North Carolina.
H.R. 721: Mr. BASS of New Hampshire, Mr. WEST, Mr. FLEISCHMANN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HOLT, Mr. KISSELL, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. PETERS, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SMITH of Washington, and Mr. WALZ of Minnesota.
H.R. 835: Mr. GONZALEZ.
H.R. 886: Mr. SMITH of Texas.
H.R. 890: Mr. MARKEY, Mr. MILLER of Florida, and Mr. LANCE.
H.R. 920: Mr. LONG and Mrs. ELLMERS.
H.R. 933: Mr. STARK and Mr. BLUMENAUER.
H.R. 935: Mr. WALBERG.
H.R. 997: Mr. PENCE.
H.R. 1058: Mr. CRAVAACK.
H.R. 1116: Ms. HAHN.
H.R. 1148: Mr. ROSS of Arkansas, Mr. KIND, Mr. JOHNSON of Georgia, Mr. STEARNS, Mr. LYNCH, Mr. BILIRAKIS, Mr. TIPTON, Mr. RIVERA, Mr. WALSH of Illinois, Mr. CHANDLER, Mr. LUETKEMEYER, and Mr. RYAN of Ohio.
H.R. 1186: Mr. WOMACK, Mr. BUCSHON, and Mr. BURTON of Indiana.
H.R. 1204: Mr. CAPUANO.
H.R. 1244: Mr. MILLER of Florida.
H.R. 1385: Mr. BARLETTA.
H.R. 1537: Ms. HAHN and Mr. MURPHY of Connecticut.
H.R. 1567: Mr. CLEAVER.
H.R. 1609: Mr. AUSTIN SCOTT of Georgia, Mr. PENCE, and Mr. MULVANEY.
H.R. 1646: Mr. POSEY.
H.R. 1733: Ms. ZOE LOFGREN of California.
H.R. 1744: Mr. AMASH.
H.R. 1781: Ms. WILSON of Florida.
H.R. 1834: Mrs. ADAMS and Mr. TIPTON.
H.R. 1895: Mr. GENE GREEN of Texas.
H.R. 1909: Ms. RICHARDSON, Mr. LUETKEMEYER, and Mr. CLAY.
H.R. 1981: Mr. AMODEI, Mr. REICHERT, Mr. NUGENT, Ms. HERRERA BEUTLER, Mr. MILLER of Florida, Mr. WILSON of South Carolina, and Mr. JORDAN.
H.R. 2069: Ms. HAYWORTH.
H.R. 2082: Mr. KIND.
H.R. 2088: Ms. HAHN.
H.R. 2108: Mr. RENACCI.
H.R. 2122: Mr. KLINE.
H.R. 2152: Ms. MCCOLLUM.
H.R. 2180: Ms. SCHAKOWSKY.
H.R. 2182: Mr. BROUN of Georgia.
H.R. 2198: Mr. DUFFY.
H.R. 2234: Mr. HINOJOSA.
H.R. 2238: Ms. HANABUSA.
H.R. 2264: Mr. THOMPSON of Mississippi.
H.R. 2313: Mr. MARCHANT, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. GARDNER, Mr. KING of Iowa, Mr. WALSH of Illinois, Mr. CRAVAACK, Mr. BURTON of Indiana, Mr. MULVANEY, Mr. GIBSON, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. AUSTIN SCOTT of Georgia, Mr. ROHRABACHER, Mr. ROYCE, and Mr. YOUNG of Alaska.
H.R. 2377: Mr. PASCRELL.
H.R. 2407: Ms. ZOE LOFGREN of California.
H.R. 2453: Mr. REED and Mr. RIVERA.
H.R. 2459: Ms. JENKINS.
H.R. 2492: Mr. GONZALEZ, Mr. CAPUANO, Mr. LYNCH, Mr. MURPHY of Connecticut, Ms. MATSUI, Mr. BURTON of Indiana, and Mr. THOMPSON of California.
H.R. 2505: Mr. PASCRELL.
H.R. 2514: Mr. TIPTON.
H.R. 2672: Mr. MARCHANT.
H.R. 2717: Mr. SCHRADER, Mr. DUNCAN of Tennessee, Mr. KILDEE, Ms. SCHWARTZ, Mr. TERRY, Mr. JONES, Ms. EDWARDS, Mr. MILLER of North Carolina, Mr. CUELLAR, Mr. HINCHEY, Mr. CHABOT, Mr. RAHALL, Mr. CROWLEY, Mr. FLEISCHMANN, and Mrs. ELLMERS.
H.R. 2770: Mr. GARDNER.
H.R. 2786: Mr. MORAN and Mr. NADLER.
H.R. 2834: Mr. BUCHANAN.
H.R. 2902: Mr. PAYNE.
H.R. 2942: Mr. AKIN and Mr. YODER.
H.R. 2945: Mr. FLAKE.
H.R. 2948: Mr. PRICE of North Carolina.
H.R. 2966: Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Mr. TONKO, Mr. ANDREWS, and Ms. MCCOLLUM.
H.R. 2970: Mr. FARR.
H.R. 3027: Mr. TOWNS.
H.R. 3043: Mr. REED, Mr. GRIFFIN of Arkansas, Mr. DUFFY, and Mr. ROE of Tennessee.
H.R. 3044: Mr. YODER.
H.R. 3059: Mr. YOUNG of Alaska.
H.R. 3067: Mr. BARROW, Mr. OLSON, Mr. CARNEY, Mr. WALZ of Minnesota, Mr. WOLF, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. PETRI, Ms. SLAUGHTER, Mr. HOLT, Ms. WATERS, Mr. GARAMENDI, Mr. KING of New York, Mrs. SCHMIDT, and Ms. HAYWORTH.
H.R. 3125: Mr. GALLEGLY.
H.R. 3138: Mr. HOLT.
H.R. 3142: Mr. DUNCAN of Tennessee and Mr. COLE.
H.R. 3205: Mr. CULBERSON.
H.R. 3216: Mr. NUGENT and Mr. COBLE.
H.R. 3243: Mr. DUNCAN of Tennessee.
H.R. 3269: Mr. LOEBSACK, Mr. WALDEN, Ms. HAYWORTH, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. MARCHANT.
H.R. 3271: Ms. CHU and Ms. NORTON.
H.R. 3307: Mr. RYAN of Ohio, Ms. HIRONO, Mr. MCINTYRE, Mr. HIGGINS, Mr. BERG, Mr. CRAWFORD, Mr. DOGGETT, Mr. MCDERMOTT, Mr. PERLMUTTER, and Ms. WOOLSEY.
H.R. 3313: Mr. GRIJALVA.
H.R. 3316: Mr. PRICE of North Carolina.
H.R. 3317: Mr. PRICE of North Carolina.
H.R. 3324: Mr. MCNERNEY and Ms. MCCOLLUM.
H.R. 3346: Mr. CLEAVER, Mrs. LOWEY, Mr. LYNCH, and Mr. HINCHEY.
H.R. 3378: Mrs. MILLER of Michigan and Mr. LEVIN.
H.R. 3379: Mr. HERGER.
H.R. 3393: Mr. BARLETTA.
H.R. 3398: Mr. HONDA.
H.R. 3400: Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CANSECO, Mr. SCHWEIKERT, Mr. BROUN of Georgia, Mr. GRAVES of Georgia, Mr. STUTZMAN, Mr. FRANKS of Arizona, and Mr. PEARCE.
H.R. 3418: Mr. GALLEGLY.
H.R. 3435: Mr. DOGGETT, Mr. STARK, Mr. MARKEY, Mr. NEAL, Mr. TONKO, Mr. OLVER, Mrs. NAPOLITANO, Mr. GARAMENDI, Mr. HINCHEY, Mr. CICILLINE, Ms. JACKSON LEE of Texas, and Ms. CASTOR of Florida.
H.R. 3441: Mr. PAUL.
H.R. 3453: Mr. RYAN of Wisconsin.
H.R. 3461: Mr. HURT, Mr. ROSS of Arkansas, Mr. DAVID SCOTT of Georgia, Mr. HUIZENGA of Michigan, Mr. TIPTON, Mr. MCHENRY, Mr. WOMACK, Mr. MANZULLO, Mr. CRITZ, Mr. CRAVAACK, Mr. PITTS, and Mr. SCHOCK.
H.R. 3462: Mr. MCKINLEY.
H.R. 3476: Ms. RICHARDSON.
H.R. 3480: Mr. MULVANEY and Mr. GOWDY.
H.R. 3485: Mr. GONZALEZ.
H.R. 3497: Mr. LATHAM and Mr. INSLEE.
H.R. 3502: Mr. WATT, Mr. PASTOR of Arizona, Mr. RUSH, Mr. CAPUANO, Mr. FILNER, and Mr. COHEN.
H.R. 3508: Mr. SCHWEIKERT.
H.R. 3521: Mr. CONNOLLY of Virginia, Mr. BUCHANAN, Mr. COSTA, Mr. MANZULLO, Mr. WELCH, and Mr. HONDA.
H.R. 3525: Mr. JACKSON of Illinois and Ms. NORTON.
H.R. 3538: Mr. MARCHANT, Mr. TERRY, Mr. HALL, Mrs. ROBY, Mr. KELLY, and Mrs. MILLER of Michigan.
H.R. 3545: Mr. CUELLAR.
H.J. Res. 90: Mr. MCDERMOTT, Mr. HASTINGS of Florida, and Mr. DEFAZIO.
H.J. Res. 91: Mr. COFFMAN of Colorado.
H. Con. Res. 85: Mr. MARKEY, Ms. HAHN, Mr. OLVER, and Mr. BLUMENAUER.
H. Con. Res. 87: Mr. YOUNG of Florida.
H. Res. 134: Ms. BUERKLE.
H. Res. 376: Mr. MCDERMOTT.
H. Res. 460: Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. DOLD, Mr.

MCINTYRE, Mr. BROOKS, Mr. POLIS, Mr. ACKERMAN, and Ms. NORTON.

H. Res. 461: Mrs. BACHMANN.

H. Res. 468: Mr. HUIZENGA of Michigan, Ms. HAYWORTH, Ms. SLAUGHTER, Mr. TIPTON, and Mr. POLIS.

H. Res. 474: Mr. JOHNSON of Illinois and Mr. GARAMENDI.

MONDAY, DECEMBER 5, 2011 (159)

¶159.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at noon by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 5, 2011.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶159.2 RECESS—12:05 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 5 minutes p.m., until 2 p.m.

¶159.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶159.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Friday, December 2, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶159.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Primary Lead Processing [EPA-HQ-OAR-2004-0305; FRL-9491-2] (RIN: 2060-AQ43) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9489-6) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey [Docket No.: EPA-R02-OAR-2011-0499; FRL-9486-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Charlotte-Gastonia-Rock Hill, North Carolina and South Carolina; Determination of Attainment of the 1997 8-Hour Ozone Standard [EPA-R04-OAR-2011-0029-201103; FRL-9490-5] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Permit Renewals [EPA-R06-OAR-2010-0978; FRL-9489-9] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0537; FRL-9489-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations [EPA-HQ-OAR-2010-0786; FRL-9491-4] (RIN: 2060-AQ42) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4125. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0701; FRL-9490-1] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2011-0845; FRL-9492-2] received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards [EPA-HQ-OAR-2009-0443; FRL-9492-3] (RIN: 2060-AR17) received November 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4128. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Sudan (RIN: 1400-AC93) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4129. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4130. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes; Equipped with Certain Cockpit Door Installations [Docket No.: FAA-2011-0479; Directorate Identifier 2010-NM-154-AD; Amendment 39-16827; AD 2011-21-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called Model A300-600 Series Airplanes); Model A310 Series Airplanes; Model A318 Series Airplanes, Model A319 Series Airplanes; Model A320-211, -212, -214, -231, -232, and -233 Airplanes; Model A321 Series Airplanes; Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2011-0388; Directorate Identifier 2010-NM-004-AD; Amendment 39-16761; AD 2011-16-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400 and -400F Series Airplanes [Docket No.: FAA-2011-0041; Directorate Identifier 2010-NM-227-AD; Amendment 39-16764; AD 2011-16-06] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP Airplanes [Docket No.: FAA-2011-0832; Directorate Identifier 2011-CE-025-AD; Amendment 39-16771; AD 2011-17-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes [Docket No.: FAA-2011-0224; Directorate Identifier 2010-NM-210-AD; Amendment 39-16772; AD 2011-17-08] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfart GmbH) Model 328-100 and -300 Airplanes [Docket No.: FAA-2010-1163; Directorate Identifier 2009-NM-233-AD; Amendment 39-16795; AD 2011-18-13] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0389; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2011-0569; Directorate Identifier 2010-NM-240-AD; Amendment 39-16811; AD 2011-20-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2009-0218; Directorate Identifier 2009-CE-006-AD; Amendment 39-16820; AD 2009-13-06 R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2010-1199; Directorate Identifier 2010-NM-225-AD; Amendment 39-16818; AD 2011-20-07] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CT7-8, CT7-8A, CT7-8A1, CT7-8E, and CT7-8F5 Turboshaft Engines [Docket No.: FAA-2011-0392; Directorate Identifier 2011-NE-12-AD; Amendment 39-16808; AD 2011-19-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes; and Model F.28 Airplanes [Docket No.: FAA-2011-0568; Directorate Identifier 2011-NM-010-AD; Amendment 39-16824; AD 2011-21-01] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-1312; Directorate Identifier 2010-NM-220-AD; Amendment 39-16826; AD 2011-21-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶159.6 RECESS—2:04 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 4 minutes p.m., until approximately 3:30 p.m.

¶159.7 AFTER RECESS—3:31 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶159.8 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1540. An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1540) ''An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Messrs. LEVIN, LIEBERMAN, REED, AKAKA, NELSON [NE], WEBB, Mrs. MCCASKILL, Mr. UDALL [CO], Mrs. HAGAN, Messrs. BEGICH, MANCHIN, Mmes. SHAHEEN, GILLIBRAND, Messrs. BLUMENTHAL, MCCAIN, INHOFE, SESSIONS, CHAMBLISS, WICKER, BROWN [MA], PORTMAN, AYOTTE, Ms. COLLINS, Messrs. GRAHAM, CORNYN, and VITTER, to be the conferees on the part of the Senate.

¶159.9 CALIFORNIA COASTAL NATIONAL MONUMENT

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 944) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.10 FORT PULASKI NATIONAL MONUMENT

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill of the Senate (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.11 OUTER CONTINENTAL SHELF LANDS

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule

XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.12 NORTH CASCADES NATIONAL PARK, ROSS LAKE NATIONAL RECREATION AREA, AND LAKE CHELAN NATIONAL RECREATION AREA

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.13 YSLETA DEL SUR PUEBLO TRIBE

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.14 TOWN OF MANTUA, UTAH

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill of the Senate (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

¶159.15 TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 470

Mr. HASTINGS of Washington, moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 32):

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike ''General'' and insert ''Conformed General''.

(2) In section 2(e), strike ''as redesignated as'' and insert ''as redesignated by''.

(3) In section 2(f), strike ''as redesignated as'' and insert ''as redesignated by''.

(4) In section 2(g), strike ''as redesignated as'' and insert ''as redesignated by''.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HASTINGS of Washington, and Mr. LUJAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUJAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 6, 2011.

The point of no quorum was considered as withdrawn.

And then,

¶159.16 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 4 o'clock and 4 minutes p.m., the House adjourned.

¶159.17 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2369. A bill to amend title 36, United States Code to provide for an additional power for the American Legion under its Federal charter (Rept. 112–313). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2815. A bill to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership (Rept. 112–314). Referred to the Committee of the Whole House on the state of the Union.

¶159.18 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. STIVERS:

H.R. 3559. A bill to prohibit the Federal Insurance Office of the Department of the Treasury and other financial regulators from collecting data directly from an insurance company; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3560. A bill to provide for the conveyance of certain Federal lands in Yuma County, Arizona; to the Committee on Natural Resources.

By Mr. KIND (for himself, Mr. GERLACH, and Mr. NEAL):

H.R. 3561. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to reduce administrative burdens and encourage retirement plan formation and retention; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. NADLER (for himself and Mr. BISHOP of New York):

H.R. 3562. A bill to amend the Federal Water Pollution Control Act with respect to the use of dispersants, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶159.19 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

170. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 520 urging the Congress to ensure adequate funding for the United States Postal Service and to take all appropriate steps to keep the United States Postal Service open for all Americans to Use; to the Committee on Oversight and Government Reform.

171. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 urging the President and the Congress to support the continued and increased importation of oil derived from Canadian Oil Sands; jointly to the Committees on Foreign Affairs, Energy

and Commerce, and Transportation and Infrastructure.

¶159.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. SULLIVAN.
H.R. 139: Ms. SCHWARTZ and Ms. SCHAKOWSKY.
H.R. 234: Mr. MCCLINTOCK.
H.R. 487: Ms. SCHAKOWSKY and Mr. CONYERS.
H.R. 733: Mr. HIMES.
H.R. 835: Mr. THOMPSON of California, Mr. ANDREWS, Mr. RUSH, and Mr. JOHNSON of Georgia.
H.R. 942: Mr. GALLEGLY.
H.R. 1063: Mr. GRIFFITH of Virginia, Mr. PAYNE, Mr. YARMUTH, and Mr. GALLEGLY.
H.R. 1175: Mr. LATOURETTE.
H.R. 1221: Mr. KISSELL.
H.R. 1259: Mr. GERLACH.
H.R. 1546: Mr. TONKO, Mr. COHEN, Mrs. MCCARTHY of New York, Mr. TURNER of Ohio, Mr. BROUN of Georgia, and Mr. MCCOTTER.
H.R. 1755: Mr. YOUNG of Alaska and Mr. AMODEI.
H.R. 1834: Mr. AMODEI, Mr. AUSTIN SCOTT of Georgia, Mr. POSEY, and Mr. PALAZZO.
H.R. 1842: Mr. TOWNS, Ms. HAHN, and Mr. WELCH.
H.R. 1897: Mr. DIAZ-BALART.
H.R. 1964: Mrs. BLACK, Mr. SOUTHERLAND, Ms. NORTON, and Mr. RUNYAN.
H.R. 2077: Ms. JENKINS.
H.R. 2139: Mr. HOLDEN, Mr. RIBBLE, Ms. MATSUI, and Mr. ALTMIRE.
H.R. 2288: Mr. ACKERMAN.
H.R. 2751: Mr. PRICE of North Carolina.
H.R. 2815: Mr. RIVERA, Ms. WILSON of Florida, Mr. DOLD, Mrs. BLACK, Mr. LUETKEMEYER, Mr. MCKINLEY, and Mr. SCHILLING.
H.R. 2874: Mrs. BLACK.
H.R. 2918: Mr. MCCAUL.
H.R. 3000: Mr. LAMBORN.
H.R. 3068: Mrs. HARTZLER.
H.R. 3091: Mr. BOREN.
H.R. 3126: Mrs. NAPOLITANO.
H.R. 3213: Mr. JOHNSON of Illinois.
H.R. 3233: Mr. BRADY of Pennsylvania.
H.R. 3235: Mr. JOHNSON of Illinois.
H.R. 3271: Ms. BUERKLE and Ms. SCHAKOWSKY.
H.R. 3315: Mr. INSLEE and Mr. GINGREY of Georgia.
H.R. 3370: Mr. MICHAUD.
H.R. 3422: Mr. JONES.
H.R. 3425: Mrs. NAPOLITANO, Ms. NORTON, Mr. CONYERS, Mr. TOWNS, Mr. DAVIS of Illinois, and Mrs. CHRISTENSEN.
H.R. 3485: Ms. MATSUI.
H.R. 3510: Mrs. ADAMS, Mr. MEEHAN, and Mr. WALZ of Minnesota.
H.R. 3548: Mrs. ELLMERS, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. MCKINLEY, and Mr. COFFMAN of Colorado.
H.J. Res. 86: Mr. DEFAZIO.
H.J. Res. 91: Mr. SESSIONS.
H. Con. Res. 85: Ms. WATERS, Ms. LORETTA SANCHEZ of California, Mr. FILNER, and Mr. JOHNSON of Georgia.
H. Con. Res. 87: Mr. RIVERA.
H. Res. 25: Mr. AMODEI.
H. Res. 137: Mr. DAVID SCOTT of Georgia.
H. Res. 475: Mrs. ADAMS, Mr. PAUL, Mr. KELLY, and Mr. LAMBORN.

TUESDAY, DECEMBER 6, 2011 (160)

¶160.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Ms. FOXX, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 6, 2011.

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

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶160.2 RECESS—11 A.M.

The SPEAKER pro tempore, Ms. FOXX, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock a.m., until noon.

¶160.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶160.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, December 5, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶160.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4146. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4147. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Regulations G, O, W, BB, LL, MM, Rules regarding availability of information, Rules of Procedure, Rules of Practice for hearings, and Post-employment restrictions for senior examiners [Docket No.: R-1429] (RIN No.: 7100 AD-80) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Remittance Transfers (RIN: 3133-AD94) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4149. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 110930606-1640-01] (RIN: 0694-AF40) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4150. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification [FAC 2005-54; FAR Case 2009-019; Item III; Docket 2010-0108; Sequence 1] (RIN: 9000-AL77) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4151. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act [FAC 2005-54; FAR Case 2010-006; Item I; Docket 2010-0106; Sequence 1] (RIN: 9000-AL76) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4152. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [CBP Dec. No. 11-23] (RIN: 1651-AA91) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Denton, TX [Docket No.: FAA-2010-1327; Airspace Docket No. 10-ASW-19] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Harrisonville, MO [Docket No.: FAA-2011-0251; Airspace Docket No. 11-ACE-5] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class D Airspace; Willow Grove, PA [Docket No.: FAA-2011-0355; Airspace Docket No. 11-AEA-8] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mobridge, SD [Docket No.: FAA-2011-0134; Airspace Docket No. 11-AGL-3] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; El Dorado, KS [Docket No.: FAA-2011-0231; Airspace Docket No. 11-ACE-4] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Information System State Procedures Manual, Release 5.2.0 [Docket No.: FMCSA-2011-0039] (RIN: 2126-AB33) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0033; Directorate Identifier 2009-NM-099-AD; Amendment 39-16737; AD 2011-14-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300

B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0000; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.a. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2011-1000; Directorate Identifier 2011-NM-048-AD; Amendment 39-16828; AD 2011-21-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No.: FAA-2011-0999; Directorate Identifier 2010-NM-235-AD; Amendment 39-16825; AD 2011-21-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT [Docket No.: FAA-2011-0687; Directorate Identifier 2011-CE-017-AD; Amendment 39-16833; AD 2011-21-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes [Docket No.: FAA-2011-0306; Directorate Identifier 2010-NM-176-AD; Amendment 39-16829; AD 2011-21-06] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2011-0312; Directorate Identifier 2010-NM-159-AD; Amendment 39-16838; AD 2011-21-15] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes [Docket No.: FAA-2011-0811; Directorate Identifier 2011-CE-026-AD; Amendment 39-16839; AD 2011-21-16] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0264; Directorate Identifier 2009-NM-244-AD; Amendment 39-16837; AD 2011-21-14] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Siema Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes [Docket No.: FAA-2010-0040; Directorate Identifier 2008-NM-203-AD; Amendment 39-16831; AD 2011-21-08] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-103, B4-203, and B4-2C Airplanes [Docket No.: FAA-2011-0478; Directorate Identifier 2010-NM-138-AD; Amendment 39-16832; AD 2011-21-09] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0564; Directorate Identifier 2011-NM-021-AD; Amendment 39-16830; AD 2011-21-07] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1161; Directorate Identifier 2011-CE-036-AD; Amendment 39-16850; AD 2011-21-51] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Section 1274A CPI Adjustments (Rev. Rul. 2011-27) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4175. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Allocation of Basis in ''All Cash D'' Reorganizations [TD 9558] (RIN: 1545-BJ21) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶160.6 PROVIDING FOR CONSIDERATION OF H.R. 10

Mr. NUGENT, by direction of the Committee on Rules, called up the following resolution (H. Res. 479):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

SEC. 3. Clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

When said resolution was considered.

After debate,

Mr. NUGENT moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. FITZPATRICK, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FITZPATRICK, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶160.7 PUBLIC HEALTH PREPAREDNESS AND COUNTERMEASURE DEVELOPMENT

Mr. PITTS moved to suspend the rules and pass the bill (H.R. 2405) to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FITZPATRICK, recognized Mr. PITTS

and Mr. PALLONE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FITZPATRICK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶160.8 SOAR

Mr. GOWDY moved to suspend the rules and pass the bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act; as amended.

The SPEAKER pro tempore, Mr. FITZPATRICK, recognized Mr. GOWDY and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FITZPATRICK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶160.9 SOUTHWEST WATERFRONT DEVELOPMENT

Mr. GOWDY moved to suspend the rules and pass the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FITZPATRICK, recognized Mr. GOWDY and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FITZPATRICK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶160.10 RECESS—1:54 P.M.

The SPEAKER pro tempore, Mr. FITZPATRICK, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 54 minutes p.m., until approximately 2:45 p.m.

¶160.11 AFTER RECESS—2:51 P.M.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, called the House to order.

¶160.12 VIDEO TAPE SERVICE PROVIDER

Mr. GOODLATTE moved to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; as amended.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, recognized Mr. GOODLATTE and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WATT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶160.13 BANKRUPTCY JUDGES

Mr. SMITH of Texas, moved to suspend the rules and pass the bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; as amended.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, recognized Mr. SMITH of Texas, and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶160.14 H. RES. 479—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 184

¶160.15 [Roll No. 889]

YEAS—236

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

Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—184

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

NOT VOTING—13

Akin
Alexander
Bachmann
Cardoza
Castor (FL)
Giffords
Hinchey
Inslee
Lowey
Marino
Myrick
Nadler
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 180

¶160.16 [Roll No. 890]

YEAS—235

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

NAYS—180

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

NOT VOTING—18

Akin
Alexander
Bachmann
Cardoza
Castor (FL)
Cole
Cravaack
Franks (AZ)
Garamendi
Giffords
Hinchey
Inslee
King (IA)
Lewis (CA)
Marino
Myrick
Nadler
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶160.17 H.R. 2471—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 303 / Nays 116

¶160.18 [Roll No. 891]

YEAS—303

Adams
Aderholt
Altmire
Amash
Amodei
Andrews
Austria
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carney
Carter
Cassidy
Chabot
Chaffetz
Chu
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Higgins
Hochul
Holden
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—116

Ackerman
Baca
Baldwin
Barton (TX)
Bass (CA)
Becerra
Bishop (GA)
Bishop (NY)
Brown (FL)
Butterfield
Capuano
Carnahan
Carson (IN)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Costello
Crowley
Culberson
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Edwards
Ellison
Engel
Farenthold
Fattah
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Herrera Beutler
Himes
Hinojosa
Hirono
Holt
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lowey
Maloney
Markey
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Napolitano
Neal
Olver
Pastor (AZ)
Payne
Peterson
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Richmond
Roybal-Allard
Rush
Ryan (OH)
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Speier
Stark
Stearns
Sutton
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—14

Akin
Alexander
Bachmann
Cardoza
Castor (FL)
Dicks
Giffords
Gohmert
Hinchey
Inslee
Marino
Myrick
Nadler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶160.19 BI-STATE DEVELOPMENT AGENCY

Mr. GOHMERT moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years; as amended.

The SPEAKER pro tempore, Mr. BASS of New Hampshire, recognized Mr. GOHMERT and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mrs. NOEM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶160.20 AMERICAN LEGION

Mr. GOHMERT moved to suspend the rules and pass the bill of the Senate (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The SPEAKER pro tempore, Mrs. NOEM, recognized Mr. GOHMERT and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. NOEM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶160.21 BLUE STAR MOTHERS OF AMERICA

Mr. GOHMERT moved to suspend the rules and pass the bill of the Senate (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

The SPEAKER pro tempore, Mrs. NOEM, recognized Mr. GOHMERT and Mr. COHEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. NOEM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶160.22 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. NOEM, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 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 December 6, 2011 at 2:04 p.m.:

That the Senate passed S. 384.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶160.23 ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2192. An Act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

¶160.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MARINO, for today; and

To Mr. YOUNG of Florida, for today and December 7.

And then,

¶160.25 ADJOURNMENT

On motion of Mr. TONKO, at 7 o'clock p.m., the House adjourned.

¶160.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3237. A bill to amend the SOAR Act by clarifying the scope of coverage of the Act; with an amendment (Rept. 112–315). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1633. A bill to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes; with an amendment (Rept. 112–316). Referred to the Committee of the Whole House on the state of the Union.

¶160.27 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. BILIRAKIS (for himself and Ms. RICHARDSON):

H.R. 3563. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, 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. RANGEL:

H.R. 3564. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. FLORES:

H.R. 3565. A bill to reduce the salaries of Members of Congress if a Federal budget deficit exists, prohibit commodities and securities trading based on non-public information relating to Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Agriculture, Rules, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. GUTIERREZ):

H.R. 3566. A bill to ensure uniformity and fairness in deficiency judgments arising from foreclosures on mortgages for single family homes; to the Committee on the Judiciary.

By Mr. BOUSTANY:

H.R. 3567. A bill to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Ms. MCCOLLUM):

H.R. 3568. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, 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. BACA:

H.R. 3569. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, 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. CAPPS (for herself, Ms. WOOLSEY, Ms. PINGREE of Maine, and Mr. KEATING):

H.R. 3570. A bill to promote ocean and human health and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H.R. 3571. A bill to direct the Commissioner of Internal Revenue to establish a self-employment tax initiative grant program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 3572. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Ms. MOORE (for herself, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. NORTON, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATERS):

H.R. 3573. A bill to reauthorize and amend the program of block grants to States for temporary assistance for needy families and related programs; to the Committee on Ways and Means, 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 Mr. REED (for himself, Mr. GIBSON, Mr. HIGGINS, Mr. HANNA, Ms. SLAUGHTER, Mr. KING of New York, Mr. GRIMM, Mr. HINCHEY, Ms. BUERKLE, Mr. TONKO, Mr. OWENS, Ms. HOCHUL, Mr. ENGEL, and Mr. ALTMIRE):

H.R. 3574. A bill to revise the formula for allocating funding to States under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. ELLISON:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate the disbursement of funds for political activity by for-profit corporations and other for-profit business organizations; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California:

H. Res. 484. A resolution calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom; to the Committee on Foreign Affairs.

¶160.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 361: Mr. NUNNELEE, Mr. HECK, and Mr. POSEY.

H.R. 376: Mr. TOWNS and Mr. HANNA.

H.R. 389: Mr. POSEY.

H.R. 452: Mr. NUGENT, Mr. GIBBS, and Mr. COURTNEY.

H.R. 459: Mr. PAULSEN.

H.R. 507: Mr. DOLD and Ms. CASTOR of Florida.

H.R. 721: Mrs. ELLMERS, Mr. MEEHAN, Mr. RIBBLE, Mr. DIAZ-BALART, Mr. FITZPATRICK, Mr. BERMAN, Mr. GARDNER, and Mr. OLSON.

H.R. 835: Mr. MURPHY of Connecticut and Mr. PALLONE.

H.R. 860: Mr. DUFFY, Mr. FLAKE, Mr. KIND, Mr. CLARKE of Michigan, Mr. SCOTT of Virginia, Ms. HAHN, Mr. PITTS, Mr. CARSON of Indiana, Mr. RIBBLE, Mr. WOMACK, Mr. ALTMIRE, Mr. RIVERA, Mr. LUJÁN, and Mr. THOMPSON of California.

H.R. 873: Mr. NADLER.

H.R. 998: Ms. HAHN and Mr. DINGELL.

H.R. 1148: Mr. COSTA, Ms. SCHAKOWSKY, Ms. HAHN, Mr. LEWIS of Georgia, Mr. ALEXANDER, Ms. RICHARDSON, Mr. OLVER, Mr. MURPHY of

Connecticut, Mr. CAPUANO, Mr. CUELLAR, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WELCH, Mr. FORTENBERRY, Ms. WATERS, Ms. DELAURO, Mr. HINOJOSA, Mr. ROTHMAN of New Jersey, Mr. POSEY, Mr. FRELINGHUYSEN, Mr. COBLE, Mr. WITTMAN, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. PLATTS, and Mr. CARTER.

H.R. 1159: Mr. BURTON of Indiana.

H.R. 1171: Mr. WAXMAN, Mr. BILBRAY, and Mr. STARK.

H.R. 1179: Mr. BARLETTA.

H.R. 1191: Mr. PAUL.

H.R. 1206: Mr. OLSON.

H.R. 1221: Mr. NUNNELEE.

H.R. 1350: Mr. JOHNSON of Georgia.

H.R. 1370: Mrs. LUMMIS and Mr. BARLETTA.

H.R. 1386: Ms. HAHN, Mr. DIAZ-BALART, Mr. KEATING, Ms. MATSUI, and Mr. HASTINGS of Florida.

H.R. 1477: Mr. DEUTCH.

H.R. 1505: Mr. MCCAUL.

H.R. 1579: Mr. RYAN of Ohio.

H.R. 1581: Mrs. ADAMS.

H.R. 1633: Mr. PENCE.

H.R. 1639: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.

H.R. 1648: Ms. HAHN, Mr. HINOJOSA, Mrs. LOWEY, Mr. FARR, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1704: Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. DOLD, and Mrs. CAPPS.

H.R. 1744: Mr. CONAWAY.

H.R. 1755: Mr. COURTNEY and Mr. PALLONE.

H.R. 1834: Mr. QUAYLE.

H.R. 1903: Mr. HINOJOSA and Ms. SCHAKOWSKY.

H.R. 1968: Mr. COURTNEY.

H.R. 2016: Mr. LOEBSACK.

H.R. 2028: Ms. BASS of California.

H.R. 2047: Mr. TURNER of New York, Mr. FALEOMAVAEGA, Mr. HIGGINS, Mr. MILLER of Florida, and Mr. CHABOT.

H.R. 2051: Mr. RANGEL.

H.R. 2069: Mr. TOWNS.

H.R. 2093: Mr. FILNER and Ms. WOOLSEY.

H.R. 2108: Mr. DEUTCH.

H.R. 2123: Mr. DENT.

H.R. 2144: Mr. CAPUANO.

H.R. 2151: Mr. THOMPSON of Mississippi.

H.R. 2152: Mr. HINOJOSA.

H.R. 2159: Mr. BISHOP of New York.

H.R. 2194: Mr. DAVID SCOTT of Georgia.

H.R. 2210: Mr. GRIJALVA.

H.R. 2304: Mr. WILSON of South Carolina.

H.R. 2315: Mr. GRIJALVA.

H.R. 2376: Ms. SLAUGHTER.

H.R. 2412: Mrs. LOWEY.

H.R. 2446: Mr. GRIMM.

H.R. 2461: Mr. PIERLUISI and Mr. LOEBSACK.

H.R. 2485: Mr. ROE of Tennessee.

H.R. 2489: Mr. DINGELL, Mr. MCGOVERN, Mr. ISRAEL, and Mr. LANCE.

H.R. 2499: Mr. SMITH of New Jersey.

H.R. 2536: Mr. CARSON of Indiana and Ms. CASTOR of Florida.

H.R. 2541: Mr. DENHAM.

H.R. 2595: Mr. COHEN.

H.R. 2599: Mr. MCNERNEY, Mr. KINZINGER of Illinois, and Mr. HASTINGS of Florida.

H.R. 2607: Ms. HAHN.

H.R. 2617: Mr. HINOJOSA.

H.R. 2672: Ms. JENKINS.

H.R. 2697: Mr. RANGEL, Mr. KLINE, and Mr. YODER.

H.R. 2706: Mr. SOUTHERLAND.

H.R. 2735: Mr. CROWLEY.

H.R. 2742: Ms. LEE of California.

H.R. 2746: Mrs. MALONEY, Mr. RANGEL, and Mr. POLIS.

H.R. 2751: Ms. SLAUGHTER, Mr. POLIS, Mr. RUPPERSBERGER, and Mr. JONES.

H.R. 2866: Mrs. MCCARTHY of New York.

H.R. 2885: Mr. BASS of New Hampshire and Mr. DUNCAN of Tennessee.

H.R. 2898: Mr. LUCAS.

H.R. 2918: Mr. HULTGREN and Mr. POE of Texas.

H.R. 2948: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. BOSWELL.

H.R. 2966: Mr. RUSH, Ms. ESHOO, Ms. SLAUGHTER, and Mr. PALLONE.

H.R. 3000: Mr. HUIZENGA of Michigan.

H.R. 3059: Ms. MCCOLLUM, Mr. BURTON of Indiana, and Mr. MULVANEY.

H.R. 3061: Mr. TIERNEY and Mr. CRENSHAW.

H.R. 3088: Mr. DOGGETT and Ms. SLAUGHTER.

H.R. 3151: Ms. CHU.

H.R. 3185: Mr. BERG.

H.R. 3192: Mr. LATHAM.

H.R. 3245: Mr. GARAMENDI and Mr. ROTHMAN of New Jersey.

H.R. 3269: Mr. SULLIVAN, Mr. BENISHEK, Mr. BILBRAY, Mr. POMPEO, Mr. FLORES, and Mr. NUNNELEE.

H.R. 3334: Ms. MCCOLLUM.

H.R. 3362: Mr. ISSA.

H.R. 3393: Mr. ROSS of Florida and Mr. SOUTHERLAND.

H.R. 3394: Mr. HINCHEY.

H.R. 3400: Mr. LAMBORN, Mrs. BLACKBURN, Mr. ROSS of Florida, Mr. CAMPBELL, and Mr. POMPEO.

H.R. 3421: Mr. KIND, Mr. KEATING, Mrs. LOWEY, Mr. PASCRELL, Ms. MCCOLLUM, Mr. MCHENRY, Mr. PETRI, Mrs. BONO MACK, Mr. LAMBORN, Mr. BILBRAY, Mr. MEEKS, Mr. GIBSON, Mr. HERGER, Mr. WAXMAN, Mr. POMPEO, Mr. ALEXANDER, Mr. CAMPBELL, Mr. CANSECO, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, Mr. RIVERA, Mr. HARPER, Mr. BISHOP of Utah, Mr. HALL, Mr. DAVIS of Kentucky, Mr. WALBERG, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. OLSON, Mr. MACK, Mr. DESJARLAIS, Mr. CARTER, Mr. NUNNELEE, Mrs. MALONEY, Mr. JORDAN, Mr. LEWIS of California, Ms. BUERKLE, and Mr. WEBSTER.

H.R. 3423: Mr. CALVERT, Mr. MORAN, Mr. LYNCH, Ms. BROWN of Florida, Mr. BENISHEK, Mr. AKIN, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. SIRES, and Mr. DAVID SCOTT of Georgia.

H.R. 3425: Ms. RICHARDSON and Mr. FILNER.

H.R. 3432: Mr. CONNOLLY of Virginia.

H.R. 3441: Mr. LONG.

H.R. 3449: Mr. MICHAUD.

H.R. 3454: Mrs. HARTZLER.

H.R. 3480: Mr. WALSH of Illinois, Ms. JENKINS, and Mrs. ROBY.

H.R. 3483: Mr. JOHNSON of Illinois, Mr. TOWNS, and Mr. KISSELL.

H.R. 3519: Ms. CHU.

H.R. 3521: Mr. PAULSEN.

H.R. 3541: Mr. CRAVAACK, Mr. CANSECO, Mr. KELLY, and Mr. KING of Iowa.

H.R. 3548: Mr. COBLE.

H.R. 3550: Mr. ROYCE, Mr. LOEBSACK, and Mr. HUIZENGA of Michigan.

H.R. 3551: Mr. HUIZENGA of Michigan.

H.R. 3556: Mr. CONYERS.

H.J. Res. 69: Mr. DENT.

H.J. Res. 78: Ms. HIRONO.

H.J. Res. 88: Mr. DEFAZIO.

H. Con. Res. 72: Mr. ANDREWS.

H. Con. Res. 77: Mr. POE of Texas.

H. Con. Res. 85: Mr. DEFAZIO and Mr. RUSH.

H. Res. 25: Mr. OWENS.

H. Res. 111: Mr. CARNAHAN, Mr. SOUTHERLAND, and Mr. LARSON of Connecticut.

H. Res. 184: Mr. NUGENT.

H. Res. 282: Mr. DANIEL E. LUNGREN of California.

H. Res. 460: Mr. RANGEL and Mr. NUGENT.

H. Res. 475: Mr. GOODLATTE, Mr. CANSECO, Mrs. ROBY, and Mr. KING of Iowa.

H. Res. 480: Mr. FITZPATRICK, Mr. ROYCE, Mr. LANKFORD, and Mr. OLSON.

H. Res. 481: Mr. SMITH of Washington.

WEDNESDAY, DECEMBER 7, 2011 (161)

¶161.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. LATTA, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 7, 2011.

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

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶161.2 RECESS—11:17 A.M.

The SPEAKER pro tempore, Mr. LATTA, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 17 minutes a.m., until noon.

¶161.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶161.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, December 6, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶161.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4176. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order [Doc. No.: AMS-FV-10-0008-FR-1A] (RIN: 0581-AD00) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4177. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4178. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2009-D036) (RIN: 0750-AG66) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4179. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D050) (RIN: 0750-AH44) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4180. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D053) (RIN: 0750-AH46) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4181. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D031) (RIN: 0750-AH30) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4182. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4183. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4184. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1225] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4185. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4186. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Records Reproduction Fees [NARA-11-0002] (RIN: 3095-AB71) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4187. 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; Monkfish; Framework Adjustment 7 [Docket No.: 101119575-1554-02] (RIN: 0648-BA46) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4188. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments [Docket No.: 110721401-1470-01] (RIN: 0648-BB31) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4189. 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 Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA759) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4190. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No.: 100804324-1496-05] (RIN: 0648-BA01) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4191. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011-2012 Recreational Sector for Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-03] (RIN: 0648-XA686) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4192. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011-12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures [Docket No.: 110711384-1534-02] (RIN: 0648-XA470) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4193. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Gulf of Mexico Reef Fishery; Closure of the 2011 Gulf of Mexico Commercial Sector for Greater Amberjack [Docket No.: 040205043-4043-01] (RIN: 0648-XA766) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4194. A letter from the 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; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA783) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4195. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; American Samoa Longline Gear Modification to Reduce Turtle Interactions [Docket No.: 100218104-1485-02] (RIN: 0648-AY27) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4196. 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; Reallocation of Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA784) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4197. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit [Docket No.: 0907301205-0289-02] (RIN: 0648-XA767) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4198. A letter from the 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; Pacific Cod by 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-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4199. A letter from the 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; Pacific Cod by 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-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4200. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-XA764) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4201. 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; Pacific Cod and Octopus in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA794) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4202. A letter from the Federal Liaison Officer, Patent and Trademark Office, transmitting the Office's final rule — Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals [No.: PTO-P-2009-0021] (RIN: 0651-AC37) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4203. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.:30809; Amdt. No. 3449] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4204. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update List of Areas Included in ''North American Area''; Under IRC Section 274(h) (Rev. Rul. 2011-26) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Prohibitions — Developed Recreation Sites (RIN: 0596-AC98) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

¶161.6 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS FY 2012

On motion of Mr. ROGERS of Kentucky, by unanimous consent, the bill (H.R. 2055) making appropriations for military construction, the Department

of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROGERS of Kentucky, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶161.7 MOTION TO INSTRUCT CONFEREES—H.R. 2055

Mr. DICKS moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2055, be instructed to recede to the Senate on the higher level of funding for the ''Department of Veterans Affairs - Medical and Prosthetic Research'' account.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. DICKS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶161.8 DEFENSE AUTHORIZATION FY 2012

On motion of Mr. McKEON, by unanimous consent, the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. McKEON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶161.9 MOTION TO INSTRUCT CONFEREES—H.R. 1540

Mr. SMITH of Washington, moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1540, be instructed to insist on the amendments contained in subtitle I of title V of the House bill (sections 581 through 587 relating to improved sexual assault prevention and response on the Armed Forces).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. SMITH of Washington, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 421 / Nays 2

¶161.10 [Roll No. 892]

AYES—421

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—2

Amash
McClintock

NOT VOTING—10

Castor (FL)
Diaz-Balart
Fattah
Giffords
Hinchey
Myrick
Nadler
Richmond
Waxman
Young (FL)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶161.11 PERMITTING CONFEREES TO CLOSE CONFERENCE— H.R. 1540

Mr. MCKEON moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; be closed to the public at such times as sensitive national security information is under consideration; *Provided*, *however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas and nays were required under clause 12(a)(2) of rule XXII, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406; Nays ..... 17; Answered present 1

¶161.12 [Roll No. 893]

YEAS—406

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—17

Amash
Blumenauer
Clarke (NY)
Conyers
DeFazio
Ellison
Farr
Grijalva
Honda
Kucinich
Lee (CA)
Lewis (GA)
McDermott
Olver
Paul
Stark
Woolsey

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—9

Castor (FL)
Diaz-Balart
Fattah
Giffords
Hinchey
Myrick
Nadler
Richmond
Young (FL)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶161.13 MOTION TO INSTRUCT CONFEREES TO H.R. 2055—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. DICKS, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409; Nays 13

¶161.14 [Roll No. 894]

YEAS—409

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel

Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—13

Amash
Broun (GA)
Cicilline
Duncan (TN)
Flake
Flores
Huelskamp
Kingston
Mulvaney
Ribble
Schweikert
Stutzman
Walsh (IL)

NOT VOTING—11

Castor (FL)
Diaz-Balart
Fattah
Frank (MA)
Giffords
Hinchey
Hirono
Myrick
Nadler
Richmond
Young (FL)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶161.15 APPOINTMENT OF CONFEREES—H.R. 2055

Thereupon, the SPEAKER pro tempore, Mr. WESTMORELAND, by unanimous consent, appointed Messrs. ROGERS of Kentucky, YOUNG of Florida, LEWIS of California, FRELINGHUYSEN, ADERHOLT, Mrs. EMERSON, Ms. GRANGER, Messrs. SIMPSON, CULBERSON, CRENSHAW, REHBERG, CARTER, DICKS, VISCLOSKY, Mrs. LOWEY, Mr. SERANNO, Ms. DELAURO, Messrs. MORAN, PRICE of North Carolina, and BISHOP of Georgia, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶161.16 APPOINTMENT OF CONFEREES—H.R. 1540

The SPEAKER pro tempore, Mr. WESTMORELAND, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MCKEON, BARTLETT, THORNBERRY, AKIN, FORBES, MILLER of Florida, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, ROONEY, SCHILLING, GRIFFIN of Arkansas, WEST, SMITH of Washington, REYES, Ms. Loretta SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. ROGERS of Michigan, Mrs. MYRICK, and Mr. RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference: Messrs. PETRI, HECK, and George MILLER of California.

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference: Messrs. UPTON, WALDEN, AND WAXMAN.

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference: Mr. BACHUS, Mrs. CAPITO, and Mr. ACKERMAN.

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Messrs. CHABOT, AND BERMAN.

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference: Mr. Daniel E. LUNGREN of California, Mrs. MILLER of Michigan, and Mr. THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, COBLE, and CONYERS.

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1097 of the House bill, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102–1107 and 2812 of the Senate amendment, and modifications committed to conference: Messrs. ROSS of Florida, LANKFORD, AND CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference: Messrs. HALL, QUAYLE, and Ms. Eddie Bernice JOHNSON of Texas.

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885–887 and Division E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Mrs. ELLMERS, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference: Messrs. MICA, CRAVAACK, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference: Mr. BILIRAKIS, Ms. BUERKLE, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of secs. 704, 1099A and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference: Messrs. CAMP, HERGER, and LEVIN.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶161.17 REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to House Resolution 479 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

The SPEAKER pro tempore, Mr. WESTMORELAND, by unanimous consent, designated Mr. DENHAM as Chairman of the Committee of the Whole; and after some time spent therein,

¶161.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 112-311, submitted by Mr. JOHNSON of Georgia:

Page 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that the Director of the Office of Management and Budget determines will result in net job creation. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

It was decided in the negative { Yeas ..... 187 / Nays 236

¶161.19 [Roll No. 895]

AYES—187

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

NOES—236

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

NOT VOTING—10

Bachmann
Castor (FL)
Diaz-Balart
Giffords
Gohmert
Hinchey
Myrick
Nadler
Wilson (FL)
Young (FL)

So the amendment was not agreed to.

¶161.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 112-311, submitted by Mr. SCHRADER:

Page 25, line 9, strike ''and''.

Page 25, insert after line 9 the following (and redesignate provisions accordingly):

''(v) a cost-benefit analysis of the rule; and''.

Page 26, insert after line 11 the following:

''(D) Not later than the later of January 1, 2013 or the date that is 1 year after the date of enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, each Federal agency shall submit to Congress appropriate criteria for conducting cost-benefit analyses under subparagraph (A)(v) for each rule for which that agency may be required to submit such an analysis.''.

It was decided in the negative { Yeas ..... 183 / Nays 238

¶161.21 [Roll No. 896]

AYES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—238

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

NOT VOTING—12

Bachmann
Castor (FL)
Conyers
Diaz-Balart
Giffords
Gohmert
Hinchey
Myrick
Nadler
Paul
Wasserman Schultz
Young (FL)

So the amendment was not agreed to.

¶161.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part B of House Report 112-311, submitted by Mrs. McCARTHY of New York:

Page 45, line 22, strike the quotation marks and second period.

Page 45, insert the following after line 22:

"§ 808. Exemption for certain rules

''Sections 801 through 807, as amended by the Regulations From the Executive in Need of Scrutiny Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulations From the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

''808. Exemption for certain rules.

It was decided in the negative ..... { Yeas ..... 177 / Nays 246

¶161.23 [Roll No. 897]

AYES—177

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

NOES—246

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

NOT VOTING—10

Bachmann
Brady (TX)
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Watt
Young (FL)

So the amendment was not agreed to.

¶161.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part B of House Report 112-311, submitted by Ms. JACKSON LEE of Texas:

Page 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule made by the Secretary of Homeland Security. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

It was decided in the negative { Yeas ..... 177 / Nays 242

¶161.25 [Roll No. 898]

AYES—177

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

NOES—242

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

NOT VOTING—14

Bachmann
Barton (TX)
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Hirono
Kind
Myrick
Nadler
Watt
Webster
Woolsey
Young (FL)

So the amendment was not agreed to.

¶161.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part B of House Report 112-311, submitted by Ms. MOORE:

Page 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

It was decided in the negative { Yeas ..... 183 / Nays 240

¶161.27 [Roll No. 899]

AYES—183

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

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis

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

NOT VOTING—10

Bachmann
Bishop (UT)
Castor (FL)
Cummings
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Young (FL)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. WOMACK, assumed the Chair.

When Mr. WEST, Acting Chairman, reported the bill, as amended, back to the House with a further amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 479, the amendment in the nature of a substitute recommended by the Committee on Rules, as modified, and amended by the following further amendment, printed in part B of House Report 112-311, was considered as agreed to:

Page 25, line 18, insert ‘‘, including an analysis of any jobs added or lost, differentiating between public and private sector jobs’’ before the semicolon.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. DELAURO moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 45, line 22, insert after the first period the following:

‘‘§ 808. Protection of Food Safety and Consumer's Right to Know through Country-of-Origin Labeling

‘‘Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule regarding country of origin labeling. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.’’.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WOMACK, announced that the nays had it.

Ms. DELAURO demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 183 / Nays 235

¶161.28 [Roll No. 900]

AYES—183

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

NOES—235

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

Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—15

Bachmann
Bass (CA)
Castor (FL)
Clarke (NY)
Cleaver
Conyers
Diaz-Balart
Fudge
Giffords
Hinchey
Lee (CA)
Myrick
Nadler
Payne
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Mr. SCOTT of Virginia, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 184

¶161.29 [Roll No. 901]

AYES—241

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

NOES—184

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

NOT VOTING—8

Bachmann
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶161.30 PROVIDING FOR CONSIDERATION OF H.R. 1633

Mr. WEBSTER, by direction of the Committee on Rules, reported (Rept. No. 112–317) the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶161.31 HOUR OF MEETING

On motion of Mr. WEBSTER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9 a.m. on Thursday, December 8, 2011.

¶161.32 COMMITTEE ELECTION—MINORITY

Mr. BECERRA, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 486):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Mr. Polis.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶ 161.33 SYNTHETIC DRUGS

Mr. PITTS moved to suspend the rules and pass the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I; as amended.

The SPEAKER pro tempore, Mr. WOMACK, recognized Mr. PITTS and Mr. PALLONE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PITTS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, December 8, 2011.

The point of no quorum was considered as withdrawn.

¶161.34 H.R. 944—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 944) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands

along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶161.35 S. 535—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶161.36 H.R. 2360—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶161.37 H.R. 2351—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶161.38 H.R. 1560—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶161.39 S. 683—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶161.40 S. CON. RES. 32—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. RENACCI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. RENACCI, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶161.41 SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1541. An Act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An Act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

¶161.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. NADLER, for today and December 8.

And then,

¶161.43 ADJOURNMENT

On motion of Mr. LAMBORN, pursuant to the previous order of the House, at 8 o'clock and 8 minutes p.m., the House adjourned until 9 a.m. on Thursday, December 8, 2011.

¶161.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WEBSTER: Committee on Rules. House Resolution 487. Resolution providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes (Rept. 112–317). Referred to the House Calendar.

¶161.45 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 Mrs. BLACK (for herself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mr. MULVANEY, and Mr. STUTZMAN):

H.R. 3575. A bill to amend the Congressional Budget Act of 1974 to establish joint resolutions on the budget, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Budget, 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. CAMPBELL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. GUINTA, Mr. ROKITA, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3576. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish spending limits and deficit control; to the Committee on the Budget, and in addition to the Committee on Rules, 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. RIBBLE (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. STUTZMAN, Mr. ROKITA, Mr. GUINTA, and Mr. LANKFORD):

H.R. 3577. A bill to establish biennial budgets for the United States Government; 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. WOODALL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. YOUNG of Indiana, Mrs. BLACK, Mr. LANKFORD, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3578. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; to the Committee on the Budget.

By Mr. CHAFFETZ (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mrs. BLACK, and Mr. STUTZMAN):

H.R. 3579. A bill to require greater accountability in spending in direct spending programs, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Education and the Workforce, and the Judiciary, 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. MULVANEY (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mr. STUTZMAN, Mr. CHAFFETZ, and Mr. LANKFORD):

H.R. 3580. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for long-term budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Agriculture, Ways and Means, Energy and Commerce, and Education and the Workforce, 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. GARRETT (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. HUELSKAMP, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3581. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, 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. PRICE of Georgia (for himself, Mr. GARRETT, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3582. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget, and in addition to the Committee on Rules, 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. LANKFORD (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mrs. BLACK, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. STUTZMAN, and Mr. BUCSHON):

H.R. 3583. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Mr. OWENS (for himself, Mr. CONNOLLY of Virginia, and Mr. DEUTCH):

H.R. 3584. A bill to authorize the United States Postal Service to co-locate post offices at retail facilities and municipal buildings, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PRICE of North Carolina:

H.R. 3585. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. STEARNS (for himself and Mr. MATHESON):

H.R. 3586. A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. BILBRAY (for himself and Ms. ESHOO):

H.R. 3587. A bill to amend title XIX of the Social Security Act to provide for the application of Medicaid prompt pay requirement to claims for payment for covered items and services furnished by any Medicaid health care entity; to the Committee on Energy and Commerce.

By Mr. WELCH (for himself and Mr. CHAFFETZ):

H.R. 3588. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. ISSA):

H.R. 3589. A bill to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. PALLONE, Mr. GUTIERREZ, Ms. BORDALLO, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. GRIJALVA, and Mr. POLIS):

H.R. 3590. A bill to allow certain Indonesian citizens to file a motion to reopen their asylum claims; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, and Ms. SLAUGHTER):

H.R. 3591. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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. DEFAZIO:

H.R. 3592. A bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; to the Committee on Oversight and Government Reform.

By Ms. HAYWORTH (for herself, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. GRIMM, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. GIBSON, Mr. TONKO, Mr. OWENS, Mr. HANNA, Ms. BUERKLE, Ms. HOCHUL, and Mr. REED):

H.R. 3593. A bill to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. WALSH of Illinois (for himself, Mr. HUELSKAMP, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. KING of Iowa, Mr. BARTON of Texas, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, and Mr. BROUN of Georgia):

H.R. 3594. A bill to express the sense of the Congress that the United States should not adopt any treaty that poses a threat to national sovereignty or abridges any rights

guaranteed by the United States Constitution, such as the right to keep and bear arms, and to withhold funding from the United Nations unless the President certifies that the United Nations has not taken action to restrict, attempt to restrict, or otherwise adversely infringe upon the rights of individuals in the United States to keep and bear arms, or abridge any of the other constitutionally protected rights of citizens of the United States; to the Committee on Foreign Affairs.

By Ms. WILSON of Florida:

H.R. 3595. A bill to establish a mandatory mediation process for servicers of residential mortgages and borrowers; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. MCKINLEY, Mr. MICHAUD, and Mr. GENE GREEN of Texas):

H.R. 3596. A bill to require a publicly available a list of all employers that relocate a call center overseas and to make such companies ineligible for Federal grants or guaranteed loans and to require disclosure of the physical location of business agents engaging in customer service communications; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Education and the Workforce, 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. BRALEY of Iowa (for himself and Mr. BOSWELL):

H.R. 3597. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education programs that emphasize technology and innovative teaching practices; to the Committee on Education and the Workforce.

By Ms. CLARKE of New York:

H.R. 3598. A bill to prohibit fees with respect to electronic benefit transfer debit cards used in connection with unemployment compensation; to the Committee on Ways and Means.

By Mr. HEINRICH (for himself, Mr. LUJÁN, Ms. BERKLEY, and Mr. MATHESON):

H.R. 3599. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. JONES (for himself and Mr. CLEAVER):

H.R. 3600. A bill to restore the Free Speech and First Amendment rights of churches and exempt organizations by repealing the 1954 Johnson Amendment; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself and Mr. FARENTHOLD):

H.R. 3601. A bill to amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3602. A bill to amend title 5, United States Code, to provide that an employee or Member who dies within the 2-year notification period with respect to a survivor annuity shall be presumed to have elected to provide a former spouse with such an annuity, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 3603. A bill to authorize 150,000 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3604. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. JONES (for himself, Mr. POE of Texas, and Mr. WHITFIELD):

H. Res. 485. A resolution expressing the sense of the House of Representatives regarding the declassification of information related to missing and unaccounted-for members of the Armed Forces; to the Committee on Armed Services.

By Mr. BECERRA:

H. Res. 486. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BISHOP of New York (for himself and Mr. HANNA):

H. Res. 488. A resolution honoring Americans who served as volunteers for the United States Office of Civilian Defense during World War II; to the Committee on Armed Services.

By Mr. LAMBORN:

H. Res. 489. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

¶161.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. FRANKS of Arizona.
H.R. 100: Mr. WOMACK.
H.R. 157: Mr. HANNA.
H.R. 210: Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. CLAY, and Mr. ACKERMAN.
H.R. 374: Mr. DENHAM.
H.R. 452: Mr. BILIRAKIS.
H.R. 547: Mr. LANCE.
H.R. 594: Mr. SABLAN.
H.R. 664: Mr. DINGELL, Mr. BUTTERFIELD, and Mr. HIMES.
H.R. 665: Mr. FRANKS of Arizona and Mr. LABRADOR.
H.R. 721: Mr. WEBSTER.
H.R. 733: Mr. HOLDEN.
H.R. 735: Mr. GOODLATTE and Mr. HALL.
H.R. 835: Ms. LEE of California.
H.R. 889: Mr. MICHAUD.
H.R. 890: Ms. LEE of California.
H.R. 905: Mr. WITTMAN.
H.R. 920: Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. WEST, Mr. BURGESS, Mr. FLEISCHMANN, Mr. WALSH of Illinois, and Mr. HUELSKAMP.
H.R. 1006: Mr. FORBES.
H.R. 1058: Mr. PASTOR of Arizona and Ms. BASS of California.
H.R. 1063: Mr. GENE GREEN of Texas.
H.R. 1148: Mr. JORDAN, Mr. WALBERG, Mr. DENHAM, Mr. DENT, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. EMERSON, Mr. TOWNS, Ms. SCHWARTZ, Mr. BRALEY of Iowa, Mr. PETRI, Mr. RAHALL, Mr. NADLER, Mr. FITZPATRICK, Mr. BERG, Ms. BALDWIN, Mr. MARKEY, Mr. COFFMAN of Colorado, Mrs. LOWEY, Ms. BERKLEY, and Mr. LARSON of Connecticut.
H.R. 1175: Mr. OWENS.
H.R. 1206: Mr. HUELSKAMP.
H.R. 1288: Mr. SHERMAN.
H.R. 1375: Mr. ISRAEL and Mrs. DAVIS of California.
H.R. 1394: Mr. MORAN and Mr. ROTHMAN of New Jersey.
H.R. 1426: Ms. MATSUI.
H.R. 1449: Ms. SPEIER.
H.R. 1639: Mr. FORTENBERRY.
H.R. 1681: Mr. SIRES.
H.R. 1697: Mr. PEARCE.
H.R. 1734: Mr. HERGER.
H.R. 1735: Ms. MCCOLLUM.
H.R. 1783: Ms. WILSON of Florida.
H.R. 1802: Mr. KING of New York, Mr. BACHUS, and Mr. LATOURETTE.
H.R. 1831: Mr. FILNER.
H.R. 1897: Mr. BARTLETT, Mr. KEATING, Ms. MATSUI, Mr. LOBIONDO, and Mr. SARBANES.
H.R. 1905: Mr. LYNCH.
H.R. 1916: Mr. ACKERMAN and Ms. NORTON.
H.R. 1930: Mr. CARNAHAN.
H.R. 1946: Mr. CRAWFORD.
H.R. 1956: Mr. MANZULLO.
H.R. 2001: Mr. CARTER.
H.R. 2016: Mr. SHERMAN and Mr. LOBIONDO.
H.R. 2104: Mr. BRALEY of Iowa.
H.R. 2105: Mr. CHABOT, Mr. FRANKS of Arizona, and Mrs. ELLMERS.
H.R. 2269: Mr. HONDA, Mr. MILLER of North Carolina, Mr. FILNER, and Mr. ISRAEL.
H.R. 2299: Mr. FITZPATRICK.
H.R. 2414: Mr. CRAWFORD.
H.R. 2437: Mr. LOEBSACK.
H.R. 2446: Mr. MCHENRY.
H.R. 2457: Mr. FORBES.
H.R. 2492: Mr. PALLONE.
H.R. 2499: Mr. COHEN.
H.R. 2539: Ms. WATERS.
H.R. 2572: Mr. COHEN.
H.R. 2624: Mr. POLIS.
H.R. 2672: Mr. GUTHRIE.
H.R. 2701: Mr. SCOTT of Virginia.
H.R. 2742: Mrs. CHRISTENSEN.
H.R. 2753: Mr. SABLAN.
H.R. 2827: Mr. YODER and Mr. LATTA.
H.R. 2874: Mr. MULVANEY.
H.R. 2902: Mr. HINOJOSA.
H.R. 2913: Mr. SCHILLING and Mr. QUAYLE.
H.R. 2917: Mr. WESTMORELAND.
H.R. 2948: Ms. WATERS.
H.R. 2982: Mr. DEUTCH, Mr. KISSELL, and Mr. OLSON.
H.R. 3027: Mr. GEORGE MILLER of California.
H.R. 3032: Mr. LATHAM.
H.R. 3043: Mr. BURGESS.
H.R. 3059: Mrs. BLACK and Mr. GRIFFIN of Arkansas.
H.R. 3061: Mr. TURNER of New York.
H.R. 3066: Mr. DESJARLAIS.
H.R. 3083: Mr. SMITH of Washington.
H.R. 3086: Mr. RIVERA, Mrs. MCMORRIS RODGERS, and Mr. KILDEE.
H.R. 3104: Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mr. WEST, and Mr. GINGREY of Georgia.
H.R. 3109: Mr. LANGEVIN.
H.R. 3125: Mr. DANIEL E. LUNGREN of California.
H.R. 3166: Mr. LATTA.
H.R. 3168: Mrs. MYRICK.
H.R. 3173: Mr. LUETKEMEYER.
H.R. 3179: Mr. KELLY, Mr. BARLETTA, Ms. WATERS, Mr. GIBSON, Mr. SCOTT of Virginia, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3207: Mr. LANCE and Mrs. MCMORRIS RODGERS.
H.R. 3210: Mr. RUPPERSBERGER.
H.R. 3218: Mr. SOUTHERLAND.
H.R. 3225: Mr. BACA.
H.R. 3261: Mr. BACA and Mr. SHERMAN.

H.R. 3264: Mr. WALSH of Illinois and Mr. FRANKS of Arizona.
H.R. 3298: Ms. WATERS.
H.R. 3300: Mr. RANGEL and Mrs. MALONEY.
H.R. 3308: Mr. WALSH of Illinois.
H.R. 3310: Mr. KLINE and Mr. LATTA.
H.R. 3324: Mrs. LOWEY.
H.R. 3337: Mr. SMITH of Washington and Mr. NUGENT.
H.R. 3340: Mr. ROTHMAN of New Jersey.
H.R. 3364: Mrs. BIGGERT.
H.R. 3371: Mr. PRICE of North Carolina.
H.R. 3421: Mr. RAHALL, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. SIRES, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. WITTMAN, Mr. MCKEON, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. MCCLINTOCK, Mr. RIBBLE, Mr. HENSARLING, Mr. BURGESS, Mr. LUCAS, Mr. CASSIDY, Mr. BILIRAKIS, Mr. LANKFORD, Mr. AMODEI, Mr. ISSA, Mr. BROUN of Georgia, Mr. FLORES, Mr. FINCHER, Mr. BRADY of Texas, Mr. ROYCE, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. COSTA, Mr. ENGEL, Ms. HANABUSA, Mr. COSTELLO, Mr. BACA, Ms. MATSUI, Mr. NEAL, Mr. HINOJOSA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. OWENS, Mr. LANGEVIN, Ms. HAHN, Ms. WATERS, Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. LARSEN of Washington, Mr. CLEAVER, Mr. BERMAN, Mr. CUMMINGS, Mr. DONNELLY of Indiana, Ms. BASS of California, Mr. ADERHOLT, Mr. HONDA, Mr. CLAY, Mr. HIMES, Mr. CHABOT, Mr. LEVIN, Mr. MULVANEY, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. GALLEGLY, Mr. PERLMUTTER, Mr. PETERSON, Ms. PINGREE of Maine, Mr. SCHRADER, Mr. BARROW, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. HASTINGS of Washington, Mr. KLINE, Mr. NEUGEBAUER, Mr. MICHAUD, Mr. VAN HOLLEN, Ms. LEE of California, Mr. WELCH, Mr. CLARKE of Michigan, Mr. CHANDLER, Mr. YODER, and Mr. CARNAHAN.
H.R. 3422: Mr. LABRADOR.
H.R. 3425: Mr. COURTNEY.
H.R. 3435: Mr. POLIS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. KEATING, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. BERKLEY, Mr. RUSH, Ms. HANABUSA, Ms. WILSON of Florida, and Mr. COHEN.
H.R. 3443: Mr. BISHOP of Georgia and Mr. GUTHRIE.
H.R. 3444: Mr. ROHRABACHER, Mr. JONES, Mr. FORBES, and Mr. DUNCAN of Tennessee.
H.R. 3474: Mr. DUNCAN of Tennessee.
H.R. 3483: Mr. GRIJALVA.
H.R. 3488: Mr. BENISHEK and Mr. JONES.
H.R. 3510: Mr. SMITH of Nebraska and Mr. SHULER.
H.R. 3516: Ms. DELAURO.
H.R. 3521: Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mrs. BLACK, and Mr. STUTZMAN.
H.R. 3536: Mr. RUPPERSBERGER, Mr. TOWNS, and Mr. WITTMAN.
H.R. 3538: Mrs. MCMORRIS RODGERS, Mrs. BLACK, Mr. MCCAUL, Mr. SCHWEIKERT, Mr. BENISHEK, and Mrs. ELLMERS.
H.R. 3545: Mr. BARLETTA.
H.R. 3550: Mr. FITZPATRICK.
H.R. 3551: Mr. ROKITA, Mr. LABRADOR, and Mr. WOODALL.
H.R. 3568: Ms. HANABUSA.
H.R. 3572: Mr. VAN HOLLEN, Mr. DEUTCH, and Mr. FRANK of Massachusetts.
H.J. Res. 80: Ms. SCHAKOWSKY.
H. Res. 365: Ms. PINGREE of Maine.
H. Res. 378: Mr. COHEN.
H. Res. 462: Mr. DAVIS of Illinois.
H. Res. 475: Mr. NUNNELEE, Mr. POE of Texas, Mr. JORDAN, Mr. BENISHEK, and Mr. WESTMORELAND.
H. Res. 480: Mrs. MILLER of Michigan and Ms. JENKINS.

THURSDAY, DECEMBER 8, 2011 (162)

¶162.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 8, 2011.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶162.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Wednesday, December 7, 2011.

Mr. PITTS, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. PITTS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶162.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4206. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0062; FV11-984-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Modification of Handling Regulations [Doc. No.: AMS-FV-11-0025; FV11-958-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Abamectin (avermectin); Pesticide Tolerances [EPA-HQ-OPP-2010-0619; FRL-8890-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0093; FRL-8890-8] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0876; FRL-9325-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic acid-methy methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption [EPA-HQ-OPP-2011-0583; FRL-8891-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic Polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0333; FRL-8891-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0456; FRL-8890-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4214. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transfer and Redesignation of Certain Regulations Involving State Savings Association Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (RIN: 3064-AD82) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4215. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rescission of Outdated Rules and Forms, and Amendments to Correct References [Release Nos.: 33-9273, 39-65686, 34-2480, IA-3310 and IC-29855] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4216. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal and Plastic Parts Surface Coating Rules [EPA-R05-OAR-2010-1001; FRL-9478-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings [EPA-R03-OAR-2011-0610; FRL-9479-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings [EPA-R03-OAR-2011-0600; FRL-9479-6] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9478-1] (RIN: 2060-AR03) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting [FRL 94884] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0312; FRL-9485-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4222. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation [NRC-2011-0072] (RIN: 3150-AI95) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4223. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Exports and Reexports to the Principality of Liechtenstein [Docket No.: 110818514-1531-01] (RIN: 0694-AF33) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4224. A letter from the Chief Acquisition Officer, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Set-Asides for Small Business [FAC 2005-54; FAR Case 2011-024; Item VI; Docket 2011-0024, Sequence 01] (RIN: 9000-AM12) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4225. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Sudan Waiver Process [FAC 2005-54; FAR Case 2009-041; Item VII; Docket 2010-0105, Sequence 1] (RIN: 9000-AL65) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4226. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Successor Entities to the Netherlands Antilles [FAC 2005-54; FAR Case 2011-014; Item VIII; Docket 2011-0014, Sequence 1] (RIN: 9000-AM11) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4227. A letter from the Chief Acquisition Office, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions [FAC 2005-54; FAR Case 2008-025; Item II; Docket 2009-0039, Sequence 1] (RIN: 9000-AL46) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4228. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions [FAC 2005-54; FAR Case 2010-012; Item IV; Docket 2010-0102, Sequence 1] (RIN: 9000-AL71) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4229. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran [FAC 2005-54; FAR Case 2010-018; Item V; Docket 2010-0018, Sequence 1] (RIN: 9000-AL91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4230. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Small Entity Compliance Guide [Docket: FAR 2011-0077; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4231. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-54; Item X; Docket 2011-0078; Sequence 3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4232. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Labor Relations Costs [FAC 2005-54; FAR Case 2009-006; Item IX; Docket 2010-0084, Sequence 1] (RIN: 9000-AL39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4233. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA757) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4234. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Generation-Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations [TD 9556] (RIN: 1545-BG89) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶162.4 PROVIDING FOR CONSIDERATION OF H.R. 1633

Mr. WEBSTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 487):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. WEBSTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶162.5 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1958. An Act to extend the National Flood Insurance Program until May 31, 2012.

¶162.6 RECESS—9:50 A.M.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 50 minutes a.m., subject to the call of the Chair.

¶162.7 AFTER RECESS—10:30 A.M.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, called the House to order.

¶162.8 H. RES. 487—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 173

¶162.9 [Roll No. 902]

YEAS—241

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

NAYS—173

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

NOT VOTING—19

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Myrick
Nadler
Palazzo
Paul
Pelosi
Rahall
Roskam
Stark

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. POLIS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 249 / Nays 161

¶162.10 [Roll No. 903]

AYES—249

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—161

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

NOT VOTING—23

Bachmann
Bilbray
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Garrett
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Lamborn
Myrick
Nadler
Nugent
Olver
Paul
Pelosi
Rahall
Rooney
Stark

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶162.11 H.R. 1254—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of those present had voted in the affirmative.

Mr. WHITFIELD demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 317 / Nays 98

¶162.12 [Roll No. 904]

AYES—317

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—98

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Blumenauer
Brady (PA)
Brooks
Broun (GA)
Brown (FL)
Butterfield
Campbell
Capuano
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Crowley
Cummings
DeGette
Dicks
Doggett
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Flake
Foxx
Fudge
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Holt
Honda
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kingston
Kucinich
Labrador
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
McClintock
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Napolitano
Neal
Olver
Payne
Poe (TX)
Polis
Price (NC)
Richmond
Rohrabacher
Roybal-Allard
Rush
Schakowsky
Scott (VA)
Scott, David
Serrano
Sires
Slaughter
Smith (WA)
Thompson (CA)
Tierney
Towns
Turner (NY)
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Waters
Watt
Woodall
Woolsey
Yarmuth

NOT VOTING—18

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Hultgren
Israel
Jackson (IL)
Myrick
Nadler
Paul
Pelosi
Rahall
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶162.13 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, December 7, 2011.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Mr. WOODALL demanded a recorded vote on agreeing to the Chair's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 312; Nays ..... 94; Answered present 1

¶162.14 [Roll No. 905]

AYES—312

Ackerman
Adams
Aderholt
Akin
Alexander
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carter
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
Kingston
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Walberg
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOES—94

Altmire
Andrews
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Boren
Brady (PA)
Burgess
Capuano
Cardoza
Carson (IN)
Chandler
Chu
Conaway
Costa
Costello
Cravaack
Cuellar
Cummings
DeFazio
Dold
Donnelly (IN)
Duffy
Ellison
Filner
Fitzpatrick
Foxx
Gardner
Garrett
Gibson
Green, Gene
Grijalva
Hanna
Harris
Hastings (FL)
Heck
Herrera Beutler
Holt
Honda
Inslee
Johnson (OH)
Keating
Kind
King (NY)
Kinzinger (IL)
Kucinich
Lance
Latham
Lee (CA)
Lewis (GA)
LoBiondo
Lynch
Markey
Matheson
Matsui
McCotter
McDermott
McGovern
Meehan
Miller, George
Moore
Mulvaney
Olver
Pallone
Pastor (AZ)
Peterson
Poe (TX)
Quayle
Rangel
Reed
Renacci
Ribble
Roe (TN)
Rooney
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Slaughter
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Turner (OH)
Visclosky
Walden
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—26

Bachmann
Blumenauer
Cassidy
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Gohmert
Himes
Hinchey
Hoyer
Israel
Jackson (IL)
Lucas
Myrick
Nadler
Paul
Pelosi
Polis
Rahall
Stark
Walsh (IL)
Waters
Webster

So the Journal was approved.

¶162.15 FARM DUST REGULATION PREVENTION

The SPEAKER pro tempore, Mr. PAULSEN, pursuant to House Resolution 487 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

The SPEAKER pro tempore, Mr. PAULSEN, by unanimous consent, designated Mr. WOMACK as Chairman of the Committee of the Whole; and after some time spent therein,

¶162.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 112-317, submitted by Mr. RUSH:

In section 2, strike ''applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers'' and insert ''for PM_{10}''.

At the end of section 2, add the following: ''Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national secondary ambient air quality standard for $PM_{2.5}$.''.

Strike section 3.

It was decided in the negative ..... { Yeas ..... 150; Nays 255

¶162.17 [Roll No. 906]

AYES—150

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

NOES—255

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black

Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Noem
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—28

Bachmann
Becerra
Bilirakis
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Dold
Engel
Fudge
Giffords
Granger
Hinchey
Jackson (IL)
Labrador
McKeon
Miller, George
Myrick
Nadler
Neugebauer
Nugent
Olver
Owens
Paul
Rahall
Ryan (OH)
Smith (WA)

So the amendment was not agreed to.

¶162.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 112-317, submitted by Mrs. CHRISTENSEN:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after ''is not regulated under State, tribal, or local law'' insert ''at a level requisite to protect public health (as determined by the Administrator),''.

It was decided in the negative ..... { Yeas ..... 159 / Nays 250

¶162.19 [Roll No. 907]

AYES—159

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

NOES—250

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

NOT VOTING—24

Amodei
Bachmann
Campbell
Cardoza
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Forbes
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Hinchey
Jackson (IL)
LaTourette
Miller, George
Myrick
Nadler
Neugebauer
Olver
Owens
Paul
Rahall

So the amendment was not agreed to.

¶162.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 112-317, submitted by Mr. MARKEY:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include particulate matter containing arsenic or other heavy metals that are hazardous to human health.''.

It was decided in the negative ..... { Yeas ..... 165 / Nays 249

¶162.21 [Roll No. 908]

AYES—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps

Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—249

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

NOT VOTING—19

Bachmann
Boustany
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Hirono
Jackson (IL)
Miller (FL)
Miller, George
Myrick
Nadler
Olver
Paul
Rahall

So the amendment was not agreed to.

¶162.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 112-317, submitted by Mr. WAXMAN:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include any particulate matter produced from mining activities.

It was decided in the negative ..... { Yeas ..... 158 / Nays 257

¶162.23 [Roll No. 909]

AYES—158

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

NOES—257

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce

Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Garrett
Giffords
Hinchey
Jackson (IL)
Jackson Lee (TX)
Miller, George
Myrick
Nadler
Paul
Rahall
Tierney

So the amendment was not agreed to.

¶162.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 112-317, submitted by Mr. Al GREEN of Texas:

At the end of the bill, add the following section:

SEC. 4. REPORT ON EFFECT ON JOBS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this Act (including the amendment to the Clean Air Act (42 U.S.C. 7401 et seq.) made by section 3 of this Act).

It was decided in the negative ..... { Yeas ..... 170 / Nays 247

¶162.25 [Roll No. 910]

AYES—170

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

NOES—247

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

NOT VOTING—16

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall
Speier

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. WOODALL, assumed the Chair.

When Mr. WOMACK, Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farm Dust Regulation Prevention Act of 2011''.

SEC. 2. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 3. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) IN GENERAL.—Except as provided in subsection (b), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to any geographic area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).

''(c) DEFINITION.—In this section—

''(1) the term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination thereof;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal; and

''(2) the term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.''.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard (NAAQS) applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding such events.

SEC. 5. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity related to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs related to the agriculture industry. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. DEGETTE moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following section:

SEC. 4. PROTECTING THE PUBLIC FROM TOXIC DUST THAT CAUSES CANCER AND BRAIN DAMAGE.

Nothing in this Act or the amendment made by this Act shall prohibit the Administrator of the Environmental Protection Agency from proposing, finalizing, implementing, or enforcing any regulation promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to emissions in particulate form of cadmium, lead, or asbestos, including vermiculite asbestos released from mining activities and asbestos released from demolition and renovation activities.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WOMACK, announced that the nays had it.

Ms. DEGETTE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 166 / Nays ..... 252 }

¶162.26 [Roll No. 911]

AYES—166

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

NOES—252

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

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

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WOODALL, announced that the yeas had it.

Ms. DEGETTE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 268 / Nays 150

¶162.27 [Roll No. 912]

AYES—268

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

NOES—150

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶162.28 FURTHER MESSAGE FROM THE SENATE

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

H.R. 470. An Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

¶162.29 ADJOURNMENT OVER

On motion of Mr. CANTOR, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, December 9, 2011; and further, when the House adjourns on Friday, December 9, 2011, it adjourn to meet at noon on Monday, December 12, 2011, for morning-hour debate and 2 p.m. for legislative business.

¶162.30 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. 1958. An Act to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

¶162.31 SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 535. An Act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An Act to provide to the conveyance of certain parcels of land to the town of Mantua, Utah.

¶162.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. JACKSON of Illinois, for today; and

To Mr. PASTOR of Arizona, for December 12 and until 4 p.m. December 13.

And then,

¶162.33 ADJOURNMENT

On motion of Mr. WEST, pursuant to the previous order of the House, at 5 o'clock and 15 minutes p.m., the House adjourned until 11 a.m. on Friday, December 9, 2011.

¶162.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; with an amendment (Rept. 112–318, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1466. A bill to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (Rept. 112–319, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1740. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 112–320). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2719. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes (Rept. 112–321). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3069. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (Rept. 112–322). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2829. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; with an amendment (Rept. 112–323). Referred to the Committee of the Whole House on the state of the Union.

¶162.35 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the following actions were taken by the Speaker:

The Committee on Energy and Commerce discharged from further consideration. H.R. 443 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on the Judiciary discharged from further consideration. H.R. 1466 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶162.36 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. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 3605. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself, Mr. CARNEY, Mr. BACHUS, Mr. CROWLEY, Mr. GARRETT, Mr. MCHENRY, Mr. SCHWEIKERT, Mr. WESTMORELAND, Mr. GARAMENDI, Mr. RENACCI, Mr. HUIZENGA of Michigan, Mr. KIND, Mrs. BLACKBURN, Mr. DESJARLAIS, Mr. TIPTON, Mr. POLIS, Mr. CRAWFORD, Mr. GRIFFIN of Arkansas, Mr. AUSTIN SCOTT of Georgia, Mr. PERLMUTTER, Mr. HIMES, Mrs. MCCARTHY of New York, Mr. CONNOLLY of Virginia, Mr. PETERS, Mr. GRIMM, Mrs. CAPITO, Mr. HENSARLING, and Ms. ESHOO):

H.R. 3606. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Financial Services.

By Mr. SMITH of Washington (for himself and Mr. DICKS):

H.R. 3607. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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. BLACKBURN (for herself, Mr. FORBES, Mrs. LUMMIS, Mr. WALSH of Illinois, Mr. FLEMING, Mr. POSEY, Mr. FLORES, Mr. GARRETT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. MICA, Mr. KINGSTON, Mr. PENCE, Mr. REICHERT, Ms. HERRERA BEUTLER, Mr. BISHOP of Utah, Mrs. ELLMERS, Mr. GRIFFIN of Arkansas, Mr. BURTON of Indiana, and Mr. KING of Iowa):

H.R. 3608. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to prohibit certain employees of the Transportation Security Administration from using the title of ''officer'' and from wearing uniforms and carrying badges resembling those of law enforcement officers; to the Committee on Homeland Security.

By Mr. LANKFORD (for himself, Mr. BOREN, Mr. GERLACH, and Mrs. BLACKBURN):

H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. ROE of Tennessee, Mr. WILSON of South Carolina, Mr. ROKITA, Mr. GOWDY, Mrs. ROBY, Mr. HECK, and Mr. KELLY):

H.R. 3610. A bill to consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies, and put Americans back to work; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, Veterans' Affairs, Agriculture, Natural Resources, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, 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. HECK (for himself, Ms. FOXX, Mr. ROE of Tennessee, Mr. HANNA, Mr. GOWDY, and Mr. KELLY):

H.R. 3611. A bill to amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. DOGGETT, Mr. WALZ of Minnesota, and Mr. REHBERG):

H.R. 3612. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. FARR, Mr. KISSELL, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Mr. MICHAUD, Ms. RICHARDSON, Ms. FUDGE, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. TOWNS, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. FILNER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DEUTCH, Mr. HINCHEY, Ms. MOORE, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. JONES):

H.R. 3613. A bill to amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CARNAHAN):

H.R. 3614. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Education and the Workforce.

By Mr. PEARCE:

H.R. 3615. A bill to amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation; to the Committee on Ways and Means.

By Mr. BERG:

H.R. 3616. A bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated to generate electricity for emergency or demand response purposes, or for the purpose of operating a water pump; to the Committee on Energy and Commerce.

By Ms. CLARKE of New York:

H.R. 3617. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on a person who has knowledge of child abuse or neglect, but fails to report such abuse or neglect to a law enforcement official or child protective services; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TOWNS, and Mr. WATT):

H.R. 3618. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself and Mr. STARK):

H.R. 3619. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Financial Services.

By Mr. ENGEL:

H.R. 3620. A bill to amend title IX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3621. A bill to suspend temporarily the duty on certain adjustable metal lighting fixtures; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. TIBERI, Mr. GRIJALVA, Mr. HINCHEY, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. NORTON):

H.R. 3622. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. LATTA (for himself and Ms. KAPTUR):

H.R. 3623. A bill to authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. MICHAUD:

H.R. 3624. A bill to authorize the Secretary of Education to enter into voluntary, flexible agreements with certain guaranty agencies to provide delinquency prevention and default aversion services for borrowers and potential borrowers of Federal Direct Loans under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 3625. A bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mr. MICHAUD, Mr. WELCH, Mr. LANGEVIN, Mr. CICILLINE, and Mr. MARKEY):

H.R. 3626. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, 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. ROE of Tennessee (for himself and Mr. HOYER):

H.R. 3627. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. BOUSTANY, Mr. LANDRY, Mr. PALAZZO, and Mr. RICHMOND):

H.R. 3628. A bill to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 3629. A bill to require retail establishments that use mobile device tracking technology to display notices to that effect; to the Committee on Energy and Commerce.

¶162.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BARROW and Mr. AL GREEN of Texas.
H.R. 50: Ms. NORTON.
H.R. 68: Mr. FRANKS of Arizona.
H.R. 104: Mr. KING of Iowa.
H.R. 111: Mr. COOPER.
H.R. 121: Mr. FRANKS of Arizona.
H.R. 139: Mr. MURPHY of Connecticut and Mr. MICHAUD.
H.R. 157: Mr. SHIMKUS and Mr. DUNCAN of South Carolina.
H.R. 234: Ms. JENKINS.
H.R. 361: Mr. ROGERS of Alabama and Mr. AMASH.
H.R. 396: Mr. THORNBERRY.
H.R. 420: Mr. FITZPATRICK.
H.R. 468: Ms. HANABUSA.
H.R. 615: Mr. PEARCE.
H.R. 809: Mr. WELCH.
H.R. 812: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. MCDERMOTT.
H.R. 814: Mr. ALTMIRE.
H.R. 933: Ms. CLARKE of New York, Ms. LEE of California, Ms. CHU, Mrs. NAPOLITANO, Ms. MOORE, Mr. SERRANO, and Mr. FARR.
H.R. 959: Mr. HEINRICH.
H.R. 1041: Mr. BASS of New Hampshire.
H.R. 1148: Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. SCOTT of South Carolina, Mr. BOUSTANY, Mr. MEEHAN, Mr. PAULSEN, Mr. CROWLEY, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. GARAMENDI, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mrs. SCHMIDT, Mr. FALEOMAVAEGA, Mr. ANDREWS, Mr. CARDOZA, Mr. GALLEGLY, Mr. BACA, and Mr. DESJARLAIS.
H.R. 1159: Mr. BUCSHON.
H.R. 1172: Mr. RUSH.
H.R. 1195: Mr. CASSIDY.
H.R. 1206: Ms. HERRERA BEUTLER.
H.R. 1236: Mr. LATOURETTE, Mr. LOEBSACK, Mr. MILLER of North Carolina, Mr. BURTON of Indiana, and Mr. COBLE.
H.R. 1259: Mr. BASS of New Hampshire.
H.R. 1265: Mr. CROWLEY, Mr. BARLETTA, and Ms. MOORE.
H.R. 1294: Ms. HIRONO and Ms. CASTOR of Florida.
H.R. 1295: Mr. CARSON of Indiana.
H.R. 1348: Mr. PLATTS and Mr. FITZPATRICK.
H.R. 1370: Mr. MARINO and Mr. GRIFFITH of Virginia.
H.R. 1418: Ms. WILSON of Florida.
H.R. 1443: Mr. BOUSTANY.
H.R. 1463: Mr. SCHOCK and Mr. BERMAN.
H.R. 1478: Mr. TIBERI.
H.R. 1511: Mr. PASTOR of Arizona.
H.R. 1513: Mr. RUSH, Ms. ESHOO, and Ms. CLARKE of New York.
H.R. 1546: Mr. MCGOVERN.
H.R. 1614: Mr. HARRIS.
H.R. 1676: Mr. COOPER.
H.R. 1718: Mr. CONNOLLY of Virginia.
H.R. 1738: Mr. SHERMAN.
H.R. 1744: Mr. MARINO.
H.R. 1895: Mr. DOYLE, Ms. NORTON, and Mrs. LOWEY.
H.R. 1957: Mr. LEWIS of Georgia.
H.R. 1964: Mr. PIERLUISI, Mr. GALLEGLY, Mr. ISSA, Mrs. ELLMERS, and Mr. MARCHANT.
H.R. 1996: Mr. DUNCAN of South Carolina.
H.R. 2001: Mr. FARENTHOLD.
H.R. 2033: Mr. COOPER.
H.R. 2139: Mr. WALBERG, Mr. CANSECO, Mr. CLAY, Ms. PINGREE of Maine, Mr. LATOURETTE, Mr. GRIFFIN of Arkansas, and Mr. FLEISCHMANN.
H.R. 2140: Ms. DEGETTE and Mr. TOWNS.
H.R. 2288: Mr. BARROW.
H.R. 2313: Mr. CASSIDY and Mr. WESTMORELAND.
H.R. 2359: Mr. TIERNEY.
H.R. 2396: Mr. PRICE of North Carolina.
H.R. 2412: Ms. EDWARDS.
H.R. 2432: Mr. LUETKEMEYER.
H.R. 2466: Mr. OLSON.
H.R. 2499: Mr. FARR.
H.R. 2500: Mr. COHEN.
H.R. 2528: Mr. SHIMKUS.
H.R. 2530: Ms. CHU.
H.R. 2536: Ms. HIRONO.
H.R. 2541: Mr. GRIFFITH of Virginia.
H.R. 2543: Mr. COHEN.
H.R. 2547: Mr. HINOJOSA and Mr. HASTINGS of Florida.
H.R. 2569: Mr. NUNES and Mr. CONNOLLY of Virginia.
H.R. 2595: Mr. BLUMENAUER.
H.R. 2617: Mr. SCOTT of Virginia.
H.R. 2655: Ms. MOORE and Mr. RICHMOND.
H.R. 2697: Ms. BROWN of Florida.
H.R. 2706: Mr. LANDRY.
H.R. 2755: Mr. GERLACH.
H.R. 2809: Ms. BERKLEY, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. THOMPSON of Mississippi, and Mr. RUSH.
H.R. 2810: Mr. MARCHANT.
H.R. 2834: Mr. REHBERG.
H.R. 2900: Mr. POSEY.
H.R. 2962: Mr. DENT and Mr. POSEY.

H.R. 2969: Mr. COOPER, Mr. PAYNE, Mr. BENISHEK, and Mr. LUETKEMEYER.
H.R. 3014: Ms. NORTON.
H.R. 3059: Mr. THOMPSON of Pennsylvania, Mr. WALDEN, Mrs. BONO MACK, and FARENTHOLD.
H.R. 3062: Mr. PEARCE.
H.R. 3076: Ms. NORTON.
H.R. 3096: Mr. FLEISCHMANN.
H.R. 3138: Ms. CHU.
H.R. 3166: Mr. WOLF.
H.R. 3200: Mr. BUTTERFIELD.
H.R. 3202: Mr. HIGGINS and Ms. PINGREE of Maine.
H.R. 3207: Mr. GUTHRIE and Mr. MCKINLEY.
H.R. 3216: Mr. GIBBS and Mr. RUNYAN.
H.R. 3243: Mr. FRANKS of Arizona.
H.R. 3269: Mr. LATTA, Mr. JONES, Ms. BALDWIN, Mrs. BIGGERT, Ms. CHU, Mrs. MCCARTHY of New York, Mr. GARDNER, Mr. HIGGINS, Mr. TERRY, Mr. KELLY, and Mr. PEARCE.
H.R. 3307: Mrs. CAPPS, Ms. BORDALLO, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, and Mr. LEVIN.
H.R. 3325: Mrs. LOWEY.
H.R. 3346: Mr. THOMPSON of California and Mr. MICHAUD.
H.R. 3365: Mr. REICHERT.
H.R. 3366: Mr. SCHOCK.
H.R. 3378: Mr. DINGELL.
H.R. 3393: Mr. BILIRAKIS and Mr. YOUNG of Alaska.
H.R. 3397: Mr. REHBERG.
H.R. 3399: Ms. ROS-LEHTINEN.
H.R. 3400: Mr. CHABOT, Mr. FLAKE, Mr. MANZULLO, Mr. WEST, and Mr. FLEISCHMANN.
H.R. 3421: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. SARBANES, Ms. WILSON of Florida, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. COOPER, and Mr. BISHOP of Georgia.
H.R. 3425: Mr. SERRANO, Mr. LEVIN, and Mr. BACA.
H.R. 3435: Mr. BERMAN, Mr. CLARKE of Michigan, Mr. CARDOZA, Mr. BOSWELL, Mr. CROWLEY, and Mr. CONYERS.
H.R. 3437: Mr. SERRANO.
H.R. 3440: Mr. SCHWEIKERT, Mr. DUNCAN of Tennessee, Mr. POSEY, and Mr. CALVERT.
H.R. 3441: Mrs. LUMMIS, Mr. DUNCAN of Tennessee, Mr. ROE of Tennessee, Mr. LAMBORN, Mr. TERRY, Mr. MICA, Mr. AMODEI, Mr. ROONEY, Mr. HALL, and Mr. JORDAN.
H.R. 3453: Mr. PETRI and Mr. CAMP.
H.R. 3457: Mrs. LOWEY.
H.R. 3462: Mrs. LOWEY.
H.R. 3465: Mr. PALLONE.
H.R. 3474: Mr. GRIMM.
H.R. 3480: Mr. KELLY.
H.R. 3483: Ms. BROWN of Florida.
H.R. 3503: Mr. FRANK of Massachusetts.
H.R. 3521: Mr. SHULER, Ms. CASTOR of Florida, Mr. HENSARLING, and Mr. DUNCAN of South Carolina.
H.R. 3523: Mr. LATTA, Mr. QUAYLE, Mr. MCHENRY, Mr. FRELINGHUYSEN, and Mr. YODER.
H.R. 3548: Mr. BROUN of Georgia, Mr. FLORES, Mr. LAMBORN, and Mr. WALDEN.
H.R. 3572: Mr. POE of Texas.
H.R. 3578: Mr. MCCLINTOCK and Mr. GOHMERT.
H.R. 3581: Mr. DUNCAN of South Carolina.
H.R. 3583: Mr. DUNCAN of South Carolina and Mr. BOREN.
H.R. 3590: Mr. SABLAN.
H.R. 3594: Mr. COBLE and Mr. MARCHANT.
H.J. Res. 88: Mr. WELCH.
H.J. Res. 90: Mr. ELLISON.
H.J. Res. 92: Ms. LEE of California.
H. Con. Res. 85: Mr. LANGEVIN, Mr. CARSON of Indiana, and Mr. QUIGLEY.
H. Con. Res. 87: Mr. BENISHEK and Mr. FILNER.
H. Con. Res. 89: Mr. GOHMERT, Mr. MULVANEY, Mr. FLORES, Mr. GARRETT, Mr. BROOKS, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mrs. HARTZLER, Mr. RIBBLE, Mr. WEST, Mr. STUTZMAN, Mr. MCCLINTOCK, Mr. PEARCE, Mr. YODER, Mr. ROE of Tennessee, Mr. BURGESS, Mr. FLEISCHMANN, Mr. COLE, Mr. GOODLATTE, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. CHABOT, Mr. BARTON of Texas, Mr. GRAVES of Georgia, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. ROKITA, Mr. CHAFFETZ, Mr. LANKFORD, Mr. QUAYLE, Mr. LABRADOR, Mr. WILSON of South Carolina, Mr. HARRIS, Mr. FORTENBERRY, Mr. MANZULLO, MR. HULTGREN, and Mr. HUIZENGA of Michigan.
H. Res. 134: Mr. FALEOMAVAEGA, Mr. RIVERA, and Mr. DUNCAN of South Carolina.
H. Res. 262: Mr. COHEN.

¶162.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3538: Mr. COOPER.

FRIDAY, DECEMBER 9, 2011 (163)

¶163.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 9, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶163.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced he had examined and approved the Journal of the proceedings of Thursday, December 8, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶163.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4236. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provision of Marketing Order 917 [Doc. No.: AMS-FV-11-0018; FV11-916/917-4 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4237. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections [Doc. No.: AMS-CN-11-0026C; CN-11-002] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4238. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order; Referendum Procedures [Document No.: AMS-FV-10-0008-FR] (RIN: 0581-AD00) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4239. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Permanent Certification Program for Health Information Technology; Revisions to ONC-Approved Accreditor Processes (RIN: 0991-AB77) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4240. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adhesives and Sealants Rule [EPA-R03-OAR-2011-0491; EPA-R03-OAR-2011-0570; FRL-9480-5] received October 11,2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate matter [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9480-6] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4242. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference; Correction [SC-201152; FRL-9480-3] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4243. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations [EPA-R03-OAR-2011-0788; FRL-9480-8] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4244. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction [EPA-HQ-OAR-2009-0924; FRL-9479-8] (RIN: 2060-xxx) received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4245. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Introduction [Docket FAR 2011-0076; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4246. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — National Environmental Policy Act Implementing Procedures (RIN: 1990-AA34) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4247. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30808; Amdt. No. 3448] received

November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4248. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Deduction (Rev. Rul. 2011-29) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4249. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extending Religious and Family Member FICA and FUTA Exceptions to Disregarded Entities [TD 9554] (RIN: 1545-BJ07) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4250. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — O'Donnabhain v. Commission 134 T.C. 34 (2010) [T.C. Docket No.: 6402-06] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4251. A letter from the Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2011-31) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4252. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Trusts for the Distribution of Gaming Revenues to Indian Minors (Rev. Proc. 2011-56) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4253. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 108(e)(8) to Indebtedness Satisfied by a Partnership Interest [TD 9557] (RIN: 1545-BF27) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4254. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4255. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of General Welfare Exclusion to Benefits Provided under Indian Tribal Government Programs [Notice 2011-94] received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

And then,

¶163.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, and pursuant to the special order of the House agreed to on December 8, 2011, at 11 o'clock and 3 minutes a.m., declared the House adjourned until noon on Monday, December 12, 2011.

¶163.5 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1981. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 16, 2011.

¶163.6 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. CAMP (for himself, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. LUCAS, Mr. UPTON, and Ms. ROS-LEHTINEN):

H.R. 3630. A bill to provide incentives for the creation of jobs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Financial Services, Foreign Affairs, Transportation and Infrastructure, Agriculture, Oversight and Government Reform, House Administration, the Budget, Natural Resources, Rules, and Intelligence (Permanent Select), 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. HIGGINS (for himself and Mr. STIVERS):

H.R. 3631. A bill to amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, and for other purposes; to the Committee on Homeland Security.

¶163.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1058: Mr. CARNAHAN.

H.R. 1195: Mr. DUNCAN of South Carolina.

H.R. 2313: Mr. HUNTER, Mr. STUTZMAN, Mr. KINZINGER of Illinois, Mr. CRAWFORD, Mr. POE of Texas, Mr. MACK, Mr. HANNA, Mrs. BLACK, Mr. JORDAN, Mr. SAM JOHNSON of Texas, Mrs. LUMMIS, Mr. SESSIONS, Mr. MCHENRY, Mr. BURGESS, Mr. CULBERSON, Mr. CARTER, Ms. GRANGER, Mr. NUNNELEE, Mr. OLSON, Mr. REICHERT, Mr. POMPEO, Mr. BUCSHON, and Mr. HUIZENGA of Michigan.

H.R. 3179: Mr. SCHOCK and Mr. LARSON of Connecticut.

H.R. 3574: Mr. RAHALL and Mrs. MCCARTHY of New York.

MONDAY, DECEMBER 12, 2011 (164)

¶164.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at noon by the SPEAKER pro tempore, Mr. DENHAM, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 12, 2011.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶164.2 RECESS—12:01 P.M.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 1 minute p.m., until 2 p.m.

¶164.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DENHAM, called the House to order.

¶164.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DENHAM, announced he had examined and approved the Journal of the proceedings of Friday, December 9, 2011.

Mr. CLYBURN, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. DENHAM, announced that the yeas had it.

Mr. CLYBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶164.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4256. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area [EPA-R04-OAR-2010-0017-201014(a) & EPA-R04-OAR-2010-0018-201001(a); FRL-9495-7] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4257. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0476; FRL-9495-6] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4258. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attaining Data for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2010-0604-201160; FRL-9496-3] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4259. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Final Rulemaking To Designate Critical Habitat for Black Abalone [Docket No.: 100127045-1313-02] (RIN: 0648-AY64) received November 21, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4260. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Debt Collection: Revisions and Update to the Procedures for the Collection of Claims [Docket No.: FR-5166-F-02] (RIN: 2501-AD36) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No.: FAA-2010-1301; Directorate Identifier 2010-SW-008-AD; Amendment 39-16851; AD 2011-22-08] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 [Docket No.: FAA-2011-1036; Directorate Identifier 2010-SW-088-AD; Amendment 39-16819; AD 2011-20-08] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 C-2 Helicopters [Docket No.: FAA-2011-1075; Directorate Identifier 2011-SW-011-AD; Amendment 39-16836; AD 2011-21-13] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell), Model 205A-1, 205B, 210, and 212 Helicopters [Docket No.: FAA-2011-1182; Directorate Identifier 2010-SW-010-AD; Amendment 39-16853; AD 2011-23-02] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2011-1163; Directorate Identifier 2011-NM-022-AD; Amendment 39-16857; AD 2011-23-06] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0031; Directorate Identifier 2010-NM-135-AD; Amendment 39-16860; AD 2011-23-09] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series, RB211-Trent 700 Series, and RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2010-0993; Directorate Identifier 2010-NE-08-AD; Amendment 39-16849; AD 2011-22-07] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2011-1162; Directorate Identifier 2011-NM-186-AD; Amendment 39-16856; AD 2011-23-05] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Airplanes [Docket No.: FAA-2011-0868; Directorate Identifier 2011-CE-027-AD; Amendment 39-16854; AD 2011-23-03] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turboshaft Engines [Docket No.: FAA-2011-0942; Directorate Identifier 2011-NE-29-AD; Amendment 39-16840; AD 2011-21-17] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4271. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Clothing Allowance (RIN: 2900-AN64) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4272. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Updating Fire Safety Standards (RIN: 2900-AN57) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4273. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Import Restrictions Imposed on Certain Archaeological and Ethnological Material From Greece (RIN: 1515-AD84) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4274. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological and Ethnological Material From Bolivia (RIN: 1515-AD83) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4275. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — User Fee to Take the Registered Tax Return Preparer Competency Examination [TD 9559] (RIN: 1545-BK24) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶164.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DENHAM, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 December 9, 2011 at 10:02 a.m.:

That the Senate concur in the House of Representatives amendment to the joint resolution S.J. Res. 22.

That the Senate passed without amendment H.R. 2061.

That the Senate passed S. 1974.

That the Senate agreed to without amendment H. Con. Res. 86.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶164.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. DENHAM, laid before the House the following communication from Grant Scherling, Principal Engineer, office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 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 issued by the Superior Court of the District of Columbia for testimony in a civil case.

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,

GRANT SCHERLING,
Principal Engineer,
Office of the Chief Administrative Officer.

¶164.8 RECESS—2:04 P.M.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 4 minutes p.m., subject to the call of the Chair.

¶164.9 AFTER RECESS—4:15 P.M.

The SPEAKER pro tempore, Mr. DENHAM, called the House to order.

¶164.10 PERMISSION TO FILE CONFERENCE REPORT—H.R. 1540

On motion of Mr. ROGERS of Alabama, by unanimous consent, that the managers on the part of the House have until midnight tonight, to file the conference report (Rept. No. 112–329) on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes.

¶164.11 POSTAL SERVICE SEMIPOSTAL BREAST CANCER FUNDS

Mr. ISSA moved to suspend the rules and pass the bill of the Senate (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. ISSA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 13, 2011.

The point of no quorum was considered as withdrawn.

¶164.12 MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

Mr. ISSA moved to suspend the rules and pass the bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. ISSA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶164.13 SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. ISSA moved to suspend the rules and pass the bill (H.R. 3246) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. ISSA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 13, 2011.

The point of no quorum was considered as withdrawn.

¶164.14 WAYNE GRISHAM POST OFFICE

Mr. ISSA moved to suspend the rules and pass the bill (H.R. 2158) to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. ISSA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶164.15 WILLIAM T. TRANT POST OFFICE BUILDING

Mr. ISSA moved to suspend the rules and pass the bill (H.R. 2767) to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. ISSA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 13, 2011.

The point of no quorum was considered as withdrawn.

¶164.16 BRIAN A. TERRY BORDER PATROL STATION

Mr. DENHAM moved to suspend the rules and pass the bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station''.

The SPEAKER pro tempore, Mr. ROGERS of Alabama, recognized Mr. DENHAM and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROGERS of Alabama, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. ROGERS of Alabama, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 13, 2011.

The point of no quorum was considered as withdrawn.

¶164.17 PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION

Mr. SHUSTER moved to suspend the rules and pass the bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DENHAM, recognized Mr. SHUSTER and Mr. LARSEN of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DENHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶164.18 RECESS—5:49 P.M.

The SPEAKER pro tempore, Mr. DENHAM, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 49 minutes p.m., until approximately 6:30 p.m.

¶164.19 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. PAULSEN, called the House to order.

¶164.20 H.R. 3220—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PAULSEN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 351 / Nays 0

¶164.21 [Roll No. 913]

YEAS—351

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—82

Austria
Bachmann
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Braley (IA)
Broun (GA)
Brown (FL)
Burton (IN)
Butterfield
Cardoza
Chandler
Cicilline
Clarke (NY)
Coble
Costa
Costello
Davis (IL)
Diaz-Balart
Donnelly (IN)
Duffy
Engel
Filner
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gosar
Gowdy
Granger
Graves (MO)
Griffith (VA)
Grijalva
Gutierrez
Hanna
Heinrich
Inslee
Johnson (IL)
Jordan
Kaptur
Kind
Lamborn
Lewis (GA)
Lipinski
Lowey
Lungren, Daniel E.
Mack
Marchant
Marino
McCotter
McKeon
Miller (MI)
Miller, George
Moore
Moran
Myrick
Napolitano
Nunnelee
Olson
Pastor (AZ)
Paul
Pelosi
Pence
Platts
Polis
Renacci
Rohrabacher
Rokita
Ryan (OH)
Schock
Schwartz
Sewell
Shimkus
Shuler
Stearns
Tiberi
Tierney
Towns
Walsh (IL)
Webster

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶164.22 H.R. 2158 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PAULSEN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2158) to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 353 / Nays 1

¶164.23 [Roll No. 914]

YEAS—353

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)

Southerland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Rigell

NOT VOTING—79

Austria
Bachmann
Baldwin
Becerra
Berman
Bishop (NY)
Braley (IA)
Broun (GA)
Brown (FL)
Burton (IN)
Butterfield
Cantor
Cardoza
Chandler
Cicilline
Coble
Costa
Costello
Davis (IL)
Diaz-Balart
Donnelly (IN)
Duffy
Engel
Filner
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gosar
Gowdy
Granger
Graves (MO)
Griffith (VA)
Grijalva
Gutierrez
Hanna
Heinrich
Inslee
Johnson (IL)
Jordan
Kaptur
Kind
Lamborn
Lewis (GA)
Lipinski
Lowey
Lungren, Daniel E.
Mack
Marchant
Marino
McCotter
McKeon
Miller (MI)
Miller, George
Moore
Moran
Myrick
Napolitano
Nunnelee
Olson
Pastor (AZ)
Paul
Pence
Polis
Renacci
Rohrabacher
Rokita
Schock
Schwartz
Sewell
Shimkus
Shuler
Smith (WA)
Stearns
Tiberi
Tierney
Towns
Walsh (IL)
Webster

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶164.24 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PAULSEN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, December 9, 2011.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 277; Nays ..... 74; Answered present 2

¶164.25 [Roll No. 915]

YEAS—277

Ackerman
Aderholt
Akin
Alexander
Amodei
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Calvert
Camp
Campbell
Canseco
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Critz
Crowley
Culberson
Cummings
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett
Gibbs
Gonzalez
Goodlatte
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Guinta
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Manzullo
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (NC)
Miller, Gary
Murphy (CT)
Murphy (PA)
Nadler
Neugebauer
Noem
Nunes
Palazzo
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NAYS—74

Adams
Altmire
Andrews
Bass (CA)
Benishek
Bilbray
Boswell
Brady (PA)
Burgess
Capuano
Chu
Coffman (CO)
Cravaack
Crenshaw
Cuellar
DeFazio
Dold
Fitzpatrick
Foxx
Gardner
Gibson
Grimm
Guthrie
Hastings (FL)
Heck
Herrera Beutler
Himes
Hoyer
Hunter
Israel
Johnson (OH)
Kucinich
Lance
Latham
Lee (CA)
LoBiondo
Lynch
Maloney
Matheson
McDermott
Meehan
Miller (FL)
Mulvaney
Neal
Nugent
Olver
Pallone
Peters
Peterson
Poe (TX)
Quayle
Rahall
Reed
Ribble
Roe (TN)
Rooney
Ros-Lehtinen
Ryan (OH)
Sarbanes
Schilling
Sires
Slaughter
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Turner (OH)
Visclosky
Walden
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—2

Amash
Owens

NOT VOTING—80

Austria
Bachmann
Baldwin
Becerra
Berman
Bishop (NY)
Braley (IA)
Broun (GA)
Brown (FL)
Burton (IN)
Butterfield
Cantor
Cardoza
Chandler
Cicilline
Coble
Costa
Costello
Davis (IL)
Diaz-Balart
Donnelly (IN)
Duffy
Engel
Filner
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (MO)
Griffith (VA)
Grijalva
Gutierrez
Hanna
Heinrich
Inslee
Johnson (IL)
Jordan
Kaptur
Kind
Lamborn
Lewis (GA)
Lipinski
Lowey
Lungren, Daniel E.
Mack
Marchant
Marino
McCotter
McKeon
Miller (MI)
Miller, George
Moore
Moran
Myrick
Napolitano
Nunnelee
Olson
Pastor (AZ)
Paul
Pence
Polis
Renacci
Rohrabacher
Rokita
Schock
Schwartz
Sewell
Shimkus
Shuler
Smith (WA)
Stearns
Tiberi
Tierney
Towns
Walsh (IL)
Webster

So the Journal was approved.

¶164.26 MOTION TO ADJOURN

Mr. JACKSON of Illinois, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. PAULSEN, announced that the nays had it.

Mr. JACKSON of Illinois, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 0; Nays 355

¶164.27 [Roll No. 916]

NOES—355

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duncan (SC)

Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—78

Austria
Bachmann
Baldwin
Becerra
Berman
Bishop (NY)
Braley (IA)
Broun (GA)
Brown (FL)
Burton (IN)
Butterfield
Cardoza
Chandler
Cicilline
Coble
Conyers
Costa
Costello
Davis (IL)
Diaz-Balart
Donnelly (IN)
Duffy
Engel
Filner
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gosar
Gowdy
Granger
Graves (MO)
Griffith (VA)
Grijalva
Gutierrez
Hanna
Heinrich
Inslee
Johnson (IL)
Jordan
Kaptur
Kind
Lamborn
Lewis (GA)
Lipinski
Lowey
Lungren, Daniel E.
Mack
Marchant
Marino
McCotter
McKeon
Miller (MI)
Miller, George
Moore
Moran
Myrick
Napolitano
Nunnelee
Olson
Pastor (AZ)
Paul
Pence
Polis
Renacci
Rohrabacher
Rokita
Schock
Schwartz
Sewell
Shimkus
Shuler
Stearns
Tiberi
Tierney
Towns
Walsh (IL)
Webster

So the motion to adjourn was not agreed to.

¶164.28 M.D. ANDERSON PLAZA

Mr. FLEISCHMANN moved to suspend the rules and pass the bill (H.R. 1264) to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson; as amended.

The SPEAKER pro tempore, Mr. LONG, recognized Mr. FLEISCHMANN and Mr. COHEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LONG, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FLEISCHMANN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LONG, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 13, 2011.

The point of no quorum was considered as withdrawn.

¶164.29 PROVIDING FOR CONSIDERATION OF H.R. 3630

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 112–328) the resolution (H. Res. 491) providing for consideration of the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶164.30 ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 470. An Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An Act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

¶164.31 SENATE JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

¶164.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BERMAN, for today;

To Mr. CICILLINE, for today;

To Mr. COBLE, for today;

To Mr. DAVIS of Illinois, for today;

To Mr. GRIFFITH of Virginia, for today;

To Mr. GUTIERREZ, for today and balance of the week;

To Mr. HEINRICH, for today;

To Mr. MARINO, for today;

To Mrs. NAPOLITANO, for today and December 13 until 5 p.m.; and

To Ms. SEWELL, for today.

And then,

¶164.33 ADJOURNMENT

On motion of Ms. JACKSON LEE of Texas, at 9 o'clock and 49 minutes p.m., the House adjourned.

¶164.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 313. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; with an amendment (Rept. 112–324 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1264. A bill to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson (Rept. 112–325). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2668. A bill to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station'' (Rept. 112–326). Referred to the House Calendar.

Mr. BACHUS: Committee on Financial Services. H.R. 2167. A bill to amend the Securities Exchange Act of 1934 to change the threshold number of shareholders for required registration under that Act; with an amendment (Rept. 112–327). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 491. Resolution providing for consideration of the bill (H.R. 3630) to provide

incentives for the creation of jobs, and for other purposes (Rept. 112–328). Referred to the House Calendar.

Mr. MCKEON: Committee of Conference. Conference report on H.R. 1540. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (Rept. 112–329). Ordered to be printed.

¶164.35 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 313 referred to the committee of the Whole House on the state of the Union, and ordered to be printed.

¶164.36 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. KISSELL:

H.R. 3632. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations requiring air carriers to provide passengers with certain amenities and facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BUERKLE (for herself and Mr. KING of New York):

H.R. 3633. A bill to amend title XVIII of the Social Security Act to repeal the reduction in Medicare disproportionate share hospital (DSH) payments made by section 3133 of the Patient Protection and Affordable Care Act; to the Committee on Ways and Means.

By Mr. HUIZENGA of Michigan (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. MANZULLO, Mr. ROYCE, Mr. TIBERI, and Mr. OLVER):

H.R. 3634. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Ms. RICHARDSON):

H.R. 3635. A bill to encourage initiatives for financial products and services that are appropriate and accessible for millions of American small businesses that do not have access to the financial mainstream; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut:

H.R. 3636. A bill to amend title 18, United States Code, to extend the stolen goods offense to cover all veterans' memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY (for himself, Mr. NUGENT, Mr. YOUNG of Florida, Mr. DIAZ-BALART, Mr. WEST, Mr. RIVERA, Mr. BILIRAKIS, Mr. WEBSTER, Mrs. ADAMS, Mr. POSEY, Mr. STEARNS, Ms. CASTOR of Florida, Ms. BROWN of Florida, Mr. DEUTCH, Mr. HASTINGS of Florida, Mr. MICA, Mr. CRENSHAW, Mr. BUCHANAN, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MACK):

H.R. 3637. A bill to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the ''Roy Schallern Rood Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GOSAR (for himself, Mr. FRANKS of Arizona, Mr. DUNCAN of South Carolina, Mr. MACK, Mr. BROUN of Georgia, Ms. JENKINS, Mr. BILIRAKIS, Mr. MARCHANT, Mr. GRIMM, Mr. FARENTHOLD, Mrs. ELLMERS, Mr. LANDRY, Mr. BURTON of Indiana, Mr. NUNNELEE, Mr. CANSECO, Mrs. HARTZLER, Mr. SCHILLING, Mr. PEARCE, Mr. JOHNSON of Ohio, Mr. JONES, Mr. SCHWEIKERT, and Mr. WEST):

H. Res. 490. A resolution expressing no confidence in the Attorney General of the United States; to the Committee on the Judiciary.

By Mrs. ELLMERS:

H. Res. 492. A resolution expressing the firm belief that disposing of any part of the remains of a deceased member of the Armed Forces as medical waste is repugnant, disrespectful and should not to be tolerated; to the Committee on Armed Services.

¶164.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. JOHNSON of Ohio.
H.R. 198: Mr. HASTINGS of Florida.
H.R. 374: Mr. NEUGEBAUER.
H.R. 402: Mr. THOMPSON of California and Mr. CARSON of Indiana.
H.R. 452: Mr. BACA and Mr. MATHESON.
H.R. 459: Mr. AMODEI.
H.R. 623: Ms. BROWN of Florida and Mr. CAPUANO.
H.R. 719: Mr. BACA.
H.R. 733: Mr. GRIFFITH of Virginia.
H.R. 835: Mr. CONYERS, Mr. REYES, Mr. JOHNSON of Illinois, Mr. HEINRICH, Mr. SCOTT of Virginia, Mr. LUJAN, Ms. SCHWARTZ, and Mr. RAHALL.
H.R. 873: Mr. FILNER and Mr. JOHNSON of Georgia.
H.R. 965: Mr. SERRANO.
H.R. 1005: Mr. MURPHY of Connecticut.
H.R. 1063: Mr. MORAN, Ms. ESHOO, Ms. JENKINS, Mr. CRITZ, Mr. JOHNSON of Georgia, and Mr. ROYCE.
H.R. 1138: Ms. WILSON of Florida.
H.R. 1167: Mr. MCHENRY.
H.R. 1206: Mr. BROUN of Georgia and Mr. WITTMAN.
H.R. 1236: Mr. FATTAH.
H.R. 1265: Ms. HANABUSA and Ms. FUDGE.
H.R. 1350: Mr. CONYERS.
H.R. 1397: Mr. BACA, Ms. WILSON of Florida, and Ms. HAHN.
H.R. 1406: Mr. JONES.
H.R. 1489: Mr. DOYLE.
H.R. 1524: Mr. JACKSON of Illinois.
H.R. 1546: Mr. OWENS.
H.R. 1639: Mr. COURTNEY and Mr. SAM JOHNSON of Texas.
H.R. 1707: Mr. CICILLINE.
H.R. 1738: Mrs. LOWEY.
H.R. 1744: Mr. TIPTON.
H.R. 1916: Mr. PALLONE.
H.R. 1964: Mr. KUCINICH, Mrs. BLACKBURN, Mr. JOHNSON of Ohio, Ms. RICHARDSON, Mr. HARRIS, and Mr. BUTTERFIELD.
H.R. 1968: Mr. MCGOVERN and Mr. BISHOP of New York.
H.R. 2098: Mr. MCGOVERN and Mr. JACKSON of Illinois.
H.R. 2105: Mr. BERMAN, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. COBLE, Mr. RIVERA, Mr. MARINO, Mr. GALLEGLY, Mr. KING of New York, Mr. ROYCE, Ms. BUERKLE, Mr. POE of Texas, Mr. FORTENBERRY, Mr. JOHNSON of Ohio, Mr. MEEHAN, Mr. MCKEON, Mr. RANGEL, and Mr. KELLY.
H.R. 2123: Mr. BERMAN and Mrs. LOWEY.
H.R. 2139: Mr. FITZPATRICK, Mr. RANGEL, Ms. KAPTUR, and Mr. LUETKEMEYER.
H.R. 2198: Mr. LUETKEMEYER.
H.R. 2245: Mr. COOPER and Ms. SCHWARTZ.
H.R. 2256: Mr. ISRAEL, Mr. SCHOCK, Mr. MCGOVERN, Mr. CLAY, Mr. CONYERS, and Mr. MCCOTTER.
H.R. 2288: Mr. RIVERA, Ms. NORTON, and Ms. RICHARDSON.
H.R. 2313: Mr. HERGER.
H.R. 2376: Mr. COOPER.
H.R. 2412: Mr. WAXMAN, Mr. LARSON of Connecticut, Ms. MATSUI, and Mr. PRICE of North Carolina.
H.R. 2492: Mr. LARSON of Connecticut, Mr. DOYLE, Mr. GARAMENDI, Ms. MOORE, Mr. HEINRICH, Ms. WASSERMAN SCHULTZ, and Mr. LUJÁN.
H.R. 2499: Mr. BERMAN.
H.R. 2505: Ms. PINGREE of Maine.
H.R. 2528: Mr. COBLE.
H.R. 2542: Mrs. MYRICK, Mr. BILIRAKIS, and Mrs. SCHMIDT.
H.R. 2563: Mr. YODER.
H.R. 2600: Mrs. SCHMIDT, Mr. HOLT, Mr. WALSH of Illinois, and Mrs. BLACK.
H.R. 2655: Mr. STIVERS.
H.R. 2668: Ms. NORTON.
H.R. 2695: Mr. HONDA.
H.R. 2696: Mr. HONDA.
H.R. 2697: Mr. JOHNSON of Georgia.
H.R. 2751: Mrs. LOWEY.
H.R. 2827: Mr. HULTGREN.
H.R. 2866: Mr. WELCH.
H.R. 2874: Mr. TURNER of New York.
H.R. 2885: Mr. SHULER.
H.R. 2900: Mr. BARLETTA.
H.R. 2966: Mr. SCOTT of Virginia, Mr. REYES, Mr. DOYLE, and Mr. LARSON of Connecticut.
H.R. 2996: Mr. GRIJALVA.
H.R. 3042: Mr. RIVERA, Ms. WILSON of Florida, Mr. MEEHAN, Mr. CRITZ, and Mr. HALL.
H.R. 3046: Ms. CHU and Mr. DEUTCH.
H.R. 3059: Mr. MICHAUD, Mr. DUNCAN of Tennessee, and Mr. MCGOVERN.
H.R. 3066: Mr. BUCSHON.
H.R. 3091: Mr. BURTON of Indiana.
H.R. 3109: Mr. SABLAN.
H.R. 3131: Mr. KING of New York.
H.R. 3187: Mr. YOUNG of Alaska, Mr. ROSS of Florida, Mr. PEARCE, and Mr. FLAKE.
H.R. 3213: Mr. HULTGREN.
H.R. 3261: Mr. COOPER.
H.R. 3269: Mr. REHBERG, Mr. TIPTON, Mr. ROSS of Arkansas, Mr. BERG, Mr. LUETKEMEYER, Mr. MCGOVERN, and Mrs. BACHMANN.
H.R. 3307: Ms. SCHWARTZ, Mr. MCNERNEY, Mr. GARAMENDI, and Mr. BASS of New Hampshire.
H.R. 3308: Mr. WESTMORELAND.
H.R. 3343: Mr. SCHOCK.
H.R. 3401: Mr. MCCAUL, Mr. WESTMORELAND, Mr. BILIRAKIS, and Mr. DUNCAN of South Carolina.
H.R. 3425: Ms. LEE of California.
H.R. 3432: Ms. SCHAKOWSKY.
H.R. 3461: Mr. JOHNSON of Illinois, Mr. KISSELL, Mr. LUCAS, Mr. YODER, Mr. NUGENT, Mr. LATHAM, Mr. BENISHEK, Mr. GRIFFIN of Arkansas, Mr. TERRY, Mr. MCINTYRE, Mr. CARTER, Mr. ROSS of Florida, Mr. RICHMOND, Ms. FOXX, Ms. BROWN of Florida, Mr. GENE GREEN of Texas, Mr. LANKFORD, Mr. DUNCAN of South Carolina, Mr. HULTGREN, and Mr. SULLIVAN.
H.R. 3466: Mr. ISRAEL.
H.R. 3480: Mr. LANDRY.
H.R. 3497: Mr. WALSH of Illinois, Mr. HULTGREN, and Mr. FRANK of Massachusetts.
H.R. 3510: Mr. LIPINSKI and Mr. SHUSTER.
H.R. 3516: Ms. MCCOLLUM.
H.R. 3538: Mr. CALVERT.

H.R. 3541: Mrs. BACHMANN, Mr. HERGER, Mr. NUNNELEE, Mr. POE of Texas, Mr. ALEXANDER, Mr. DUFFY, Mr. JOHNSON of Ohio, and Mr. DUNCAN of South Carolina.
H.R. 3545: Mr. NEUGEBAUER.
H.R. 3565: Mr. CANSECO.
H.R. 3573: Ms. BROWN of Florida.
H.R. 3608: Mr. POMPEO.
H.R. 3609: Mr. RYAN of Wisconsin.
H.R. 3627: Mr. CONNOLLY of Virginia.
H.J. Res. 88: Mr. CICILLINE.
H. Con. Res. 21: Mr. DUNCAN of South Carolina.
H. Con. Res. 89: Mr. HINOJOSA, Mr. PETERS, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Mr. LEVIN, Mr. HOLDEN, Mr. WALZ of Minnesota, Mr. ANDREWS, Mr. COHEN, Mr. REYES, Ms. MOORE, and Mr. CONYERS.
H. Res. 111: Mr. HONDA, Mr. JOHNSON of Ohio, and Mr. LYNCH.
H. Res. 134: Ms. MCCOLLUM and Ms. BASS of California.
H. Res. 220: Mr. BURTON of Indiana.
H. Res. 271: Mr. FLEMING.
H. Res. 282: Mr. PEARCE.
H. Res. 304: Mr. PAYNE and Mr. LOBIONDO.
H. Res. 374: Mr. LAMBORN.
H. Res. 452: Mrs. LOWEY.
H. Res. 475: Mr. MCCAUL, Mr. GOSAR, Mr. MILLER of Florida, and Mr. MACK.
H. Res. 489: Mr. FORBES, Mrs. ELLMERS, Mr. JONES, Mr. CONAWAY, Mr. HULTGREN, Mr. WOMACK, and Mr. JOHNSON of Ohio.

TUESDAY, DECEMBER 13, 2011 (165)

¶165.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. MCCLINTOCK, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 13, 2011.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶165.2 RECESS—11:16 A.M.

The SPEAKER pro tempore, Mr. MCCLINTOCK, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 16 minutes a.m., until noon.

¶165.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶165.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, December 12, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶165.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4276. A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Derivatives Clearing Organization General Provisions and Core Principles (RIN: 3038-AC98) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4277. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-1026; FRL-9325-2] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4278. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4279. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's ''Major'' final rule — Testing and Labeling Pertaining to Product Certification [CPSC Docket No.: CPSC-2010-0038] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4280. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts [Docket Number: EE-2007-BT-STD-0016] (RIN: 1904-AB50) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4281. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of Lake and Porter Counties to Attainment of the Fine Particulate Matter Standard [EPA-R05-OAR-2008-0395; FRL-9499-6] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4282. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9499-7] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4283. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination To Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0881; FRL-9499-4] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4284. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of the Significant New Use Rule on a Certain Chemical Substance [EPA-HQ-OPPT-2011-0109; FRL-8892-2] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4285. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Withdrawal of Two Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9329-5] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4286. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9499-1] (RIN: 2060-AR03) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4287. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Enhancements to Emergency Preparedness Regulations [NRC-2008-0122] (RIN: 3150-AI10) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4288. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act; Exempt Record System (RIN: 0906-AA91) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4289. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements [Docket No.: PTO-P-2011-0014] (RIN: 0651-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4290. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Valley City, ND [Docket No.: FAA-2011-0605; Airspace Docket No.: 11-AGL-13] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Nuiqsut, AK [Docket No.: FAA-2011-0759; Airspace Docket No.: 11-AAL-12] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Approval of Grape Variety Names for American Wines [Docket No.: TTB-2011-0002; T.D. TTB-95; Re: Notice No. 116] (RIN: 1513-AA42] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4293. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas [Docket No.: TTB-2008-0009; T.D. TTB-97; Re: Notice Nos. 90 and 91] (RIN: 1513-AB57) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4294. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Pine Mountain-Cloverdale Peak Viticultural Area [Docket No.: TTB-2010-0003; T.D. TTB-96; Notice Nos. 105, 107, and 112] (RIN: 1513-AB41) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treasury Inflation-Protected Securities Issued at a Premium [TD 9561] (RIN: 1545-

BK46) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Base Period T-Bill Rate (Rev. Rul. 2011-30) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶165.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CHAFFETZ, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 December 13, 2011 at 9:48 a.m.:

That the Senate passed with an amendment H.R. 1801.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶165.7 PROVIDING FOR CONSIDERATION OF H.R. 3630

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 491):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

Pending consideration of said resolution,

¶165.8 POINT OF ORDER

Ms. MOORE made a point of order against consideration of said resolution, and said:

''Mr. Speaker, I raise a point of order against H. Res. 491 because the resolution violates Section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, except those arising under clause 10 of rule XXI, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. CHAFFETZ, responded to the point of order, and said:

''The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.''.

Ms. MOORE was further recognized and said:

''Sadly, we're here once again with my Republican colleagues who are trying to ram through this fat-cat tax extenders legislation, providing mere crumbs from the master's table for working people that will neither help the American people weather this economic malaise nor create a single job.

''To add insult to injury, the Rules Committee has rejected all attempts to allow any amendments to this horrible piece of legislation. I proposed four amendments, which were not considered, and in fact, the Republican majority rejected a Democratic substitute.

''There is a song by the group Cameo—and I know Mr. DREIER will appreciate this—called 'Talkin' Out the Side of Your Neck.' The lyrics are:

'So you can see we're back into this same old mess.

'Seems like every time we get out of one situation we're back into it all over again.

'All you people that watch you talk, you better get it together or we won't get it done.

'We sit down while you cuss and fuss. But guess who's suffering. Nobody but us.'

''That's exactly what the Republicans are doing—talking out of both sides of their necks. They talk and talk and talk, making false claims to the middle class, false promises, when they're really trying to protect the interests of the 1 percent; and like the song suggests, those in the middle class are the ones who are suffering.

''Once again, through this sham piece of legislation, the Republicans claim to be creating jobs when the cruel thing is that, when 160 million workers are given a small payroll tax holiday, the cost is they are held hostage with the tax breaks for the fat cats. Additionally, the Congressional Budget Office reports that this legislation adds over $25 billion to our Nation's deficit.

''But those grinches don't stop there, Mr. Speaker. They're trying to steal the holiday spirit from hardworking Americans. How? With this legislation.

''Our overall unemployment rate did drop recently from 9.1 percent to 8.6 percent, and I am happy to be joined this afternoon by some of my colleagues from the Congressional Black Caucus who will talk to you a little bit more about how this pertains to black unemployment.

''Briefly, though, while unemployment dropped for white men from 7.9 to 7.3 percent, black men endured a spike from 16.2 percent unemployment to a disturbing 16.5 percent. Of course, according to the Bureau of Labor Statistics, unemployment declined for every demographic group within the white community but increased for every demographic group within the African American community. Further, Mr. Speaker, this bill cuts the Federal unemployment program by more than half in 2012, eliminating 40 weeks of benefits, cutting benefits so drastically for those workers and communities that have been most hurt by this recession.

''One of the most egregious aspects of this bill is that it promotes State drug testing for workers in order for them to qualify for unemployment benefits. Mr. Speaker, did the authors of this provision know about the Constitution of the United States? This bill also imposes new limits on unemployment compensation by restricting the benefits that employees have paid for.

''This is just outrageous. It is time to stop the doublespeak and to give them real talk, and I urge all of my colleagues to vote against this legislation.''.

Ms. FUDGE was recognized to speak to the point of order and said:

''I rise today in strong opposition to this rule and the underlying bill.

''How in good conscience can we allow States to fund re-employment programs with money that would otherwise be in the pockets of the unemployed?

''My amendment mandates transparency and accountability. It requires States to make public the amount of money taken from the checks of unemployed Americans. It's not that I am against re-employment, Mr. Speaker, but I am against decreasing the amount of money that beneficiaries get every month. I mentioned Karen from Cleveland on the floor last week. Karen was laid off in March. Her unemployment check is allowing her to keep her home and to pay for expensive prescriptions. She relies on every single dollar.

''Let's cut the partisan posturing, and let's extend unemployment insurance without unnecessary riders.''.

Mrs. CHRISTENSEN was recognized to speak to the point of order and said:

''Mr. Speaker, I rise in support of this point of order on H. Res. 491.

''Here we go again with another misnamed bill that is designed not for middle class tax relief or for job creation but to hold a 'must pass' vehicle hostage through some misguided Republican pet projects and policy initiatives that harm the environment and threaten public health. It is also a bill that is wasting time, time that could really be used to create jobs and help the middle class because, with these poison pills, it is going nowhere. Unfortunately, the good things in the bill are threatened because of these other provisions.

''The payroll tax deduction, the 2-year SGR fix, as well as one or two other health care provisions are good parts of the bill that are needed by our Nation's families, our doctors and Medicare beneficiaries, but they should not be weighed down by the provisions

that allow the Keystone pipeline to bypass regulations, that allow industrial boilers and incinerators to pollute, and that cut billions of dollars and, therefore, important services that are in the Affordable Care Act. With millions of our fellow Americans out of work, it also fails to provide the full extension of unemployment that is needed in this time of improved but still slow job creation—something the Republican leadership has talked a lot about but has done nothing to help.

''This bill is pure politics. And what is it that my colleagues on the other side of the aisle do not understand about drug addiction being an illness?

''One of the Republican Governors tried a similar proposal for food stamps in Florida. Not only was it bad policy, it yielded nothing. It unfairly targeted and branded poor people, and it wasted taxpayer dollars. All of this is designed to deny unemployment benefits that they have resisted and are still not fully funding. I hear a lot about class warfare, but real class warfare is protecting everything for the rich and punishing the poor, the middle class, the elderly, and the unemployed. It has got to stop.

''I urge my colleagues to support this point of order and to vote against the rule and the bill. We need a clean extension of the payroll tax, 99 weeks of unemployment, and a 2-year SGR fix. Yet it should not be paid for by taking funds from programs that are needed to protect public health and safety.''.

Ms. LEE was recognized to speak to the point of order and said:

''I want to thank the gentlelady for yielding time and for her leadership on an issue so critical to extending a safety net to those who are desperately looking for jobs and who need this bridge over troubled waters at this point.

''Mr. Speaker, the Republican bill would gut unemployment benefits to the millions of Americans who are looking for work when there are, roughly, four people for every one job. It would reduce unemployment benefits down to 59 weeks from 99 weeks at a time when we are facing a serious crisis among our long-term unemployed. It makes no economic sense, and quite frankly, it is heartless.

''The Lee-Scott amendment would have replaced these Republican Christmastime cuts with real extensions of unemployment benefits, and it would have added an additional 14 weeks of unemployment insurance for the millions of Americans who have already exhausted their benefits, but the Republicans did not make any amendments in order—no fixes allowed to the heartless and senseless cuts that this contains.

''This bill is really a sham. It's a shame, and it's a disgrace. It will cost our Nation jobs, and it is a slap in the face to job seekers. We should really be about the work of reigniting the American Dream, not making it more of a nightmare for people as this bill would do.''.

Mr. DAVIS of Illinois, was recognized to speak to the point of order and said:

''I rise in strong support of her opposition to this amendment. I rise in strong support of the passage of the underlying bill.

''This resolution fails to recognize that there are disproportionate opportunities and a lack of opportunities for members of some groups, such as minority groups who are African American and who are Hispanics. There is no consideration given to these facts. Therefore, I must be in opposition to the rule and to the bill.''.

Ms. JACKSON LEE of Texas, was recognized to speak to the point of order and said:

''Mr. Speaker, I join with my colleague from Wisconsin in thanking the gentleman from California for his generosity, but I also thank my colleague from Wisconsin for her astute assessment that causes me to pause.

''Her point of order is whether or not this is what we call 'an unfunded mandate,' this bill that we will be discussing on the floor of the House. And even though the rule says that the points of order or the issues of being an unfunded mandate have been waived, please understand that that is an action that can be taken. It doesn't mean that it eliminates the truth.

''And I raise a question, whether this humongous bill that we are going to discuss, that does not answer the crisis of what we are facing—which is 6 million people without unemployment insurance who will not able to pay mortgage, rent, food, to be able to have a quality of life, to create income, to create some 700,000 jobs on the unemployment end, and to pull 3.2 million people out of poverty—is now going by the wayside. And the payroll tax cut now is shackled with unwanted baggage.

''So I rise to argue the point of order as to unfunded mandates and argue to support the position of Mr. LEVIN from the Ways and Means Committee, which is to declare the unemployment issue an emergency, to do the payroll tax and a surtax on 1 percent of the American population for 10 years starting in 2013, and adopt a fix, used and paid for with Medicare savings. This is an unfunded mandate. This is not a bill that should pass, and we should support the unemployed and those who need a payroll tax cut.''.

Mr. DREIER was recognized to speak to the point of order and said:

''With that, as I said, in the spirit of bipartisanship, which is the basis of the underlying legislation and the spirit of the Christmas season, I am happy to yield not just a minute, Mr. Speaker, but I would like to yield a minute and a half to my good friend from Milwaukee, with whom I share an affection for our great, fine music.''.

Ms. MOORE was further recognized and said:

''Again, I want to thank the gentleman for allowing our side to have some voice in this matter. He yielded me time in the name of the season; so I will frame my remaining remarks in that frame.

''The season is the reason;

'''Tis almost treason to extend full benefits to corporations, who are people,

''And leave those who are unemployed feeble.

''The season is the reason to extend full benefits to the unemployed. It is almost a ploy to provide tax breaks to corporations and to leave the people with no resources.

''I ask my colleagues to support my point of order. It would be egregious if we were to move forward on this bill, on this resolution, without considering the plight that we would put the unemployed in.''.

Mr. DREIER was further recognized and said:

''Mr. Speaker, I yield myself the balance of my time, as I have said, to speak in opposition to the point of order and in support of our moving ahead with the resolution.

''My friend is a very, very thoughtful poet herself, and I've been the beneficiary of much of her fine work. She and I share an affection for R&B music. She quoted Cameo and 'Talkin' Out The Side Of Your Neck.' I don't really know that song, I have to admit, Mr. Speaker; but I'll have to check it out.

''But what I would like to do is, since we've heard of the eloquence of Cameo and the eloquence of GWEN MOORE, the great poet, I would like to quote William Shakespeare. William Shakespeare said, 'In such business, action is eloquence'.

''Now we have before us a measure that is designed to do one thing and one thing only, and that is to focus on getting our economy growing and generating job opportunities for the American people. The American people are hurting. We know that. There are people across this country hurting. And as my friends have just outlined, there are individuals who have suffered greatly. It is absolutely imperative that we do everything that we can to ensure that they have job opportunities and that those who are unable to find job opportunities have the assistance that they and their families need to proceed, especially during this time of year. Any action that my colleagues are proposing on the other side will simply delay our effort that will ensure that we extend the payroll tax holiday for an additional year, and it will prevent us from providing those benefits to people who are unable to find work today.

''So I will be discussing the underlying legislation when we proceed with consideration of this rule, but I urge my colleagues to oppose this point of order and allow us to proceed with consideration of the resolution so that we can put into place a legislative package that will get the American people back to work and ensure opportunity for all.''.

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. CHAFFETZ, announced that the yeas had it.

Ms. MOORE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 / Nays 174

¶165.9 [Roll No. 917]

YEAS—227

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

NAYS—174

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

NOT VOTING—32

Bachmann
Bishop (UT)
Bono Mack
Burton (IN)
Carnahan
Castor (FL)
Coble
Duffy
Filner
Fortenberry
Giffords
Gutierrez
Hirono
Johnson (GA)
Johnson (IL)
Lewis (GA)
Loebsack
Mack
Matheson
Myrick
Napolitano
Olson
Pastor (AZ)
Paul
Rivera
Rogers (MI)
Rothman (NJ)
Schock
Scott (SC)
Shuler
Smith (WA)
Thompson (MS)

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 182

¶165.10 [Roll No. 918]

YEAS—236

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

NAYS—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield

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

NOT VOTING—15

Bachmann
Brady (TX)
Coble
Duffy
Filner
Giffords
Gutierrez
Hanna
Larson (CT)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 180

¶165.11 [Roll No. 919]

AYES—236

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

NOES—180

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

NOT VOTING—17

Bachmann
Coble
Duffy
Filner
Giffords
Gohmert
Griffin (AR)
Gutierrez
Hastings (FL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne
Scott, David
Tsongas

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶165.12 H.R. 3246—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3246) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of those present had voted in the affirmative.

Mr. CICILLINE demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶165.13 [Roll No. 920]

AYES—415

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
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black

Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
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 (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Bilirakis
Coble
Crawford
Duffy
Filner
Giffords
Grijalva
Gutierrez
Hirono
Inslee
Kinzinger (IL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶165.14 S. 384—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 1

¶165.15 [Roll No. 921]

AYES—417

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—1

Amash

NOT VOTING—15

Bachmann
Coble
Duffy
Filner
Giffords
Gutierrez
Honda
Kinzinger (IL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne
Turner (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶165.16 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. DAVIS of Illinois, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October 2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating $2 in economic stimulus for every $1 the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40 weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with $180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the $50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as $22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million unemployed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore, Mr. LATOURETTE, responded to the foregoing notice, and said:

''The Chair would now entertain the resolution.

''Does the gentleman from Illinois wish to offer it at this point?''.

¶165.17 PRIVILEGES OF THE HOUSE

Mr. DAVIS of Illinois, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October

2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating $2 in economic stimulus for every $1 the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40 weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with $180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the $50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as $22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million unemployed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore, Mr. LATOURETTE, spoke and said:

''Does the gentleman from Illinois wish to present his argument on why the resolution is privileged under rule IX to take precedence over other questions?''.

Mr. DAVIS of Illinois, was recognized to speak as to whether the resolution presented a question of the privileges of the House and said:

''Mr. Speaker, in order to qualify as a question of the privileges of the House under rule IX, the resolution must address 'the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.'

''The resolution I offer seeks to express the position of the House that the Republican proposal to address the unemployment crisis facing our Nation and the procedures used to bring it to the floor tarnish the dignity and integrity of the House proceedings and the integrity of the legislative process.

''All Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis. Yet, contrary to this mandate, the Republican proposal to address the unemployment crisis threatens to damage our national economy as well as the well-being of millions of Americans.

''By drastically cutting benefits—especially for employees and States hardest hit by unemployment—by 40 weeks and imposing punitive restrictions on access to benefits, the Republican proposal will almost certainly harm millions of Americans and our Nation's economic well-being.

''Given the unemployment crisis that does in fact exist in our country, and given the great needs that exist for people to feel a sense of comfort and security, given the fact that older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans with——

''Mr. Speaker, it is my position and my belief that the Republican proposal tarnishes the legislative process by making substantial permanent changes to Federal unemployment benefits, and that, when passed—if passed—that the country will have experienced difficulties that could have been avoided.''.

The SPEAKER pro tempore, Mr. LATOURETTE, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

''As the Chair ruled in similar circumstances on October 2 and October 3, 2002, a resolution expressing the sentiment that Congress should act on a specified legislative measure does not constitute a question of privileges of the House under rule IX.

''The mere invocation of legislative powers provided in the Constitution coupled with identification of a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

''Accordingly, the resolution offered by the gentleman from Illinois does not constitute a question of the privileges of the House under rule IX.''.

¶165.18 MIDDLE CLASS TAX RELIEF AND JOB CREATION

Mr. CAMP, pursuant to House Resolution 491, called up for consideration the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 491, the following amendment, printed in House Report 112-328, was considered as agreed to:

Page 50, line 7, strike '2012' and insert '2013'

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 491, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. VAN HOLLEN moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

TITLE VII—ADDITIONAL PROVISIONS

SEC. 701. EXTENSION AND EXPANSION OF PAYROLL TAX CUT FOR MIDDLE CLASS FAMILIES.

(a) EXTENSION.—For provision extending the payroll tax cut for middle class families, see section 2001.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting ''(9.3 percent for calendar year 2012)'' after ''10.40 percent'' in paragraph (1), and

(B) in paragraph (2)—

(i) by striking ''(including'' and inserting ''(3.1 percent in the case of calendar year 2012), including'' after ''4.2 percent'', and

(ii) by striking ''Code)'' and inserting ''Code''.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph (A) of section 601(b)(2) of such Act is amended by inserting ''(66.67 percent for taxable years which begin in 2012)'' after ''59.6 percent''.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(1) by inserting ''of such Code'' after ''164(f)'',

(2) by inserting ''of such Code'' after ''1401(a)'' in subparagraph (A), and

(3) by inserting ''of such Code'' after ''1401(b)'' in subparagraph (B).

SEC. 702. EXTENDING THE ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

For provision extending the allowance for bonus depreciation for certain business assets, see section 1201.

SEC. 703. PREVENTING A REDUCTION IN PAYMENTS TO DOCTORS.

For provision preventing a reduction in payments to doctors, see section 2201.

SEC. 704. ENSURING THAT MILLIONAIRES PAY THEIR FAIR SHARE.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—SURTAX ON MILLIONAIRES

''Sec. 59B. Surtax on millionaires.

"SEC. 59B. SURTAX ON MILLIONAIRES.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2011 and before 2021, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 3.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

''(b) THRESHOLD AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The threshold amount is $1,000,000.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2012, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (b) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VIII. SURTAX ON MILLIONAIRES.''.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 705. PREVENTING INSIDER TRADING BY MEMBERS OF CONGRESS.

(a) NONPUBLIC INFORMATION RELATING TO CONGRESS AND OTHER FEDERAL EMPLOYEES.—

(1) COMMODITIES TRANSACTIONS.—Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

''(h) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such commodity if—

''(1) such information was obtained by reason of such person being a Member or employee of Congress; or

''(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

''(i) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

''(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while such person is in possession of material nonpublic information derived from Federal employment and relating to such commodity if—

''(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

''(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

''(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term 'material nonpublic information' means any information that an employee of an agency (as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

''(A) is routinely exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

''(B) is designated as confidential by an agency; or

''(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.''.

(2) SECURITIES TRANSACTIONS.—Section 10 of the Securities Exchange Act of 1934 is amended by adding at the end the following:

''(d) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such issuer if—

''(1) such information was obtained by reason of such person being a Member or employee of Congress; or

''(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

''(e) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

''(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information derived from Federal employment and relating to such issuer if—

''(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

''(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

''(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term 'material nonpublic information' means any information that an employee of an agency (as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

''(A) is routinely exempt from disclosure under section 552 of title 5, United States

Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

''(B) is designated as confidential by an agency; or

''(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.''.

(b) COMMITTEE HEARINGS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Committee on Agriculture of the House of Representatives shall hold a hearing on the implementation by the Commodity Futures Trading Commission of subsections (h) and (i) of section 4c of the Commodity Exchange Act (as added by subsection (a)(2) of this section), and the Committee on Financial Services of the House of Representatives shall hold a hearing on the implementation by the Securities Exchange Commission of subsections (d) and (e) of section 10 of the Securities Exchange Act of 1934 (as added by subsection (a)(1) of this section).

(2) EXERCISE OF RULEMAKING AUTHORITY.—Paragraph (1) is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives and, as such, shall be considered as part of the rules of the House, and such rules shall supersede any other rule of the House only to the extent that rule is inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change such rules (so far as relating to the procedure in the House) at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

(c) TIMELY REPORTING OF FINANCIAL TRANSACTIONS.—

(1) REPORTING REQUIREMENT.—Section 103 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

''(l) Within 90 days after the purchase, sale, or exchange of any stocks, bonds, commodities futures, or other forms of securities that are otherwise required to be reported under this Act and the transaction of which involves at least $1000 by any Member of Congress or officer or employee of the legislative branch required to so file, that Member, officer, or employee shall file a report of that transaction with the Clerk of the House of Representatives in the case of a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico, or with the Secretary of the Senate in the case of a Senator.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to transactions occurring on or after the date that is 90 days after the date of the enactment of this Act.

(d) DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.—

(1) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(A) in paragraph (2)—

(i) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(ii) by inserting after ''lobbyists'' the following: ''or political intelligence consultants''; and

(B) by adding at the end the following new paragraphs:

''(17) POLITICAL INTELLIGENCE ACTIVITIES.—The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

''(18) POLITICAL INTELLIGENCE CONTACT.—

''(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

''(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

''(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

''(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

''(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

''(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

''(20) POLITICAL INTELLIGENCE CONSULTANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.''.

(2) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting after ''whichever is earlier,'' the following: ''or a political intelligence consultant first makes a political intelligence contact,''; and

(II) by inserting after ''such lobbyist'' each place that term appears the following: ''or consultant'';

(ii) in paragraph (2), by inserting after ''lobbyists'' each place that term appears the following: ''or political intelligence consultants''; and

(iii) in paragraph (3)(A)—

(I) by inserting after ''lobbying activities'' each place that term appears the following: ''and political intelligence activities''; and

(II) in clause (i), by inserting after ''lobbying firm'' the following: ''or political intelligence firm'';

(B) in subsection (b)—

(i) in paragraph (3), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities''; and

(II) in subparagraph (C), by inserting after ''lobbying activity'' the following: ''or political intelligence activity'';

(iii) in paragraph (5), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(iv) in paragraph (6), by inserting after ''lobbyist'' each place that term appears the following: ''or political intelligence consultant''; and

(v) in the matter following paragraph (6), by inserting ''or political intelligence activities'' after ''such lobbying activities'';

(C) in subsection (c)—

(i) in paragraph (1), by inserting after ''lobbying contacts'' the following: ''or political intelligence contacts''; and

(ii) in paragraph (2)—

(I) by inserting after ''lobbying contact'' the following: ''or political intelligence contact''; and

(II) by inserting after ''lobbying contacts'' the following: ''and political intelligence contacts''; and

(D) in subsection (d), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''.

(3) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(A) in subsection (a), by inserting after ''lobbying activities'' the following: ''and political intelligence activities'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(II) in subparagraph (A)—

(aa) by inserting after ''lobbyist'' the following: ''or political intelligence consultant''; and

(bb) by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(III) in subparagraph (B), by inserting after ''lobbyists'' the following: ''and political intelligence consultants''; and

(IV) in subparagraph (C), by inserting after ''lobbyists'' the following: ''or political intelligence consultants'';

(ii) in paragraph (3)—

(I) by inserting after ''lobbying firm'' the following: ''or political intelligence firm''; and

(II) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(iii) in paragraph (4), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(C) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or a political intelligence consultant'' after ''a lobbyist''.

(4) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(A) in paragraph (3)(A), by inserting after ''lobbying firms'' the following: '', political intelligence consultants, political intelligence firms,'';

(B) in paragraph (7), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''; and

(C) in paragraph (8), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''.

(5) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking ''or lobbying contacts'' and inserting ''lobbying contacts, political intelligence activities, or political intelligence contacts''.

(6) IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(A) in subsection (a)—

(i) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(ii) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(iii) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity'';

(B) in subsection (b)—

(i) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(ii) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(iii) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity''; and

(C) in subsection (c), by inserting ''or political intelligence contact'' after ''lobbying contact''.

(7) ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(A) in subsection (a)—

(i) by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(ii) by striking ''lobbying registrations'' and inserting ''registrations'';

(B) in subsection (b)(1)(A), by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(C) in subsection (c), by inserting ''or political intelligence consultant'' after ''a lobbyist''.

(e) EFFECTIVE DATE.—Subject to subsection (c)(2), this section and the amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 706. FREEZE ON MEMBER COLA AND PENSION REFORM.

For provision freezing Member COLA and effecting pension reform, see section 5421(b)(1) and part 1 of subtitle E of title V, respectively.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. VAN HOLLEN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 183 / Nays 244

¶165.19 [Roll No. 922]

AYES—183

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

NOES—244

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

NOT VOTING—6

Bachmann
Coble
Filner
Giffords
Gutierrez
Paul

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 193

¶165.20 [Roll No. 923]

AYES—234

Adams
Aderholt
Akin
Alexander
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce

Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—193

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

NOT VOTING—6

Bachmann
Coble
Filner
Giffords
Gutierrez
Paul

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶165.21 H.R. 2767—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2767) to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that two-thirds of those present had voted in the affirmative.

Mr. PAULSEN demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 0

¶165.22 [Roll No. 924]

AYES—420

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
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
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
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
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bachmann
Brady (PA)
Coble
Crenshaw
Doggett
Filner
Giffords
Gutierrez
Hurt
Landry
Larsen (WA)
Myrick
Paul

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶165.23 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 1540

Mr. BISHOP of Utah, by direction of the Committee on Rules, reported (Rept. No. 112–330) the resolution (H. Res. 493) providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and to provide for proceedings during the period from December 16, 2011, through January 16, 2012.

When said resolution and report were referred to the House Calendar and ordered printed.

¶165.24 9/11 FALLEN HEROES

Mr. FITZPATRICK moved to suspend the rules and pass the bill (H.R. 3421) 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.

The SPEAKER pro tempore, Mr. BROOKS, recognized Mr. FITZPATRICK and Mr. MEEKS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BROOKS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MEEKS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BROOKS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, December 14, 2011.

The point of no quorum was considered as withdrawn.

¶165.25 UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY

Mr. JONES moved to suspend the rules and pass the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; as amended.

The SPEAKER pro tempore, Mr. BROOKS, recognized Mr. JONES and Mr. MEEKS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BROOKS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MEEKS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BROOKS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, December 14, 2011.

The point of no quorum was considered as withdrawn.

¶165.26 DRUG TRAFFICKING SAFE HARBOR ELIMINATION

Mr. SMITH of Texas, moved to suspend the rules and pass the bill (H.R. 313) to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BROOKS, recognized Mr. SMITH of Texas, and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BROOKS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶165.27 IRAN THREAT REDUCTION

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BROOKS, recognized Ms. ROS-LEHTINEN and Mr. KUCINICH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHWEIKERT, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHWEIKERT, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, December 14, 2011.

¶165.28 IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SCHWEIKERT, recognized Ms. ROS-LEHTINEN and Mr. KUCINICH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHWEIKERT, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHWEIKERT, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, December 14, 2011.

¶165.29 KOREAN WAR POW/MIAS

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 376); as amended:

Whereas 61 years have passed since communist North Korea invaded the Republic of Korea, thereby initiating the Korean War on June 25, 1950;

Whereas during the Korean War, nearly 1.8 million members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other Allied nations under the United Nations Command to defend freedom and democracy in the Korean Peninsula;

Whereas 58 years have passed after the signing of the ceasefire agreement at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas talks for a peace treaty began on July 10, 1951, but were prolonged for two years due to disagreement between the United Nations and North Korea regarding the repatriation of prisoners of war (POWs);

Whereas the repatriation of Korean War POWs did not begin until September 4, 1953, at Freedom Village, Panmunjom;

Whereas the majority of surviving United Nations POWs were repatriated or turned over to the Neutral Nations Repatriation Commission in accordance with Section 3 of the Armistice Agreement, but the United Nations Command noted a significant discrepancy between the Command's estimate of POWs and the number given by North Korea;

Whereas the Defense Prisoner of War/Missing Personnel Office of the Department of

Defense (DPMO) lists more than 8,000 members of the United States Armed Forces as POWs or missing in action who are unaccounted for from the Korean War, including an estimated 5,500 in North Korea;

Whereas many South Korean POWs were never reported as POWs during the negotiations, and it is estimated as many as 73,000 South Korean POWs were not repatriated;

Whereas the Joint Field Activities conducted by the United States between 1996 and 2005 yielded over 220 sets of remains that are still being processed for identification at Joint Prisoners of War, Missing in Action Accounting Command in Hawaii;

Whereas the United States recovery operations in North Korea were suspended on May 25, 2005, because of disagreements over communications facilities;

Whereas North Korea has consistently refused to discuss the POW issue, and the exact number of South Korean POWs who were detained in North Korea after the war is unknown, as is the number of those still alive in North Korea;

Whereas approximately 100,000 South Korean civilians (political leaders, public employees, lawyers, journalists, scholars, farmers, etc.) were forcibly abducted by the North Korean Army during the Korean War, but North Korea has neither admitted the abductions occurred nor accounted for or repatriated the civilians;

Whereas many young South Korean men were forcibly conscripted into the North Korean Army during the Korean War;

Whereas North Korea's abduction of South Korean civilians was carried out under a well-planned scheme to make up the shortage of North Korea's own needed manpower, and to communize South Korea;

Whereas during the Korean War Armistice Commission Conference, the United Nations Command, led by the United States, negotiated strongly to seek that South Korean civilians abducted by North Korea be exchanged for Communist POWs held by the United Nations;

Whereas North Korea persistently delayed in POW/civilian internee negotiations, refusing to acknowledge that they had committed a war crime of civilian abduction, with a result that in the armistice talks Korean War abductees were re-classified ''displaced persons'' and, consequently, not a single person among them has been able to return home;

Whereas the South Korean families of the civilians abducted by North Korea six decades ago have endured extreme pain and suffering due to the prolonged separation and due to the knowledge that North Korea has neither admitted that the abductions occurred nor accounted for or repatriated these civilians;

Whereas former South Korean POWs and abductees who escaped from North Korea have provided valuable and credible information on sightings of American and South Korean POWs in concentration camps;

Whereas tens of thousands of friends and families of the POW/MIAs and abductees from the Korean War, including the National Alliance of POW/MIA Families, POW/MIA Freedom Fighters, the Coalition of Families of Korean & Cold War POW/MIAs, the International Korean War Memorial Foundation POW Affairs Committee, Rolling Thunder, Inc., the Korean War Abductees Family Union, the Korea National Red Cross, World Veterans Federation, and the National Assembly of Republic of Korea, have called for full accounting of the POW/MIAs and abductees by North Korea; and

Whereas July 27, 2011, is the National Korean War Veterans Armistice Day, which is a day of remembrance and recognition of Korean War veterans and those persons who never returned home from the Korean War: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;

(2) takes note of the U.S.-North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;

(3) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;

(4) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(5) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and

(6) calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The SPEAKER pro tempore, Mr. SCHWEIKERT, recognized Ms. ROS-LEHTINEN and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHWEIKERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶165.30 CHRISTIAN HERITAGE AND CHURCH PROPERTIES IN TURKEY

Mr. ROYCE moved to suspend the rules and agree to the following resolution (H. Res. 306); as amended:

Resolved, That it is the sense of the House of Representatives that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

The SPEAKER pro tempore, Mr. SCHWEIKERT, recognized Mr. ROYCE and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHWEIKERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

And then,

¶165.31 ADJOURNMENT

On motion of Mr. ROYCE, at 10 o'clock and 37 minutes p.m., the House adjourned.

¶165.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 493. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and providing for proceedings during the period from December 16, 2011, through January 16, 2012 (Rept. 112–330). Referred to the House of Calendar.

¶165.33 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. GRIJALVA (for himself and Mr. ELLISON):

H.R. 3638. A bill to create American jobs and reduce the deficit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, Energy and Commerce, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Financial Services, Veterans' Affairs, the Budget, Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUGENT:

H.R. 3639. A bill to amend the Ethics in Government Act of 1978 to require federally

elected officials to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM (for himself and Mr. FARR):

H.R. 3640. A bill to authorize the Secretary of the Interior to acquire not more than 18 acres of land and interests in land in Mariposa, California, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. DENHAM):

H.R. 3641. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Ms. EDWARDS):

H.R. 3642. A bill to amend the National Institute of Standards and Technology Act to require the Director of the National Institute of Standards and Technology to document operational requirements, assist with national voluntary consensus standards, and conduct technology research to advance a nationwide interoperable public safety broadband network, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 3643. A bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on House Administration.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, Mr. SCHWEIKERT, Mr. NEUGEBAUER, Mrs. BIGGERT, and Mrs. CAPITO):

H.R. 3644. A bill to increase standardization, transparency, and to ensure the rule of law in the mortgage-backed security system, and for other purposes; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. JONES, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. COURTNEY, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. HOLDEN, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3645. A bill to require consideration of the impacts of a public interest waiver from the Buy America requirement on domestic manufacturing employment for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. TURNER of Ohio, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Ms. ZOE LOFGREN of California, Mr. RYAN of Ohio, Mr. LIPINSKI, Mr. STARK, Mr. JONES, Mr. MICHAUD, Mr. ISRAEL, Mr. PETERS, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. ANDREWS, Ms. KAPTUR, Mr. JOHNSON of Georgia, Mr. HOLDEN, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. CRITZ, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, and Mr. SARBANES):

H.R. 3646. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, 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 Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. HOLDEN, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. ANDREWS, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3647. A bill to improve transparency and accountability in the waiver process of the Buy America requirement for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LANDRY):

H.R. 3648. A bill to amend the Water Resources Development Act of 1986 to ensure that annual expenditures from the Harbor Maintenance Trust Fund to pay for operation and maintenance costs are allocated equitably among eligible harbor projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 3649. A bill to expand the Officer Next Door and Teacher Next Door initiatives of the Department of Housing and Urban Development to include fire fighters and rescue personnel, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON LEE of Texas:

H.R. 3650. A bill to prohibit institutions of higher education and nonprofit organizations that fail to report incidents of sexual abuse of a minor from receiving Federal funds, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARROW:

H.R. 3651. A bill to amend the Truth in Lending Act to exempt certain creditors from the escrow account requirement for higher-priced mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. DESJARLAIS:

H.R. 3652. A bill to amend the Food and Nutrition Act of 2008 to repeal the authority to make performance-based bonus payments to States; to the Committee on Agriculture.

By Mr. DOGGETT (for himself, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. STARK, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. PASCRELL, Mr. NEAL, Mr. RANGEL, and Mr. BECERRA):

H.R. 3653. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Education and the Workforce.

By Ms. HOCHUL:

H.R. 3654. A bill to adopt technology allowing 9-1-1 call centers to receive and respond to emergency text messages, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. ROYCE (for himself, Mr. CANSECO, Mr. JONES, Mr. PAUL, Mr. HENSARLING, and Mrs. BACHMANN):

H.R. 3655. A bill to amend the Sarbanes-Oxley Act of 2002 to provide additional exemptions from the internal control auditing requirements for smaller and newer public companies; to the Committee on Financial Services.

By Mr. SESSIONS:

H.R. 3656. A bill to amend the Internal Revenue Code of 1986 to provide for death and disability protection for loans from qualified employer plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. TERRY (for himself, Mr. BARTON of Texas, and Mr. BURGESS):

H.R. 3657. A bill to clarify the authority of the Chairman of the Nuclear Regulatory Commission to act on behalf of the Commission during emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOLD (for himself, Mr. FRANK of Massachusetts, Mr. GARDNER, and Mr. HUIZENGA of Michigan):

H. Res. 494. A resolution expressing support for designation of the first Tuesday in June as National Cancer Survivor Beauty and Support Day; to the Committee on Oversight and Government Reform.

¶165.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. LEE of California.
H.R. 104: Mr. GOHMERT.
H.R. 181: Ms. CHU.
H.R. 191: Mr. LANGEVIN.
H.R. 210: Mr. CLARKE of Michigan.
H.R. 365: Mr. BERMAN.
H.R. 396: Mr. BILIRAKIS.
H.R. 469: Ms. MATSUI and Mr. GONZALEZ.
H.R. 502: Ms. HIRONO.
H.R. 616: Mr. POLLS.
H.R. 724: Ms. CHU.
H.R. 733: Mr. SERRANO.
H.R. 780: Ms. BALDWIN.
H.R. 835: Mr. WELCH, Mr. ROE of Tennessee, Mr. MICHAUD, Mr. PAULSEN, Mr. HOLDEN, and Mr. CLEAVER.
H.R. 883: Mr. GONZALEZ.
H.R. 920: Mr. GRAVES of Georgia.
H.R. 942: Mr. POSEY.
H.R. 1148: Mr. CARNAHAN, Mr. LATHAM, Mr. BERMAN, Ms. BORDALLO, Mr. UPTON, Mr. WILSON of South Carolina, Mr. RUNYAN, Ms. DEGETTE, Mr. GARDNER, and Ms. BUERKLE.
H.R. 1171: Mr. FALEOMAVAEGA and Mr. KUCINICH.
H.R. 1193: Mr. BILIRAKIS.
H.R. 1206: Mr. WEST.
H.R. 1219: Mr. GONZALEZ and Mr. RUNYAN.
H.R. 1221: Mr. DEFAZIO.
H.R. 1234: Ms. TSONGAS.
H.R. 1259: Mr. YOUNG of Alaska.
H.R. 1288: Mr. LIPINSKI and Ms. BASS of California.
H.R. 1364: Mr. JOHNSON of Illinois.
H.R. 1370: Mr. BILBRAY, Mr. GRIMM, Mr. GERLACH, Mr. SCALISE, and Mrs. MILLER of Michigan.
H.R. 1385: Mr. LIPINSKI.
H.R. 1386: Ms. SPEIER.
H.R. 1418: Ms. BROWN of Florida and Mr. PASCRELL.
H.R. 1426: Mr. KEATING, Mr. OWENS, and Ms. HAYWORTH.
H.R. 1440: Mr. POLIS.
H.R. 1463: Mr. ENGEL.
H.R. 1498: Mr. THOMPSON of California.
H.R. 1499: Mrs. HARTZLER and Mr. RUPPERSBERGER.
H.R. 1513: Mr. YARMUTH, Mr. CLEAVER, Mr. MICHAUD, Mr. BUCHANAN, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. SCOTT of Virginia, and Mr. BECERRA.
H.R. 1546: Mr. THORNBERRY.
H.R. 1558: Mr. BOUSTANY and Mr. SMITH of Texas.
H.R. 1639: Mr. FLEISCHMANN and Mr. GARDNER.
H.R. 1654: Mr. RIBBLE.

H.R. 1681: Mr. BACA.
H.R. 1687: Mr. TURNER of New York and Ms. ROS-LEHTINEN.
H.R. 1697: Ms. BROWN of Florida and Mr. LANDRY.
H.R. 1704: Mr. SHERMAN and Mrs. LOWEY.
H.R. 1834: Mrs. ROBY.
H.R. 1848: Mr. POMPEO.
H.R. 1865: Mr. BOUSTANY.
H.R. 1878: Mr. CLEAVER.
H.R. 1897: Mr. HASTINGS of Florida, Mr. COOPER, and Mr. RUPPERSBERGER.
H.R. 1903: Mr. SCOTT of Virginia.
H.R. 1905: Mr. BOUSTANY, Mr. SHIMKUS, Mr. HINOJOSA, Mr. BACHUS, Mr. TURNER of Ohio, and Mr. YOUNG of Indiana.
H.R. 1936: Ms. JENKINS and Mr. TOWNS.
H.R. 1964: Mr. DOLD.
H.R. 2001: Mr. STIVERS and Mr. AMODEI.
H.R. 2041: Mr. POMPEO.
H.R. 2069: Mr. OWENS and Mr. ROONEY.
H.R. 2071: Mr. BERG and Mr. PAULSEN.
H.R. 2105: Mr. POMPEO, Mr. GRIFFIN of Arkansas, Mr. LAMBORN, Mr. DUNCAN of South Carolina, Mr. ROGERS of Michigan, Mr. YOUNG of Indiana, Mr. ADERHOLT, Mrs. MCMORRIS RODGERS, Mrs. SCHMIDT, Mr. PENCE, Mr. DOLD, Mr. COFFMAN of Colorado, Mr. MURPHY of Pennsylvania, Mr. MARCHANT, and Mr. Turner of Ohio.
H.R. 2106: Mr. MCCOTTER.
H.R. 2182: Mrs. MCMORRIS RODGERS.
H.R. 2288: Mr. LANGEVIN.
H.R. 2310: Mr. BACA.
H.R. 2335: Mr. SULLIVAN.
H.R. 2376: Ms. WOOLSEY.
H.R. 2412: Mrs. MCCARTHY of New York.
H.R. 2414: Mr. SULLIVAN.
H.R. 2453: Mr. CALVERT, Mr. CARTER, Ms. GRANGER, Mr. CANSECO, Mr. LUCAS, Mr. FINCHER, Mr. CRAWFORD, Mr. PRICE of Georgia, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mrs. MCMORRIS RODGERS, Mr. DIAZ-BALART, Mr. MICA, Mr. SCOTT of South Carolina, Mr. POMPEO, Mr. HALL, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mrs. SCHMIDT, Mr. WALBERG, Mr. HULTGREN, Mr. JOHNSON of Illinois, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. FORBES, Mr. TURNER of Ohio, Mr. TIBERI, Mr. BERG, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mr. SCALISE, Mr. ROKITA, Mr. KELLY, Mr. BARLETTA, Mr. MARINO, Mr. SOUTHERLAND, Mr. MARCHANT, Mr. ROONEY, Mr. WEST, Mr. BONNER, Mr. HUNTER, Mr. SCHILLING, Mr. BILIRAKIS, Mr. POSEY, Mr. ROSS of Florida, Mr. BUCHANAN, Mr. GOHMERT, Mr. WITTMAN, Mr. SMITH of Nebraska, Mr. LATHAM, Mr. HARPER, Mr. BROOKS, Mr. DOLD, Mr. BARTLETT, Mr. DUNCAN of Tennessee, Ms. ROS-LEHTINEN, Mrs. ELLMERS, Mr. GERLACH, Mr. PLATTS, Mr. GOSAR, Mr. BURTON of Indiana, Mr. UPTON, Mr. BISHOP of Utah, Mr. BILBRAY, Mr. LATTA, Mr. TIPTON, Mr. SESSIONS, Mrs. LUMMIS, Mr. AUSTRIA, Mr. SHULER, Mr. WOODALL, Mr. DUNCAN of South Carolina, Mr. SHIMKUS, Mr. WEBSTER, Mr. PEARCE, Mr. HECK, Mr. LEWIS of California, and Mr. GALLEGLY.
H.R. 2459: Mr. YODER.
H.R. 2499: Mr. GONZALEZ.
H.R. 2514: Mr. SMITH of Texas and Mr. AMODEI.
H.R. 2569: Mr. SHIMKUS and Mr. COBLE.
H.R. 2595: Ms. MOORE and Mr. MCINTYRE.
H.R. 2659: Mr. MORAN.
H.R. 2672: Mr. RANGEL and Mr. MCKINLEY.
H.R. 2683: Mr. MCCAUL.
H.R. 2701: Mr. COHEN.
H.R. 2900: Mr. HARRIS.
H.R. 2935: Mr. JACKSON of Illinois.
H.R. 2966: Mr. GIBSON, Mr. MICHAUD, Ms. SCHWARTZ, Mr. CLAY, Mr. MEEKS, and Mr. CUMMINGS.
H.R. 2969: Ms. BROWN of Florida.
H.R. 2978: Mr. GRAVES of Georgia, Mr. ADERHOLT, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. GOHMERT, Mr. BISHOP of Utah, and Mr. PALAZZO.
H.R. 2982: Mr. KUCINICH and Mrs. MCCARTHY of New York.
H.R. 3151: Ms. LORETTA SANCHEZ of California.
H.R. 3200: Mrs. CAPITO and Mr. RICHMOND.
H.R. 3206: Mr. BUCSHON.
H.R. 3207: Mr. GRIFFITH of Virginia and Mr. YODER.
H.R. 3210: Mr. RYAN of Ohio.
H.R. 3244: Mr. SULLIVAN.
H.R. 3245: Mr. KLINE.
H.R. 3261: Mr. QUAYLE.
H.R. 3276: Mr. ROONEY, Mr. DEUTCH, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. NUGENT, Mr. STEARNS, Mr. RIVERA, Mr. POSEY, and Ms. WILSON of Florida.
H.R. 3298: Mr. HINOJOSA and Mr. SHERMAN.
H.R. 3313: Mr. MICHAUD, Mr. MCGOVERN, and Mr. REYES.
H.R. 3368: Mr. YARMUTH.
H.R. 3376: Mr. CANSECO.
H.R. 3379: Mr. KLINE.
H.R. 3393: Ms. BUERKLE.
H.R. 3395: Mr. KINZINGER of Illinois and Mrs. MYRICK.
H.R. 3401: Mr. JONES.
H.R. 3407: Mr. KLINE.
H.R. 3421: Mrs. NOEM, Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3435: Ms. BROWN of Florida and Mr. NADLER.
H.R. 3437: Mr. GUTIERREZ and Mr. BACA.
H.R. 3444: Mr. CALVERT.
H.R. 3454: Mr. ROGERS of Alabama.
H.R. 3458: Mr. HULTGREN and Mr. FARR.
H.R. 3521: Mr. MCCLINTOCK, Mr. RIBBLE, and Mr. KINZINGER of Illinois.
H.R. 3527: Mr. BARROW.
H.R. 3538: Mr. NUNNELEE and Mr. KLINE.
H.R. 3540: Mr. JONES.
H.R. 3548: Mr. LONG.
H.R. 3549: Mr. RIBBLE.
H.R. 3550: Mr. TIBERI.
H.R. 3568: Mr. BOREN, Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. RICHARDSON, Mr. LUJÁN, and Ms. LEE of California.
H.R. 3572: Mr. PEARCE, Mr. LARSON of Connecticut, Ms. SPEIER, and Mr. CICILLINE.
H.R. 3573: Mr. FILNER.
H.R. 3575: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.
H.R. 3576: Mr. DUNCAN of South Carolina.
H.R. 3578: Mr. DUNCAN of South Carolina and Mr. KINZINGER of Illinois.
H.R. 3579: Mr. MCCLINTOCK.
H.R. 3581: Mr. RIBBLE and Mr. KINZINGER of Illinois.
H.R. 3582: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.
H.R. 3583: Mr. KINZINGER of Illinois.
H.R. 3589: Mr. LANKFORD.
H.R. 3590: Mr. WELCH.
H.R. 3601: Mr. BILIRAKIS, Mrs. ROBY, and Mr. SENSENBRENNER.
H.R. 3608: Mr. HULTGREN.
H.R. 3616: Mr. LATTA.
H.R. 3623: Mr. AUSTRIA.
H.R. 3626: Mr. CLAY, Mr. TOWNS, and Mr. COURTNEY.
H.R. 3636: Ms. DELAURO.
H.J. Res. 88: Mr. GENE GREEN of Texas.
H.J. Res. 90: Mr. WELCH and Mr. LARSEN of Washington.
H. Con. Res. 84: Mr. KUCINICH.
H. Con. Res. 87: Mr. MILLER of Florida.
H. Con. Res. 89: Mr. PASCRELL and Mr. GONZALEZ.
H. Res. 111: Mr. DENT and Mr. CONNOLLY of Virginia.
H. Res. 220: Mr. DANIEL E. LUNGREN of California.
H. Res. 291: Mr. GOHMERT.
H. Res. 341: Mr. CICILLINE.
H. Res. 356: Mr. TURNER of New York, Mr. RIVERA, Mr. POE of Texas, and Mrs. ELLMERS.
H. Res. 367: Mrs. MCCARTHY of New York.
H. Res. 376: Mr. LEWIS of Georgia and Mr. HINOJOSA.
H. Res. 489: Mr. ALEXANDER, Mr. LANKFORD, Mr. CANSECO, Mr. BISHOP of Utah, Mr. ADERHOLT, Mrs. HARTZLER, Mrs. CAPITO, Mr. GRIFFIN of Arkansas, Mr. PITTS, Mr. NEUGEBAUER, Mr. RAHALL, Mr. GINGREY of Georgia, Mr. NUNNELEE, Mr. OLSON, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. BURTON of Indiana, Mr. SCOTT of South Carolina, and Mr. PEARCE.
H. Res. 490: Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. HALL.
H. Res. 492: Mrs. MCMORRIS RODGERS.

¶165.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3521: Mr. HONDA.

WEDNESDAY, DECEMBER 14, 2011 (166)

¶166.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. WEBSTER, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 14, 2011.

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

JOHN A. BOEHNER,
Speaker.

¶166.2 MESSAGE FROM THE SENATE

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

H.R. 2845. An Act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

The message also announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2867. An Act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

¶166.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. WEBSTER, pursuant to the order of the House of January 5, 2011, recognized Members for morning-hour debate.

¶166.4 RECESS—10:58 A.M.

The SPEAKER pro tempore, Mr. WEBSTER, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 58 minutes a.m., until noon.

¶166.5 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶166.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, December 13, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶166.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4297. A letter from the Under Secretary of Defense (Comptroller), Associate Director of National Intelligence, National Geospatial-Intelligence Agency, transmitting a report of a violation of the Antideficiency Act, National Geospatial-Intelligence Agency case number 10-04; to the Committee on Appropriations.

4298. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4299. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords; to the Committee on Foreign Affairs.

4300. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2011 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4301. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4302. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4303. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Agency Financial Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4304. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4305. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting 2 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4306. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arizona Advisory Committee; to the Committee on the Judiciary.

¶166.8 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 1540

Mr. BISHOP of Utah, by direction of the Committee on Rules, called up the following resolution (H. Res. 493):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 2. It shall be in order at any time through the remainder of the first session of the One Hundred Twelfth Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available to Members, Delegates, and the Resident Commissioner (including pursuant to clause 3 of rule XXIX) on the calendar day before consideration.

SEC. 3. On any legislative day of the first session of the One Hundred Twelfth Congress after December 16, 2011—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. On any legislative day of the second session of the One Hundred Twelfth Congress before January 17, 2012—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

When said resolution was considered.

After debate,

Mr. BISHOP of Utah, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER announced that the yeas had it.

Mr. HASTINGS of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 235 / Nays 173

¶166.9 [Roll No. 925]

YEAS—235

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

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa

Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—25

Bachmann
Bass (CA)
Cardoza
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gohmert
Gutierrez
Holt
Kaptur
LaTourette
Lummis
McIntyre
Myrick
Paul
Pearce
Perlmutter
Price (NC)
Sanchez, Loretta
Shuler
Sullivan
Velázquez
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. YODER, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 169

¶166.10 [Roll No. 926]

AYES—245

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

NOES—169

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

NOT VOTING—19

Bachmann
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gutierrez
Holt
Kaptur
Larson (CT)
LaTourette
McIntyre
Myrick
Paul
Price (NC)
Sanchez, Loretta
Shuler
Velázquez
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶166.11 DEFENSE AUTHORIZATION FY 2012

Mr. MCKEON, pursuant to House Resolution 493, called up the following conference report (Rept. No. 112–329):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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 ''National Defense Authorization Act for Fiscal Year 2012''.

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

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

(1) Division A—Department of Defense Authorizations.

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

(4) Division D—Funding Tables.

(5) Division E—SBIR and STTR Reauthorization.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
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Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
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Higgins
Himes
Hinchey
Hinojosa
Hirono
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Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—25

Bachmann
Bass (CA)
Cardoza
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gohmert
Gutierrez
Holt
Kaptur
LaTourette
Lummis
McIntyre
Myrick
Paul
Pearce
Perlmutter
Price (NC)
Sanchez, Loretta
Shuler
Sullivan
Velázquez
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. YODER, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 169

¶166.10 [Roll No. 926]

AYES—245

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

NOES—169

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
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Edwards
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Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
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Hahn
Hanabusa
Hastings (FL)
Heinrich
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Himes
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Hinojosa
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Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Posey
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—19

Bachmann
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gutierrez
Holt
Kaptur
Larson (CT)
LaTourette
McIntyre
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Sec. 1. Short title.
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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Limitation on procurement of Stryker combat vehicles.
Sec. 112. Limitation on retirement of C–23 aircraft.
Sec. 113. Multiyear procurement authority for airframes for Army UH–60M/HH–60M helicopters and Navy MH–60R/MH–60S helicopters.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH–60R/S helicopters.
Sec. 122. Separate procurement line item for certain Littoral Combat Ship mission modules.
Sec. 123. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.
Sec. 124. Extension of Ford-class aircraft carrier construction authority.

Subtitle D—Air Force Programs

Sec. 131. Strategic airlift aircraft force structure.
Sec. 132. Limitations on use of funds to retire B–1 bomber aircraft.
Sec. 133. Limitation on retirement of U–2 aircraft.
Sec. 134. Availability of fiscal year 2011 funds for research and development relating to the B–2 bomber aircraft.
Sec. 135. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.
Sec. 136. Procurement of advanced extremely high frequency satellites.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on availability of funds for acquisition of joint tactical radio system.
Sec. 142. Limitation on availability of funds for Aviation Foreign Internal Defense program.
Sec. 143. F–35 Joint Strike Fighter aircraft.
Sec. 144. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.
Sec. 145. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
Sec. 146. Joint Surveillance Target Attack Radar System aircraft re-engining program.
Sec. 147. Authority for exchange with United Kingdom of specified F–35 Lightning II Joint Strike Fighter aircraft.
Sec. 148. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
Sec. 149. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on availability of funds for the ground combat vehicle program.
Sec. 212. Limitation on the individual carbine program.
Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.
Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.
Sec. 215. Limitation on obligation of funds for the F–35 Lightning II aircraft program.
Sec. 216. Limitation on use of funds for Increment 2 of B–2 bomber aircraft extremely high frequency satellite communications program.
Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.
Sec. 218. Limitation on availability of funds for wireless innovation fund.
Sec. 219. Prohibition on delegation of budgeting authority for certain research and educational programs.
Sec. 220. Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram.
Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.
Sec. 222. Advanced rotorcraft flight research and development.
Sec. 223. Preservation and storage of certain property related to F136 propulsion system.

Subtitle C—Missile Defense Programs

Sec. 231. Acquisition accountability reports on the ballistic missile defense system.
Sec. 232. Comptroller General review and assessment of missile defense acquisition programs.
Sec. 233. Homeland defense hedging policy and strategy.
Sec. 234. Ground-based midcourse defense program.
Sec. 235. Limitation on availability of funds for the medium extended air defense system.
Sec. 236. Sense of Congress regarding ballistic missile defense training.

Subtitle D—Reports

Sec. 241. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.
Sec. 242. Report and cost assessment of options for Ohio-class replacement ballistic missile submarine.
Sec. 243. Report on the electromagnetic rail gun system.
Sec. 244. Annual comptroller general report on the KC–46A aircraft acquisition program.
Sec. 245. Independent review and assessment of cryptographic modernization program.
Sec. 246. Report on increased budget items.

Subtitle E—Other Matters

Sec. 251. Repeal of requirement for Technology Transition Initiative.
Sec. 252. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 254. National defense education program.
Sec. 255. Laboratory facilities, Hanover, New Hampshire.
Sec. 256. Sense of Congress on active matrix organic light emitting diode technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.
Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.
Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.
Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.
Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.
Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.
Sec. 317. Streamlined annual report on defense environmental programs.
Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.
Sec. 320. Fire suppression agents.

Subtitle C—Logistics and Sustainment

Sec. 321. Definition of depot-level maintenance and repair.
Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.
Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.
Sec. 324. Implementation of corrective actions resulting from corrosion study of the F–22 and F–35 aircraft.
Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.
Sec. 326. Reports on depot-related activities.
Sec. 327. Core depot-level maintenance and repair capabilities.

Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.
Sec. 332. Review of proposed structures affecting navigable airspace.

Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.
Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.
Sec. 343. Study on Air Force test and training range infrastructure.
Sec. 344. Study on training range infrastructure for special operations forces.
Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.
Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.
Sec. 347. Study on overseas basing presence of United States forces.

Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.
Sec. 349. Modification of report on procurement of military working dogs.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.
Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.
Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.
Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle G—Other Matters

Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.
Sec. 362. Comptroller General review of space-available travel on military aircraft.
Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.
Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.
Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.
Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.
Sec. 368. Procurement of tents or other temporary structures.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
Sec. 502. General officer and flag officer reform.
Sec. 503. National Defense University outplacement waiver.
Sec. 504. Voluntary retirement incentive matters.

Subtitle B—Reserve Component Management

Sec. 511. Leadership of National Guard Bureau.
Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.
Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
Sec. 519. Report on termination of military technician as a distinct personnel management category.

Subtitle C—General Service Authorities

Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
Sec. 526. Extension of voluntary separation pay and benefits authority.
Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.
Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.
Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.
Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.
Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.
Sec. 533. Department of Defense suicide prevention program.

Subtitle D—Military Justice and Legal Matters

Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
Sec. 542. Authority to compel production of documentary evidence.
Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.
Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
Sec. 552. Enhancement of authorities on joint professional military education.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH–60R/S helicopters.
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Sec. 131. Strategic airlift aircraft force structure.
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Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.

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

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

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

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

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

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

SEC. 112. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C–23 aircraft for which there has been no previously agreed upon transfer of title for such aircraft as of the date of the enactment of this Act, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) SUSTAINMENT.—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated

with operating, maintaining, sustaining, and modernizing the aircraft.

(d) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Army, the Director of the National Guard Bureau, each supported commander of a combatant command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following titles 10 and 32, United States Code, missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Time sensitive, direct support to forces consisting of the regular component of the Army and the National Guard.

(C) Disaster response.

(D) Humanitarian assistance.

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

(e) GAO SUFFICIENCY REVIEW.—

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

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

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

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

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

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH–60R/S HELICOPTERS.

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

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

SEC. 122. SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES.

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

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

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

(1) Surface warfare.

(2) Mine countermeasures.

(3) Anti-submarine warfare.

SEC. 123. LIFE-CYCLE COST-BENEFIT ANALYSIS ON ALTERNATIVE MAINTENANCE AND SUSTAINABILITY PLANS FOR THE LITTORAL COMBAT SHIP PROGRAM.

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

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

SEC. 124. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER CONSTRUCTION AUTHORITY.

Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is amended by striking ''three fiscal years'' and inserting ''four fiscal years''.

Subtitle D—Air Force Programs

SEC. 131. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''October 1, 2009'' and inserting ''October 1, 2011''; and

(2) by striking ''316 aircraft'' and inserting ''301 aircraft''.

SEC. 132. LIMITATIONS ON USE OF FUNDS TO RETIRE B–1 BOMBER AIRCRAFT.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act for fiscal year 2012 for the Department of Defense may be obligated or expended to retire any B–1 bomber aircraft on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b).

(b) PLAN DESCRIBED.—The plan described in this subsection is a plan for retiring B–1 bomber aircraft that includes the following:

(1) An identification of each B–1 bomber aircraft that will be retired and the disposition plan for such aircraft.

(2) An estimate of the savings that will result from the proposed retirement of B–1 bomber aircraft in each calendar year through calendar year 2022.

(3) An estimate of the amount of the savings described in paragraph (2) that will be reinvested in the modernization of B–1 bomber aircraft still in service in each calendar year through calendar year 2022.

(4) A modernization plan for sustaining the remaining B–1 bomber aircraft through at least calendar year 2022.

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.

(c) POST-PLAN B–1 RETIREMENT.—

(1) IN GENERAL.—During the period described by paragraph (4), the Secretary of the Air Force shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.

(2) FY 2014 AND THEREAFTER.—After the period described in paragraph (4), the Secretary shall maintain not less than—

(A) 35 B–1 aircraft as combat-coded aircraft in a common capability configuration until September 30, 2014;

(B) 34 such aircraft as combat-coded aircraft in a common capability configuration until September 30, 2015; and

(C) 33 such aircraft as combat-coded aircraft in a common capability configuration until September 30, 2016.

(3) TOTAL AMOUNT OF RETIRED B–1 AIRCRAFT.—The Secretary may not retire more than a total of six B–1 aircraft, including the B–1 aircraft retired in accordance with this subsection.

(4) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which the plan described in subsection (b) is submitted to the congressional defense committees and ending on September 30, 2013.

(5) COMBAT-CODED AIRCRAFT DEFINED.—In this subsection, the term ''combat-coded aircraft'' means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.

SEC. 133. LIMITATION ON RETIREMENT OF U–2 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the U–2 aircraft fleet in its current configuration and capability beyond fiscal year 2016 until—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that the operating and sustainment (O&S) costs for the Global Hawk unmanned aerial vehicle (UAV) are less than the operating and sustainment costs for the U–2 aircraft on a comparable flight-hour cost basis; and

(2) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the U–2 aircraft retirement would result in equal or greater capability available to the commanders of the combatant commands.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SEC. 134. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B–2 BOMBER AIRCRAFT.

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft modifications, post-production support, and other charges, $20,000,000 may be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B–2 bomber aircraft.

SEC. 135. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.

(a) IN GENERAL.—Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B–2 bomber aircraft modifications, post-production support, and other charges, $15,000,000 may be available to support alternative options for the extremely high frequency terminal Increment 1 program of record.

(b) PLAN TO SECURE PROTECTED COMMUNICATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a plan to provide an extremely high frequency terminal for secure protected communications for the B–2 bomber aircraft and other aircraft.

SEC. 136. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) CONTRACT AUTHORITY.—

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

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

(B) cost reduction initiatives.

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

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

(b) LIMITATION OF COSTS.—

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

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

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(D) Technical support for obsolescence studies.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

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

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

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

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

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

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

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

(d) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2012 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 6.

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

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

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

(3) The total contract value.

(4) The funding profile by year.

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

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

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

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

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

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

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

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two advanced extremely high frequency satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

Subtitle E—Joint and Multiservice Matters

SEC. 141. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.

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

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

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

(1) The ground mobile radio.

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

SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.

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

(b) REPORT REQUIRED.—

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

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

(A) An overall description of the program, including its goals and proposed metrics of performance success.

(B) The results of any analysis of alternatives and efficiencies reviews for contracts awarded for the aviation foreign internal defense program.

(C) An assessment of the advantages and disadvantages of procuring new aircraft, procuring used aircraft, or leasing aircraft to meet mission requirements, including an explanation of any efficiencies and savings.

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

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

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

SEC. 143. F–35 JOINT STRIKE FIGHTER AIRCRAFT.

In entering into a contract for the procurement of aircraft for the sixth and all subsequent low-rate initial production contract lots for the F–35 Lightning II Joint Strike Fighter aircraft, the Secretary of Defense shall ensure each of the following:

(1) That the contract is a fixed-price contract.

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

SEC. 144. ADDITIONAL OVERSIGHT REQUIREMENTS FOR THE UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) LIMITATION ON MILESTONE B DECISION.—The Commander of the United States Special Operations Command may not make any milestone B acquisition decisions with respect to a covered element until a 30-day period has elapsed after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(1) conducts the assessment and determination under subsection (b) for the covered element; and

(2) submits to the congressional defense committees a report including—

(A) the determination of the Under Secretary with respect to the appropriate acquisition category for the covered element; and

(B) the validated requirements, independent cost estimate, test and evaluation master plan, and technology readiness assessment described in paragraphs (1) through (4) of subsection (b), respectively.

(b) ASSESSMENT AND DETERMINATION.—With respect to each covered element, the Under Secretary shall conduct an assessment and determination of whether to treat the covered element as a major defense acquisition program. Such assessment shall include—

(1) a requirements validation by the Joint Requirements Oversight Council;

(2) an independent cost estimate prepared by the Director of Cost Assessment and Program Evaluation;

(3) a test and evaluation master plan reviewed by the Director of Operational Test and Evaluation; and

(4) a technology readiness assessment reviewed by the Assistant Secretary of Defense for Research and Engineering.

(c) COVERED ELEMENT DEFINED.—In this section, the term ''covered element'' means any of the following elements of the undersea mobility acquisition program of the United States Special Operations Command:

(1) The dry combat submersible-light program.

(2) The dry combat submersible-medium program.

(3) The next-generation submarine shelter program.

(4) Any new dry combat submersible developed under the undersea mobility acquisition program of the United States Special Operations Command after the date of the enactment of this Act.

SEC. 145. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.

Section 123(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4159; 10 U.S.C. 167 note) is amended by adding at the end the following new paragraphs:

''(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—

''(A) the title of such Requirement;

''(B) the date of approval of such Requirement; and

''(C) the amount of funding approved for such Requirement, and the source of such approved funds.

''(7) A statement of the amount of any unspent Combat Mission Requirements funds from the fiscal year in which such report is submitted and the two preceding fiscal years.''.

SEC. 146. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINING PROGRAM.

(a) REPORT ON AUDIT OF FUNDS FOR PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Air Force Audit Agency shall submit to the congressional defense committees the results of a financial audit of the funds previously authorized and appropriated for the Joint Surveillance Target Attack Radar System (JSTARS) aircraft re-engining program.

(2) ELEMENTS.—The report on the audit required by paragraph (1) shall include the following:

(A) A description of how the funds described in that paragraph were expended, including—

(i) an assessment of the existence, completeness, and cost of the assets acquired with such funds; and

(ii) an assessment of the costs that were capitalized as military equipment and inventory and the cost characterized as operating expenses (including payroll, freight and shipment, inspection, and other operating costs).

(B) A statement of the amount of such funds that remain in the original budget lines.

(C) A statement of the amount of such funds that were reprogrammed or expired, and in which accounts.

(b) USE OF FUNDS.—The Secretary of the Air Force shall take appropriate actions to ensure that funds authorized to be appropriated by this Act for JSTARS aircraft, and any funds described by subsection (a)(2)(B), are obligated and expended for the purposes for which authorized and appropriated, including, but not limited to, the installation of one engine shipset on an operational JSTARS aircraft.

SEC. 147. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F–35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the ''United Kingdom'') all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be transferred by the United States under this subsection is an F–35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F–35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled ''Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding'', which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

SEC. 148. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F–35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F–35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F–35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F–35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SEC. 149. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

At the same time the budget of the President for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23), and the amendments made by that Act, within the Joint Strike Fighter (JSF) aircraft program. The report shall set forth the following:

(1) Specific goals for implementing the requirements of the Weapon Systems Acquisition Reform Act of 2009, and the amendments made by that Act, within the Joint Strike Fighter aircraft program.

(2) A schedule for achieving each goal set forth under paragraph (1) for the Joint Strike Fighter aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

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Sec. 212. Limitation on the individual carbine program.

Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.

Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.

Sec. 215. Limitation on obligation of funds for the F–35 Lightning II aircraft program.

Sec. 216. Limitation on use of funds for Increment 2 of B–2 bomber aircraft extremely high frequency satellite communications program.

Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.

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Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 80 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing—

(1) the plans of the Secretary to carry out—

(A) a dynamic analysis of alternatives update described in the acquisition decision memorandum issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics on August 17, 2011; and

(B) a separate assessment of selected non-developmental vehicles described in such memorandum; and

(2) a description of the resources the Secretary considers necessary to carry out the plans under paragraph (1), including the amount of funding required in fiscal years 2012 and 2013.

SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.

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

(1) commercially available weapon systems as of the date of the assessment, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the assessment that include any required improvements.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States.

SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Future Unmanned Carrier-based Strike System, not more than 75 percent may be obligated or expended until the date that is 60 days after the date on which—

(1) the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense committees that—

(A) such system is required to fill a validated capability gap of the Department of Defense; and

(B) the Council has reviewed and approved the initial capability and development document relating to such system;

(2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a report containing—

(A) a delineation of threshold and objective key performance parameters;

(B) a certification that the threshold and objective key performance parameters for such system have been established and are achievable; and

(C) a description of the requirements of such system with respect to—

(i) weapons payload;

(ii) intelligence, reconnaissance, and surveillance equipment;

(iii) electronic attack and electronic protection equipment;

(iv) communications equipment;

(v) range;

(vi) mission endurance for un-refueled and aerial refueled operations;

(vii) low-observability characteristics;

(viii) affordability;

(ix) survivability; and

(x) interoperability with other Navy and joint-service unmanned aerial systems and mission control stations; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that—

(A) the Secretary of the Navy has completed a comprehensive analysis of alternatives for such system;

(B) the acquisition strategy of the Secretary for the technology development and initial fielding phases of such system is achievable and presents medium, or less, risk with respect to cost, schedule, funding, and testing program;

(C) such acquisition strategy integrates a fair and open competitive acquisition strategy environment for all potential competitors;

(D) the data, information, and lessons learned from the Unmanned Carrier-based Aircraft System of the Navy are sufficiently integrated into the acquisition strategy of the Future Unmanned Carrier-based Strike System and that the level of concurrency between the programs is prudent and reasonable;

(E) the Secretary has sufficient fiscal resources budgeted in the future years defense plan and extended planning period that supports the acquisition strategy described in subparagraph (B); and

(F) the acquisition strategy—

(i) complies with the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23), and the amendments made by that Act, and Department of Defense Instruction 5000.02; and

(ii) requires the implementation of open architecture standards.

(b) GAO BRIEFING.—Not later than 90 days after the date on which the certifications and report under subsection (a) are received by the congressional defense committees, the Comptroller General of the United States shall brief the congressional defense committees on an evaluation of the acquisition strategy of the Secretary of the Navy for the Future Unmanned Carrier-based Strike System.

(c) FORM.—The report required by subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AMPHIBIOUS ASSAULT VEHICLES OF THE MARINE CORPS.

(a) LIMITATIONS.—

(1) LIMITATION ON FUNDING.—Except as provided by subsections (d) and (e), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for procurement, Marine Corps, or research, development, test, and evaluation, Navy, may be obligated or expended for the amphibious programs described in subsection (c) until the date on which the Secretary of the Navy, in coordination with the Commandant of the Marine Corps, submits to the congressional defense committees a report containing—

(A) written certification of the requirements for amphibious assault vehicles of the Marine Corps, based on the needs of the commanders of the combatant commands, relating to—

(i) the distance from the shore needed to begin an amphibious assault;

(ii) the speed at which the vehicle must travel in order to reach the shore in the time required for such assault; and

(iii) the armor requirements for all potential combat environments, including the possible use of appliqué armor; and

(B) the analysis of alternatives conducted under subsection (b)(1).

(2) LIMITATION ON MPC MILESTONE B.—Milestone B approval may not be granted for the Marine Personnel Carrier until 30 days after the date on which the report under paragraph (1) is submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) ANALYSIS.—The Secretary of the Navy, in coordination with the Commandant of the Marine Corps, shall conduct an analysis of alternatives of the amphibious assault vehicles described in paragraph (2). With respect to such vehicles, such analysis shall include—

(A) comparisons of the capabilities and total lifecycle ownership costs (including costs with respect to research, development, test, and evaluation, procurement, and operation and maintenance); and

(B) an independent review of the analysis of cost prepared by a federally funded research and development center.

(2) AMPHIBIOUS ASSAULT VEHICLES DESCRIBED.—The amphibious assault vehicles described in this paragraph are amphibious assault vehicles that—

(A) meet the requirements described in subsection (a)(1)(A), including—

(i) an upgraded assault amphibious vehicle 7A1;

(ii) the expeditionary fighting vehicle; and

(iii) a new amphibious combat vehicle; and

(B) include at least one vehicle that is capable of accelerating until the vehicle moves along the top of the water (commonly known as ''getting up on plane'') and at least one vehicle that is not capable of such acceleration.

(c) AMPHIBIOUS PROGRAMS DESCRIBED.—The amphibious programs described in this subsection are the following:

(1) The assault amphibious vehicle 7A1, program element 206623M.

(2) The Marine Corps assault vehicle, program element 603611M.

(3) The termination of the expeditionary fighting vehicle program.

(d) AAV7A1 IMPROVEMENT PROGRAM.—The limitation in subsection (a)(1) shall not apply to funds made available for procurement, Marine Corps, for the procurement of—

(1) an assault amphibious vehicle 7A1 with—

(A) survivability upgrades under the survivability product improvement program; or

(B) other necessary survivability capabilities that are in response to urgent operational needs; or

(2) improvements to a previously procured assault amphibious vehicle 7A1 that address safety of use, environmental inhabitability, and operational availability.

(e) MARINE CORPS ASSAULT VEHICLE, PROGRAM ELEMENT 603611M.—The limitation in subsection (a)(1) shall not apply to funds made available for research, development, test, and evaluation, Navy, for the Marine Corps assault vehicle, program element 603611M, to—

(1) conduct an analysis of alternatives and supporting analytical activities; or

(2) conduct technology integration development and engineering to—

(A) refine and validate requirements; and

(B) reduce cost, schedule, and technical risk prior to the initiation of the amphibious combat vehicle program.

(f) ASSESSMENT ON HABITABILITY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a habitability assessment with respect to the period of time a member of the Armed Forces can spend in the back of an amphibious assault vehicle that is not ''up on plane'' while still remaining combat effective. Such assessment shall cover a set of operationally relevant speeds and ranges. The Secretary shall include the results and information from any recently performed tests related to such assessment.

SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR THE F–35 LIGHTNING II AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research and development for the F–35 Lightning II aircraft program, not more that 80 percent may be obligated or expended until the date on which the Secretary of Defense certifies to the congressional defense committees that the acquisition strategy for the F–35 Lightning II aircraft includes a plan for achieving competition throughout operation and sustainment, in accordance with section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

SEC. 216. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B–2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.

Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B–2 bomber aircraft extremely high frequency satellite communications program, not more than 40 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The certification of the Secretary that—

(A) the United States Government will own the data rights to any extremely high frequency active electronically steered array antenna developed for use as part of a system to support extremely high frequency protected satellite communications for the B–2 bomber aircraft; and

(B) the use of an extremely high frequency active electronically steered array antenna is the most cost effective and lowest risk option available to support extremely high frequency satellite communications for the B–2 bomber aircraft.

(2) A detailed plan setting forth the projected cost and schedule for research, development, and testing on the extremely high frequency active electronically steered array antenna.

SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment planned for the Joint Space Operations Center management system.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR WIRELESS INNOVATION FUND.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the wireless innovation fund within the Defense Advanced Research Projects Agency, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a report on how such fund will be managed and executed, including—

(1) a concept of operation for how such fund will operate, particularly with regards to supporting the interagency community;

(2) a description of—

(A) the governance structure, including how decision-making with interagency partners will be conducted;

(B) the funding mechanism for interagency collaborators;

(C) the metrics for measuring the performance and effectiveness of the program; and

(D) the reporting mechanisms to provide oversight of the fund by the Department of Defense, the interagency partners, and Congress; and

(3) any other matters the Under Secretary considers appropriate.

SEC. 219. PROHIBITION ON DELEGATION OF BUDGETING AUTHORITY FOR CERTAIN RESEARCH AND EDUCATIONAL PROGRAMS.

(a) PROHIBITION ON DELEGATION.—Subsection (a) of section 2362 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(1) The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may not delegate or transfer to an individual outside the Office of the Secretary of Defense the authority regarding the programming or budgeting of the program established by this section that is carried out by the Assistant Secretary of Defense for Research and Engineering.''.

(b) CONFORMING AMENDMENTS.—Such section 2362 is amended further—

(1) in subsection (b), by striking ''established under subsection (a)'' and inserting ''established by subsection (a)(1)''; and

(2) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

SEC. 220. DESIGNATION OF MAIN PROPULSION TURBOMACHINERY OF THE NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date on which the next-generation long-range strike bomber aircraft receives Milestone A approval, the Secretary of Defense shall designate the development and procurement of the main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as a major subprogram of the next-generation long-range strike bomber aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) COMPETITIVE ACQUISITION STRATEGY.—The Secretary of the Air Force shall develop an acquisition strategy for the major subprogram designated in subsection (a) that is in accordance with subsections (a) and (b) of section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note).

SEC. 221. DESIGNATION OF ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the electromagnetic aircraft launch development and procurement program as a major subprogram of the CVN–78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code. The Secretary may cease such designation after the date on which the electromagnetic aircraft launch system is certified as operationally effective and suitable by the Director of Operational Test and Evaluation.

SEC. 222. ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.

(a) PROGRAM AUTHORIZED.—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, payload, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) COMPETITION.—In awarding a contract under this section, the Secretary shall use competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and shall consider a timely offer submitted by a small business concern (as defined in section 2225(f)(3) of such title) in accordance with the specifications and evaluation factors specified in the solicitation.

SEC. 223. PRESERVATION AND STORAGE OF CERTAIN PROPERTY RELATED TO F136 PROPULSION SYSTEM.

(a) PLAN.—The Secretary of Defense shall develop a plan for the disposition of property owned by the Federal Government that was acquired under the F136 propulsion system development contract. The plan shall—

(1) ensure that the Secretary preserves and stores, uses, or disposes of such property in a manner that—

(A) provides for the long-term sustainment and repair of such property pending the determination by the Department of Defense that such property—

(i) can be used within the F–35 Lightning II aircraft program, in other Government development programs, or in other contractor-funded development activities;

(ii) can be stored for use in future Government development programs; or

(iii) should be disposed; and

(B) allows for such preservation and storage of identified property to be conducted at either the facilities of the Federal Government or a contractor under such contract; and

(2) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, or research, development, test, and evaluation, Air Force, for the F–35 Lightning II aircraft program may be obligated or expended for activities related to destroying or disposing of the property described in subsection (a) until the date that is 30 days after the date on which the report under subsection (c) is submitted to the congressional defense committees.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plan under subsection (a). That report shall describe how the Secretary intends to obtain maximum benefit to the Federal Government from the investment already made in developing the F136.

Subtitle C—Missile Defense Programs

SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINE REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

"§225. Acquisition accountability reports on the ballistic missile defense system

''(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

''(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

''(B) each designated major subprogram of such program elements.

''(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

''(A) engineering and manufacturing development (or its equivalent); and

''(B) production and deployment.

''(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

''(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

''(1) A comprehensive schedule, including—

''(A) research and development milestones;

''(B) acquisition milestones, including design reviews and key decision points;

''(C) key test events, including ground and flight tests and ballistic missile defense system tests;

''(D) delivery and fielding schedules;

''(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

''(F) planned contract award dates.

''(2) A detailed technical description of—

''(A) the capability to be developed, including hardware and software;

''(B) system requirements, including performance requirements;

''(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

''(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

''(E) how the Director plans to improve the capability over time.

''(3) A cost estimate, including—

''(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

''(B) program acquisition unit costs for the program element;

''(C) average procurement unit costs and program acquisition costs for the program element; and

''(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

''(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

''(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

''(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

''(B) Each subsequent report under paragraph (1) shall include—

''(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

''(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

''(I) the initial acquisition baseline for such program element or major subprogram; and

''(II) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

''(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

''(1) a justification for such adjustment or revision;

''(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

''(3) the effective date of the adjusted or revised acquisition baseline.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''225. Acquisition accountability reports on the ballistic missile defense system.''.

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

SEC. 232. COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

(a) COMPTROLLER GENERAL ASSESSMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the annual reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, that cover any of fiscal years 2012 through 2015 and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

(2) REPORTS.—Not later than March 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.

(b) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—In each of the first three reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, the Director shall include a description of the activities of the Missile Defense Executive Board during the fiscal year preceding the date of the report, including the following:

(1) A list of each meeting of the Board during such year.

(2) The agenda and issues considered at each such meeting.

(3) A description of any decisions or recommendations made by the Board at each such meeting.

(c) REPEAL OF SUPERSEDED REPORTING AUTHORITY.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking subsection (g).

SEC. 233. HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.

(a) REPORT REQUIRED.—In light of the homeland missile defense hedging policy and strategy framework described in the Ballistic Missile Defense Review of 2010, not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the missile defense hedging strategy review for the protection of the homeland of the United States.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the findings and conclusions of the strategy review.

(2) A description of the hedging alternatives and capabilities considered by the Secretary.

(3) A summary of the analyses conducted, including the criteria used to assess the alternatives and capabilities described in paragraph (2).

(4) A detailed description of the plans, programs, and the budget profile for implementing the strategy through the future years defense program submitted to Congress under section 221 of title 10, United States Code, with the budget of the President for fiscal year 2013.

(5) The criteria to be used in determining whether and when each item contained in the strategy should be implemented and the schedule and budget profile required to implement each item.

(6) A discussion of the feasibility and advisability of deploying a missile defense site on the East Coast of the United States.

(7) Any other information the Secretary considers necessary.

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

SEC. 234. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is essential for the ground-based midcourse defense element of the ballistic missile defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland, throughout its operational service life, against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(2) the Missile Defense Agency should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the ground-based midcourse defense system, design a correction of the problem causing the flight-test failure, and verify through extensive testing that such correction is effective and will allow the ground-based midcourse defense system to reach levels described in paragraph (1);

(3) after the Missile Defense Agency has verified the correction of the problem causing the December 2010 flight-test failure, including through the two previously unplanned verification flight tests, the Agency should assess the need for any additional ground-based interceptors and any additional steps needed for the ground-based midcourse defense testing and sustainment program; and

(4) the Department of Defense should plan for and budget sufficient future funds for the ground-based midcourse defense program to ensure the ability to complete and verify an effective correction of the problem causing the December 2010 flight-test failure, to mitigate the effects of corrective actions on previously planned program work that is deferred as a result of such corrective actions, and to enhance the program over time.

(b) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Department of Defense to correct the problem causing the December 2010 flight-test failure of the ground-based midcourse defense system, and any progress toward the achievement of that plan.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A detailed discussion of the plan to correct the problem described in that paragraph, including plans for diagnostic, design, testing, and manufacturing actions.

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of such report, including diagnostic, design, testing, or manufacturing results.

(C) A description of any cost or schedule impact of the plan on the ground-based midcourse defense program, including on testing, production, refurbishment, or deferred work.

(D) A description of any planned adjustments to the ground-based midcourse defense program as a result of the implementation of the plan, including future programmatic, schedule, testing, or funding adjustments.

(E) A description of any enhancements to the capability of the ground-based midcourse defense system achieved or planned since the submittal of the budget for fiscal year 2010 pursuant to section 1105 of title 31, United States Code.

(3) FORM.—Each report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 235. LIMITATION ON AVAILABILITY OF FUNDS FOR THE MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program, not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a plan to use such funds as final obligations under such program for either—

(1) implementing a restructured program of reduced scope; or

(2) contract termination liability costs with respect to the contracts covering the program.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) The plan of the Secretary for using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program for the purposes described in paragraph (1) or (2) of subsection (a).

(2) An explanation of the amount of the total cost for which the United States would be liable with respect to either—

(A) restructuring the program as described in such paragraph (1); or

(B) terminating the contracts covering the program, either unilaterally or multilaterally, as described in such paragraph (2).

(3) An explanation of the terms of any agreement with Germany or Italy (or both) with respect to program restructuring or contract termination.

(4) A description of the program schedule and specific elements of a restructured program to develop, test, and evaluate technologies for possible incorporation into future air and missile defense architectures of the United States.

(5) A description of the specific technologies identified by the Secretary for possible incorporation into future air and missile defense architectures of the United States.

(6) A description of how the Secretary plans to address the future air and missile defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report providing a detailed description of the efforts the Secretary has made with Germany and Italy, including any involvement by the Secretary of State, to agree on ways to minimize the costs to each nation of implementing a restructured program or of unilateral or multilateral contract termination.

SEC. 236. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TRAINING.

It is the sense of Congress that—

(1) progress has been made in improving the integration of ballistic missile defense training across and between combatant commands and military services and identifying the training requirements, capabilities, and resources that the Department of Defense needs for this complex mission that is vital to the protection of the United States and its deployed forces and allies against ballistic missile attacks;

(2) it is important to continue effective and integrated missile defense training to improve the capabilities of the ballistic missile defense system and its elements; and

(3) the Department of Defense should continue to identify the capabilities and resources needed to effectively and adequately integrate training across and between the combatant commands and military services and should continue efforts to improve such training.

Subtitle D—Reports

SEC. 241. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPERSONICS.

Section 218(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amended by striking ''2012'' and inserting ''2016''.

SEC. 242. REPORT AND COST ASSESSMENT OF OPTIONS FOR OHIO-CLASS REPLACEMENT BALLISTIC MISSILE SUBMARINE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Commander of the United States Strategic Command shall jointly submit to the congressional defense committees a report on each of the options described in subsection (b) to replace the Ohio-class ballistic submarine program. The report shall include the following:

(1) An assessment of the procurement cost and total life-cycle costs associated with each option.

(2) An assessment of the ability for each option to meet—

(A) the at-sea requirements of the Commander that are in place as of the date of the enactment of this Act; and

(B) any expected changes in such requirements.

(3) An assessment of the ability for each option to meet—

(A) the nuclear employment and planning guidance in place as of the date of the enactment of this Act; and

(B) any expected changes in such guidance.

(4) A description of the postulated threat and strategic environment used to inform the selection of a final option and how each option provides flexibility for responding to changes in the threat and strategic environment.

(b) OPTIONS CONSIDERED.—The options described in this subsection to replace the Ohio-class ballistic submarine program are as follows:

(1) A fleet of 12 submarines with 16 missile tubes each.

(2) A fleet of 10 submarines with 20 missile tubes each.

(3) A fleet of 10 submarines with 16 missile tubes each.

(4) A fleet of eight submarines with 20 missile tubes each.

(5) Any other options the Secretary and the Commander consider appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 243. REPORT ON THE ELECTROMAGNETIC RAIL GUN SYSTEM.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the development, future deployment, and operational challenges of the electromagnetic rail gun system of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the various operational problem sets the electromagnetic rail gun system might be used against, including—

(A) naval surface fire support;

(B) anti-surface warfare, including small-boat threats;

(C) cruise missile, ballistic missile, and anti-aircraft defense; and

(D) other missions as defined by the Secretary.

(2) An analysis of the technical challenges in developing the electromagnetic rail gun system, including—

(A) power generation and storage to achieve desired firing rates and ranges;

(B) projectile development;

(C) launcher/bore design and lifetime; and

(D) ship integration challenges.

(3) An identification of existing supporting research programs being executed outside of the Navy that support the development of the electromagnetic rail gun system, as well as opportunities where collaborative research between the Navy and other research components could accelerate development.

(4) An assessment of possible deployment configurations, including—

(A) for ship-based applications, an identification of candidate ships for initial integration;

(B) for land-based applications, an identification of possible mission sets and locations for early prototyping opportunities; and

(C) other alternative approaches for rapid prototyping.

(5) With respect to the information provided by the Secretary of the Navy under paragraphs (1) through (4), the opinions of the Secretary of the Army, the Commandant of the Marine Corps, the Assistant Secretary of Defense for Research and Engineering, the Director of the Missile Defense Agency, and the Director of the Defense Advanced Research Projects Agency.

(c) INTERIM UPDATE.—Not later than 90 days after the date of the enactment of this Act, the Chief of Naval Research shall provide an update briefing to the congressional defense committees.

(d) FORM.—The report required by paragraph (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE KC–46A AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2017, the Comptroller General of the United States shall conduct an annual review of the KC–46A aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2012 and ending in 2017, the Comptroller General shall submit to the congressional defense committees a report on the review of the KC–46A aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the KC–46A aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting engineering, manufacturing, development, and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the KC–46A aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of KC–46A aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the KC–46A aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the KC–46A aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding budgeted; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Air Force to the baseline documentation of the KC–46A aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the integrated baseline review document;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 245. INDEPENDENT REVIEW AND ASSESSMENT OF CRYPTOGRAPHIC MODERNIZATION PROGRAM.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the cryptographic modernization program of the Department of Defense.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include the following:

(1) For each military department and appropriate defense agency, an analysis of the adequacy of the program management structure for executing the cryptographic modernization program, including resources, personnel, requirements generation, and business process metrics.

(2) A description of the acquisition model for each military department and appropriate defense agency, including how the acquisition strategies of programs of record are synchronized with the needs of the cryptographic modernization program.

(3) An analysis of the current funding mechanism, the Information System Security Program, to provide adequate and stable funding to meet cryptographic modernization needs.

(4) An analysis of the ability of the program to deliver capabilities to the user community while complying with the budget and schedule for the program, including the programmatic risks that negatively affect such compliance.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the management of the cryptographic modernization program.

(2) ADDITIONAL EVALUATION REQUIRED.—Not later than 30 days after the date on which the congressional defense committees receive the report required by paragraph (1), the Secretary shall submit to such committees an evaluation by the Secretary of the findings and recommendations contained in such report.

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

SEC. 246. REPORT ON INCREASED BUDGET ITEMS.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report describing the contract award process for each contract described in subsection (b) for which the Secretary will obligate funds authorized for a program element described in subsection (c). In the case of funds that are not yet obligated for any such contract by the end of fiscal year 2012, the Secretary shall describe the process planned for the award of such a contract.

(2) SUBMISSION.—The Secretary shall submit the report required by paragraph (1) not later than December 31, 2012.

(b) CONTRACT DESCRIBED.—For purposes of subsection (a), a contract described in this subsection is a contract awarded using procedures other than competitive procedures pursuant to the exceptions set forth in section 2304(c) of title 10, United States Code, or any other exceptions provided in law or regulation.

(c) PROGRAM ELEMENT DESCRIBED.—(1) For purposes of subsection (a), a program element described in this subsection is a program element funded—

(A) with amounts authorized to be appropriated by section 201; and

(B) in a total amount that is more than the amount requested for such program element by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

(2) For purposes of paragraph (1)(B), the total amount referred to in such paragraph does not include funds transferred into such program element that were included elsewhere in the budget referred to in such paragraph.

Subtitle E—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) IN GENERAL.—

(1) REPEAL.—Section 2359a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2359a.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2013.

SEC. 252. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.

Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4178; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

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

''(b) COST-SHARING.—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either—

''(1) for the development of program protection strategies for the system; or

''(2) for the design and incorporation of exportability features into the system,

shall include a cost-sharing provision that requires the contractor to bear at least one-half of the cost of such activities.''.

SEC. 253. EXTENSION OF AUTHORITY FOR MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking ''October 1, 2013'' and inserting ''September 30, 2016''.

SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.

If the total amount authorized to be appropriated by this Act for the National Defense Education Program for fiscal year 2012 is less than the amount requested by the President for such program in the budget submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, the Secretary of Defense may not derive the difference between such amounts from the K–12 component of such program.

SEC. 255. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the ''Secretary'') may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) 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 of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 256. SENSE OF CONGRESS ON ACTIVE MATRIX ORGANIC LIGHT EMITTING DIODE TECHNOLOGY.

It is the sense of Congress that—

(1) active matrix organic light emitting diode (in this section referred to as ''OLED'') technology displays have the potential to reduce the size, weight, and energy consumption of both dismounted and mounted systems of the Armed Forces;

(2) the United States has a limited OLED manufacturing industry;

(3) to ensure a reliable domestic source of OLED displays, the Secretary of Defense can use existing programs, including the ManTech program, to support the reduction of the costs and risks related to OLED manufacturing technologies; and

(4) the reduction of such costs and risks of OLED manufacturing has the potential to enable the affordable production and sustainment of future weapon systems, as well as the affordable transition of new technologies that can enhance capabilities of current force systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.

Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.

Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.

Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.

Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.

Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.

Sec. 317. Streamlined annual report on defense environmental programs.

Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.

Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.

Sec. 320. Fire suppression agents.

Subtitle C—Logistics and Sustainment

Sec. 321. Definition of depot-level maintenance and repair.

Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.

Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.

Sec. 324. Implementation of corrective actions resulting from corrosion study of the F–22 and F–35 aircraft.

Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.

Sec. 326. Reports on depot-related activities.

Sec. 327. Core depot-level maintenance and repair capabilities.

Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.

Sec. 332. Review of proposed structures affecting navigable airspace.

Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.

Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.

Sec. 343. Study on Air Force test and training range infrastructure.

Sec. 344. Study on training range infrastructure for special operations forces.

Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.

Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.

Sec. 347. Study on overseas basing presence of United States forces.

Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.

Sec. 349. Modification of report on procurement of military working dogs.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.

Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.

Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.

Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle G—Other Matters

Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.

Sec. 362. Comptroller General review of space-available travel on military aircraft.

Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.

Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.

Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.

Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.

Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.

Sec. 368. Procurement of tents or other temporary structures.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environmental Provisions

SEC. 311. DESIGNATION OF SENIOR OFFICIAL OF JOINT CHIEFS OF STAFF FOR OPERATIONAL ENERGY PLANS AND PROGRAMS AND OPERATIONAL ENERGY BUDGET CERTIFICATION.

Section 138c of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.''; and

(2) in subsection (e)(4), by striking ''10 days'' and inserting ''30 days''.

SEC. 312. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.

(a) IMPROVEMENTS TO ACT.—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) DEFINITIONS.—Section 100 (16 U.S.C. 670) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

''(3) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term 'State-owned National Guard installation' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.''.

(2) FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting ''(i)'' before ''To facilitate''; and

(ii) by adding at the end the following new clause:

''(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.'';

(B) in subsection (a)(2), by inserting ''or State-owned National Guard installation'' after ''military installation'' both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting ''(A)'' before ''Consistent'';

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting ''and State-owned National Guard installations'' after ''military installations'' the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking ''military installations'' and inserting ''such installations'';

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting ''on such installations'' after ''resources''; and

(vi) by adding at the end the following subparagraph:

''(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.'';

(D) in subsection (b), by inserting ''and State-owned National Guard installations'' after ''military installations'' the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking ''military installation'' each place it appears and inserting ''installation''; and

(F) in subsection (b)(3), by inserting '', in the case of a military installation,'' after ''(3) may''.

(3) COOPERATIVE AGREEMENTS.—Section 103a(a) (16 U.S.C. 670c–1(a)) is amended—

(A) in paragraph (1), by striking ''Department of Defense installations'' and inserting ''military installations and State-owned National Guard installations''; and

(B) in paragraph (2), by striking ''Department of Defense installation'' and inserting ''military installation or State-owned National Guard installation''.

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

''SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION.'';

(B) by striking ''SEC. 101.'';

(C) in subsection (c), by inserting ''PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN.—'' after ''(c)'';

(D) in subsection (d), by inserting ''IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—'' after ''(d)'';

(E) in subsection (e)—

(i) by inserting ''APPLICABILITY OF OTHER LAWS.—'' after ''(e)''; and

(ii) by inserting a comma after ''Code''.

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

''SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.'';

(B) by striking ''SEC. 102.'' and inserting ''(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—''; and

(C) by striking ''agency:'' and all that follows through ''possession'' and inserting ''agency.

''(b) APPLICABILITY OF OTHER LAWS.—Possession''.

(3) Section 103a (16 U.S.C. 670c–1) is further amended—

(A) by inserting at the beginning the following:

''SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS.'';

(B) by striking ''SEC. 103A.'';

(C) in subsection (a), by inserting ''AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT.—'' after ''(a)''; and

(D) in subsection (c), by inserting ''AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS.—'' after ''(c)''.

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

''SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL.''; and

(B) by striking ''SEC. 104.''.

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

''SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS.''; and

(B) by striking ''SEC. 105.''.

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

''SEC. 108. APPROPRIATIONS AND EXPENDITURES.'';

(B) by striking ''SEC. 108.'';

(C) in subsection (a), by inserting ''EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—'' after ''(a)'';

(D) in subsection (b), by inserting ''AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE.—'' after ''(b)'';

(E) in subsection (c), by inserting ''AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR.—'' after ''(c)''; and

(F) in subsection (D), by inserting ''USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—'' after ''(d)''.

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

''SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS.'';

(B) by striking ''SEC. 201.'';

(C) in subsection (a), by inserting ''PROGRAMS REQUIRED.—'' after ''(a)''; and

(D) in subsection (b), by inserting ''IMPLEMENTATION OF PROGRAMS.—'' after ''(b)''.

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

''SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS.'';

(B) by striking ''SEC. 202.'';

(C) in subsection (a), by inserting ''DEVELOPMENT OF PLANS.—'' after ''(a)'';

(D) in subsection (b), by inserting ''CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.—'' after ''(b)'';

(E) in subsection (c), by inserting ''COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.—'' after ''(c)''; and

(F) in subsection (d), by inserting ''STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.—'' after ''(d)''.

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

''SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS.'';

(B) by striking ''SEC. 203.'';

(C) in subsection (a), by inserting ''AGREEMENTS TO REQUIRE STAMPS.—'' after ''(a)''; and

(D) in subsection (b)—

(i) by inserting ''CONDITIONS FOR AGREEMENTS.—'' after ''(b)''; and

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

''SEC. 204. ENFORCEMENT PROVISIONS.'';

(B) by striking ''SEC. 204.'';

(C) in subsection (a), by inserting ''VIOLATIONS AND PENALTIES.—'' after ''(a)'';

(D) in subsection (b), by inserting ''ENFORCEMENT POWERS AND PROCEEDINGS.—'' after ''(b)''; and

(E) in subsection (c), by inserting ''SEIZURE AND FORFEITURE.—'' after ''(c)''; and

(F) in subsection (d), by inserting ''APPLICABILITY OF CUSTOMS LAWS.—'' after ''(d)''.

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

''SEC. 205. DEFINITIONS.''; and

(B) by striking ''SEC. 205.''.

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

''SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES.''; and

(B) by striking ''SEC. 206.''.

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

''SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS.''; and

(B) by striking ''SEC. 207.''.

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.'';

(B) by striking ''SEC. 209.'';

(C) in subsection (a), by inserting ''FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.—'' after ''(a)'';

(D) in subsection (b), by inserting ''FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.—'' after ''(b)'';

(E) in subsection (c), by inserting ''USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—'' after ''(c)''; and

(F) in subsection (d), by inserting ''CONTRACT AUTHORITY.—'' after ''(d)''.

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking ''magistrate'' both places it appears and inserting ''magistrate judge''.

(d) REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

SEC. 313. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

''(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

''(A) a ship of the Armed Forces described in paragraph (2); or

''(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

''(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

''(A) has unique military design, construction, manning, or operating requirements; and

''(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

''(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

''(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

''(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

''(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

''(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

''(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

''(III) With regard to a submersible, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.

''(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

''(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

''(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

''(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

''(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

''(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

''(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. In the event that there is such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

''(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.''.

(b) CONFORMING AMENDMENTS.—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking ''Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)'' and inserting ''subsection (b)''; and

(2) in paragraph (2), by inserting ''and subsection (b)(3)(B)(i) of this section'' after ''Annex V to the Convention''.

SEC. 314. MODIFICATION TO THE RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY, PLANS, AND PROGRAMS.

(a) MODIFICATION OF RESPONSIBILITIES.—Section 138(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Assistant Secretary, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

''(A) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;

''(B) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;

''(C) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;

''(D) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and

''(E) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (e)(4).''.

(b) REPORTING REQUIREMENT.—Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) A description of the alternative fuel initiatives of the Department of Defense, including funding and expenditures by account and activity for the preceding fiscal year, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.''.

SEC. 315. ENERGY-EFFICIENT TECHNOLOGIES IN CONTRACTS FOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.

(a) ENERGY PERFORMANCE MASTER PLAN.—The energy performance master plan for the Department of Defense developed under section 2911 of title 10, United States Code, shall specifically address the application of energy-efficient or energy reduction technologies or processes meeting the requirements of subsection (b) in logistics support contracts for contingency operations. In accordance with the requirements of such section, the plan shall include goals, metrics, and incentives for achieving energy efficiency in such contracts.

(b) REQUIREMENTS FOR ENERGY TECHNOLOGIES AND PROCESSES.—Energy-efficient and energy reduction technologies or processes described in subsection (a) are technologies or processes that meet the following criteria:

(1) The technology or process achieves long-term savings for the Government by reducing overall demand for fuel and other sources of energy in contingency operations.

(2) The technology or process does not disrupt the mission, the logistics, or the core requirements in the contingency operation concerned.

(3) The technology or process is able to integrate seamlessly into the existing infrastructure in the contingency operation concerned.

(d) REGULATIONS AND GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue such regulations and guidance as may be needed to implement the requirements of this section and ensure that goals established pursuant to subsection (a) are met. Such regulations or guidance shall consider the lifecycle cost savings associated with the energy technology or process being offered by a vendor for defense logistics support and oblige the offeror to demonstrate the savings achieved over traditional technologies.

(e) REPORT.—The annual report required by section 2925(b) of title 10, United States Code, shall include information on the progress in the implementation of this section, including savings achieved by the Department resulting from such implementation.

(f) DEFINITIONS.—In this section:

(1) The term ''defense logistics support contract'' means a contract for services, or a task order under such a contract, awarded by the Department of Defense to provide logistics support during times of military mobilizations, including contingency operations, in any amount greater than the simplified acquisition threshold.

(2) The term ''contingency operation'' has the meaning provided in section 101(a)(13) of title 10, United States Code.

SEC. 316. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.

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

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

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

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

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

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

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

SEC. 317. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

''§2711. Annual report on defense environmental programs

''(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on defense environmental programs. Each report shall include:

''(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

''(A) Information on the Environmental Restoration Program, including the following:

''(i) The total number of sites in the Environmental Restoration Program.

''(ii) The number of sites in the Environmental Restoration Program that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

''(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated

progress in implementing, the Environmental Restoration Program during the fiscal year for which the budget is submitted.

''(iv) The Secretary's assessment of the overall progress of the Environmental Restoration Program.

''(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

''(i) The total number of sites in the MMRP.

''(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

''(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the MMRP during the fiscal year for which the budget is submitted.

''(iv) The Secretary's assessment of the overall progress of the MMRP.

''(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

''(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the current fiscal year, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

''(B) an explanation for any significant change in such amounts during the period covered.

''(3) With respect to the environmental technology program of the Department of Defense—

''(A) a report on the progress made in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

''(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted.

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

''(1) the term 'environmental quality program' means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

''(2) the term 'major activities' with respect to an environmental program means—

''(A) environmental compliance activities;

''(B) conservation activities; and

''(C) pollution prevention activities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2710 the following new item:

''2711. Annual report on defense environmental programs.''.

SEC. 318. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than $45,000 to the Hazardous Substance Superfund Jackson Park Housing Complex, Washington, special account.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 7, 2009, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to submit a draft Final Remedial Investigation/Feasibility Study for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) in accordance with the requirements of the Interagency Agreement (Administrative Docket No. CERCLA–10–2005–0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301 for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

SEC. 319. REQUIREMENTS RELATING TO AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to make a final decision on or final adjudication of any claim filed regarding water contamination at Marine Corps Base Camp Lejeune unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies in writing to the Committees on Armed Services for the Senate and the House of Representatives. This provision does not prevent the use of funds for routine administrative tasks required to maintain such claims nor does it prohibit the use of funds for matters pending in Federal court.

(b) RESOLUTION OF CERTAIN DISPUTES.—The Secretary of the Navy shall make every effort to resolve any dispute arising between the Department of the Navy and the Agency for Toxic Substances and Disease Registry that is covered by the Interagency Agreement between the Department of Health and Human Services Agency for Toxic Substances and Disease Registry and the Department of the Navy or any successor memorandum of understanding and signed agreements not later than 60 days after the date on which the dispute first arises. In the event the Secretary is unable to resolve such a dispute within 60 days, the Secretary shall submit to the congressional defense committees a report on the reasons why an agreement has not yet been reached, the actions that the Secretary plans to take to reach agreement, and the schedule for taking such actions.

(c) COORDINATION PRIOR TO RELEASING INFORMATION TO THE PUBLIC.—The Secretary of the Navy shall make every effort to coordinate with the Agency for Toxic Substances and Disease Registry on all issues pertaining to water contamination at Marine Corps Base Camp Lejeune, and other exposed pathways before releasing anything to the public.

SEC. 320. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).''.

Subtitle C—Logistics and Sustainment

SEC. 321. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended to read as follows:

''§2460. Definition of depot-level maintenance and repair

''In this chapter, the term ''depot-level maintenance and repair''—

''(1) means any action performed on materiel or software in the conduct of inspection, repair, overhaul, or the modification or rebuild of end-items, assemblies, subassemblies, and parts, that—

''(A) requires extensive industrial facilities, specialized tools and equipment, or uniquely experienced and trained personnel that are not available in lower echelon-level maintenance activities; and

''(B) is a function and, as such, is independent of any location or funding source and may be performed in the public or private sectors (including the performance of interim contract support or contract logistic support arrangements); and

''(2) includes—

''(A) the fabrication of parts, testing, and reclamation, as necessary;

''(B) the repair, adaptive modifications or upgrades, change events made to operational software, integration and testing; and

''(C) in the case of either hardware or software modifications or upgrades, the labor associated with the application of the modification.''.

SEC. 322. DESIGNATION OF MILITARY ARSENAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting ''or military arsenal facility'' after ''depot-level activity''.

SEC. 323. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.

(a) IN GENERAL.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

(b) REPORT.—Section 328(b)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended by striking ''the advisability'' and all that follows through the end and inserting ''the effect of the use of such authority on the rates charged by each Army industrial facility when bidding on contracts for the Army or for a Defense agency and providing recommendations to improve the ability of each category of Army industrial facility (as defined in section 4544(j) of title 10, United States Code) to compete for such contracts;''.

SEC. 324. IMPLEMENTATION OF CORRECTIVE ACTIONS RESULTING FROM CORROSION STUDY OF THE F–22 AND F–35 AIRCRAFT.

(a) IMPLEMENTATION; CONGRESSIONAL BRIEFING.—Not later than January 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall implement the recommended actions described in subsection (b) and provide to the congressional defense committees a briefing on the actions taken by the Under Secretary to implement such recommended actions.

(b) RECOMMENDED ACTIONS.—The recommended actions described in this subsection are the following four recommended actions included in the report of the Government Accountability Office report numbered GAO–11–117R and titled ''Defense Management: DOD Needs to Monitor and Assess Corrective Actions Resulting from Its Corrosion Study of the F–35 Joint Strike Fighter'':

(1) The documentation of program-specific recommendations made as a result of the corrosion study described in subsection (d) with regard to the F–35 and F–22 aircraft and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken with respect to such aircraft in response to such recommendations.

(2) The documentation of program-specific recommendations made as a result of such corrosion study with regard to the other weapon systems identified in the study, specifically the CH–53K helicopter, the Joint High Speed Vessel, the Broad Area Maritime Surveillance Unmanned Aircraft System, and the Joint Light Tactical Vehicle, and the establishment of a process for

monitoring and assessing the effectiveness of the corrosion prevention and control programs implemented for such weapons systems in response to such recommendations.

(3) The documentation of Air Force-specific and Navy-specific recommendations made as a result of such corrosion study and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(4) The documentation of Department of Defense-wide recommendations made as a result of such corrosion study, the implementation of any needed changes in policies and practices to improve corrosion prevention and control in new systems acquired by the Department, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Department in response to such recommendations.

(c) DEADLINE FOR COMPLIANCE.—Not later than December 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the directors of the F–35 and F–22 program offices, the directors of the program offices for the weapons systems referred to in subsection (b)(2), the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy, shall—

(1) take whatever steps necessary to comply with the recommendations documented pursuant to the required implementation under subsection (a) of the recommended actions described in subsection (b); or

(2) submit to the congressional defense committees written justification of why compliance was not feasible or achieved.

(d) CORROSION STUDY.—The corrosion study described in this subsection is the study required in House Report 111–166 accompanying H.R. 2647 of the 111th Congress conducted by the Office of the Director of Corrosion Policy and Oversight of the Office of the Secretary of Defense and titled ''Corrosion Evaluation of the F–22 Raptor and F–35 Lightning II Joint Strike Fighter''.

SEC. 325. MODIFICATION OF REQUIREMENTS RELATING TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''maintenance, repair, and overhaul'' after ''combined'';

(2) in subsection (b)—

(A) by striking ''includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support'' and inserting ''includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support''; and

(B) by inserting before the period at the end the following: '', but does not include funds spent for sustainment of existing facilities, infrastructure, or equipment''.

(3) in subsection (d), by adding at the end the following new subparagraph:

''(E) A table showing the funded workload performed by each covered depot for the preceding three fiscal years and actual investment funds allocated to each depot for the period covered by the report.''; and

(4) in subsection (e)(1), by adding at the end the following new subparagraph:

''(I) Tooele Army Depot, Utah.''.

SEC. 326. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde, and Reset Program for the equipment used in support of Operations New Dawn and Enduring Freedom and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Secretary plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners and Department of Defense arsenals to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, MILITARY COMMAND STRUCTURE, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, military command structure, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), an examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

SEC. 327. CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.

(a) IN GENERAL.—Section 2464 of title 10, United States Code, is amended to read as follows:

''§2464. Core depot-level maintenance and repair capabilities

''(a) NECESSITY FOR CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.—(1) It is essential for national security that the Department of Defense maintain a core depot-level maintenance and repair capability, as defined by this title, in support of mission-essential weapon systems or items of military equipment needed to directly support combatant command operational requirements and enable the armed forces to execute the strategic, contingency, and emergency plans prepared by the Department of Defense, as required under section 153(a) of this title.

''(2) This core depot-level maintenance and repair capability shall be Government-owned and Government-operated, including the use of Government personnel and Government-owned and Government-operated equipment and facilities, throughout the lifecycle of the weapon system or item of military equipment involved to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

''(3)(A) Except as provided in subsection (c), the Secretary of Defense shall identify and establish the core depot-level maintenance and repair capabilities and capacity required in paragraph (1).

''(B) Core depot-level maintenance and repair capabilities and capacity, including the facilities, equipment, associated logistics capabilities, technical data, and trained personnel, shall be established not later than four years after a weapon system or item of military equipment achieves initial operational capability or is fielded in support of operations.

''(4) The Secretary of Defense shall assign Government-owned and Government-operated depot-level maintenance and repair facilities of the Department of Defense sufficient workload to ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

''(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the requirement in subsection (a)(3) if the Secretary determines that—

''(A) the weapon system or item of military equipment is not an enduring element of the national defense strategy;

''(B) in the case of nuclear aircraft carrier refueling, fulfilling the requirement is not economically feasible; or

''(C) it is in the best interest of national security.

''(2) The Secretary of a military department may waive the requirement in subsection (a)(3) for special access programs if such a waiver is determined to be in the best interest of the United States.

''(3) The determination to waive requirements in accordance with paragraph (1) or (2) shall be documented and notification submitted to Congress with justification for the waiver within 30 days of issuance.

''(c) APPLICABILITY TO COMMERCIAL ITEMS.—(1) The requirement in subsection (a)(3) shall not apply to items determined to be commercial items.

''(2) The first time a weapon system or other item of military equipment described in subsection (a) is determined to be a commercial item for the purposes of the exception under subsection (c), the Secretary of Defense shall submit

to Congress a notification of the determination, together with the justification for the determination. The justification for the determination shall include, at a minimum, the following:

''(A) The estimated percentage of commonality of parts of the version of the item that is sold or leased in the commercial marketplace and the version of the item to be purchased by the Department of Defense.

''(B) The value of any unique support and test equipment and tools needed to support the military requirements if the item were maintained by the Department of Defense.

''(C) A comparison of the estimated life-cycle depot-level maintenance and repair support costs that would be incurred by the Government if the item were maintained by the private sector with the estimated life-cycle depot-level maintenance support costs that would be incurred by the Government if the item were maintained by the Department of Defense.

''(3) In this subsection, the term 'commercial item' means an end-item, assembly, subassembly, or part sold or leased in substantial quantities to the general public and purchased by the Department of Defense without modification in the same form that they are sold in the commercial marketplace, or with minor modifications to meet Federal Government requirements.

''(d) LIMITATION ON CONTRACTING.—(1) Except as provided in paragraph (2), performance of workload needed to maintain a core depot-level maintenance and repair capability identified by the Secretary under subsection (a)(3) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as 'OMB Circular A-76').

''(2) The Secretary of Defense may waive paragraph (1) in the case of any such depot-level maintenance and repair capability and provide that performance of the workload needed to maintain that capability shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the workload is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of any such workload is no longer required for national defense reasons.

''(3)(A) A waiver under paragraph (2) may not take effect until the expiration of the first period of 30 days of continuous session of Congress that begins on or after the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(B) For the purposes of subparagraph (A)—

''(i) continuity of session is broken only by an adjournment of Congress sine die; and

''(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

''(e) BIENNIAL CORE REPORT.—Not later than April 1 on each even-numbered year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (except for the Coast Guard), for the subsequent fiscal year the following:

''(1) The core depot-level maintenance and repair capability requirements and sustaining workloads, organized by work breakdown structure, expressed in direct labor hours.

''(2) The corresponding workloads necessary to sustain core depot-level maintenance and repair capability requirements, expressed in direct labor hours and cost.

''(3) In any case where core depot-level maintenance and repair capability requirements exceed or are expected to exceed sustaining workloads, a detailed rationale for the shortfall and a plan either to correct, or mitigate, the effects of the shortfall.

''(f) ANNUAL CORE REPORT.— In 2013 and each year thereafter, not later than 60 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard), for the fiscal year preceding the fiscal year during which the report is submitted, each of the following:

''(1) The core depot-level maintenance and repair capability requirements identified in subsection (a)(3).

''(2) The workload required to cost-effectively support such requirements.

''(3) To the maximum extent practicable, the additional workload beyond the workloads identified under subsection (a)(4) needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-Federal governmental personnel in accordance with section 2466 of this title.

''(4) The allocation of workload for each Center of Industrial and Technical Excellence as designated in accordance with section 2474 of this title.

''(5) The depot-level maintenance and repair capital investments required to be made in order to ensure compliance with subsection (a)(3) by not later than four years after achieving initial operational capacity.

''(6) The outcome of a reassessment of continuation of a waiver granted under subsection (b).

''(g) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review each report required under subsections (e) and (f) for completeness and compliance and provide findings and recommendations to the congressional defense committees not later than 60 days after the report is submitted to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

''2464. Core depot-level maintenance and repair capabilities.''.

Subtitle D—Readiness

SEC. 331. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS OF FUNDS.

The second sentence of subsection (g) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) by striking ''shall be available'' and inserting ''shall remain available until expended''; and

(2) by inserting before the period at the end the following: ''or to conduct studies of potential measures to mitigate such impacts''.

SEC. 332. REVIEW OF PROPOSED STRUCTURES AFFECTING NAVIGABLE AIRSPACE.

Section 44718 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.''.

Subtitle E—Reports

SEC. 341. ANNUAL CERTIFICATION AND MODIFICATIONS OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL CERTIFICATION.—Section 2229 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ANNUAL CERTIFICATION.—(1) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees certification in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

''(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

''(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.''.

(b) ANNUAL REPORT.—Section 2229a(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

''(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

''(9) An efficiency strategy for limited shelf-life medical stock replacement.

''(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

''(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

''(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.''.

SEC. 342. ADDITIONAL MATTERS FOR INCLUSION IN AND MODIFIED DEADLINE FOR THE ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (F), as redesignated by section 314, as subparagraph (G); and

(2) by inserting after subparagraph (E), as added by such section, the following new subparagraph (F):

''(F) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.''.

SEC. 343. STUDY ON AIR FORCE TEST AND TRAINING RANGE INFRASTRUCTURE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a study on the ability of the major air test and training range infrastructure, including major military operating area airspace and special use airspace, to support the full spectrum of Air Force operations. The Secretary shall incorporate the results of the study into a master plan for requirements and proposed investments to meet Air Force training and test needs through 2025. The study and the master plan shall be known as the ''2025 Air Test and Training Range Enhancement Plan''.

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required

under paragraph (1), consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges. The Secretary shall also consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges.

(3) CONTINUATION OF RANGE INFRASTRUCTURE IMPROVEMENTS.—The Secretary of the Air Force may proceed with all ongoing and scheduled range infrastructure improvements while conducting the study required under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees an interim report and a final report on the plan to meet the requirements under subsection (a) not later than one year and two years, respectively, after the date of the enactment of this Act.

(2) CONTENT.—The plan submitted under paragraph (1) shall—

(A) document the current condition and adequacy of the major Air Force test and training range infrastructure in the United States to meet test and training requirements;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of such infrastructure;

(C) identify potential issues and threats related to the sustainability of the test and training infrastructure, including electromagnetic spectrum encroachment, overall bandwidth availability, and protection of classified information;

(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

(E) propose remedies and actions to manage economic development on private lands on or surrounding the test and training infrastructure to preserve current capabilities;

(F) identify critical parcels of land not currently under the control of the Air Force for acquisition of deed or restrictive easements in order to protect current operations, access and egress corridors, and range boundaries, or to expand the capability of the air test and training ranges;

(G) identify which parcels identified pursuant to subparagraph (F) could, through the acquisition of conservation easements, serve military interests while also preserving recreational access to public and private lands, protecting wildlife habitat, or preserving opportunities for energy development and energy transmission;

(H) prioritize improvements and modernization of the facilities, equipment, and technology supporting the infrastructure in order to provide a test and training environment that accurately simulates and or portrays the full spectrum of threats and targets of likely United States adversaries in 2025;

(I) incorporate emerging requirements generated by requirements for virtual training and new weapon systems, including the F–22, the F–35, space and cyber systems, and Remotely Piloted Aircraft;

(J) assess the value of State and local legislative initiatives to protect Air Force test and training range infrastructure;

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

(4) RULE OF CONSTRUCTION.—The reports submitted under this section shall not be construed as meeting the requirements of section 2815(d) of the Military Construction Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

SEC. 344. STUDY ON TRAINING RANGE INFRASTRUCTURE FOR SPECIAL OPERATIONS FORCES.

(a) STUDY.—

(1) IN GENERAL.—The Commander of the United States Special Operations Command shall conduct a study on the ability of existing training ranges used by special operations forces, including military operating area airspace and special use airspace, to support the full spectrum of missions and operations assigned to special operations forces.

(2) CONSULTATION.—The Commander shall, in conducting the study required under paragraph (1), consult with the Secretaries of the military departments, the Office of the Secretary of Defense, and the Joint Staff on—

(A) procedures and priorities for joint use and training on ranges operated by the military services, and to assess the requirements needed to support combined arms training on the ranges; and

(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan to meet the requirements under subsection (a).

(2) CONTENT.—The study submitted under paragraph (1) shall—

(A) assess the current condition and adequacy of, and access to, all existing training ranges in the United States used by special operations forces;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of ranges used by special operations forces;

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;

(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

(E) propose remedies and actions to ensure consistent and prioritized access to existing ranges;

(F) prioritize improvements and modernization of the facilities, equipment, and technology supporting the ranges in order to adequately simulate the full spectrum of threats and contingencies for special operations forces; and

(G) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade training range infrastructure.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 345. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a survey of the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments and report to the congressional defense committees on the advisability of establishing service life extension programs for such classes of vehicles.

SEC. 346. STUDY ON UNITED STATES FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives, shall commission an independent assessment of United States security interests in the United States Pacific Command area of responsibility. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the United States Pacific Command area of responsibility.

(B) A review of current United States military force posture and deployment plans of the United States Pacific Command.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the report, the Secretary of Defense shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 301 for operation and maintenance for Defense-wide activities, up to $1,000,000, shall be made available for the completion of the study required under this section.

SEC. 347. STUDY ON OVERSEAS BASING PRESENCE OF UNITED STATES FORCES.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall commission an independent assessment of the overseas basing presence of United States forces.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) should include, but not be limited to, the following:

(1) An assessment of the location and number of United States forces required to be forward based outside the United States in order to meet the National Military Strategy, 2010, the quadrennial defense review, and the engagement strategies and operational plans of the combatant commands.

(2) An assessment of—

(A) the current condition and capacity of the available military facilities and training ranges

of the United States overseas for all permanent stations and deployed locations, including land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges; and

(B) the cost of maintaining such infrastructure.

(3) A determination of the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas.

(4) A determination of the amounts paid by the United States in direct payments to foreign countries for the use of facilities, ranges, and lands.

(5) An assessment of the advisability of the retention, closure, or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas, in light of potential fiscal constraints on the Department of Defense and emerging national security requirements in coming years.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary an unclassified report, with a classified annex (if appropriate), containing its findings as a result of the assessment. Not later than 90 days after the date of receipt of the report, the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to $2,000,000 shall be made available for the completion of the assessment required by subsection (a).

SEC. 348. INCLUSION OF ASSESSMENT OF JOINT MILITARY TRAINING AND FORCE ALLOCATIONS IN QUADRENNIAL DEFENSE REVIEW AND NATIONAL MILITARY STRATEGY.

The assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of this title, and the quadrennial roles and missions review pursuant to section 118b of this title, shall include an assessment of joint military training and force allocations to determine—

(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.

SEC. 349. MODIFICATION OF REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Subsection (c) of section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading by striking ''ANNUAL REPORT'' and inserting ''BIENNIAL REPORT'';

(2) by striking ''annually thereafter for each of the following five years'' and inserting ''biennially thereafter'';

(3) by striking ''for the fiscal year preceding'' and inserting ''for the two fiscal years preceding'';

(4) by striking the second sentence; and

(5) by striking ''for the fiscal year covered by the report'' and inserting ''for the period covered by the report''.

Subtitle F—Limitations and Extension of Authority

SEC. 351. ADOPTION OF MILITARY WORKING DOG BY FAMILY OF DECEASED OR SERIOUSLY WOUNDED MEMBER OF THE ARMED FORCES WHO WAS THE DOG'S HANDLER.

Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by inserting after ''extraordinary circumstances'' the following: '', including circumstances under which the handler of a military working dog is killed in action, dies of wounds received in action, or is medically retired as a result of injuries received in action,''; and

(2) in subsection (c), by adding at the end the following: ''If the Secretary of the military department concerned determines that an adoption is justified under subsection (a)(2) under circumstances under which the handler of a military working dog is wounded in action, the dog may be made available for adoption only by the handler. If the Secretary of the military department concerned determines that such an adoption is justified under circumstances under which the handler of a military working dog is killed in action or dies of wounds received in action, the military working dog shall be made available for adoption only by a parent, child, spouse, or sibling of the deceased handler.''.

SEC. 352. PROHIBITION ON EXPANSION OF THE AIR FORCE FOOD TRANSFORMATION INITIATIVE.

The Secretary of the Air Force may not expand the Air Force food transformation initiative (hereinafter referred to as the ''initiative'') to include any base other than the six bases initially included in the pilot program until the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative. Such report shall include the following:

(1) A description of the effects of the initiative on all employees who are paid through non-appropriated funds.

(2) A description of the training programs being developed to assist the transition for all employees affected by the initiative.

(3) An explanation of how appropriated and non-appropriated funds used in the initiative are being tracked to ensure that such funds remain segregated.

(4) An estimate of the cost savings and efficiencies associated with the initiative, and an explanation of how such savings are achieved.

(5) An assessment of increases in food prices at both the appropriated facilities on the military bases participating in the initiative as of the date of the enactment of this Act and the non-appropriated funded facilities on such bases.

(6) A plan for addressing any recommendations made by the Comptroller General of the United States following the Comptroller General's review of the initiative.

SEC. 353. DESIGNATION AND LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE MIGRATION OF ARMY ENTERPRISE EMAIL SERVICES.

(a) DESIGNATION.—The Secretary of the Army shall designate the effort to consolidate its enterprise email services a formal acquisition program with the Army acquisition executive as the milestone decision authority. The Secretary of the Army may not delegate the authority under this subsection.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to enterprise email services by the Department of the Army may be obligated or expended until the date that is 30 days after the date on which the Secretary of Army submits to the congressional defense committees a report on the acquisition strategy for the acquisition program designated under subsection (a), including certification that existing and planned efforts for the program comply with all existing regulations pertaining to competition. The report shall include each of the following:

(1) A description of the formal acquisition oversight body established.

(2) An assessment by the acquisition oversight body of the sufficiency and completeness of the current validated requirements and analysis of alternatives.

(3) In any instances where the validated requirements or analysis of alternatives has been determined to be insufficient, a plan for remediation.

(4) An assessment by the Army Audit Agency to determine the cost savings and cost avoidance expected from each of the alternatives to be considered.

(5) An assessment of the technical challenges to implementing the selected approach, including a security assessment.

(6) A certification by the Secretary of the Army that the selected approach for moving forward is in the best technical and financial interests of the Army and provides for the maximum amount of competition possible in accordance with section 2302(3)(D) of title 10, United States Code.

(7) A detailed accounting of the funding expended by the program as of the date of the enactment of this Act, as well as an estimate of the funding needed to complete the selected approach.

(c) REPORT BY CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense shall submit to the congressional defense committees a report on Department of Defense plans for enterprise email. Such report shall include—

(1) an assessment of how the migration of the Army's email system to the Defense Information Services Agency fits within the Department's strategic information technology plans;

(2) a description of how the Chief Information Officer is addressing the email capabilities of the other military departments, including plans for consolidating the email services of the other military departments; and

(3) a description of the degree to which fair and open competition will be or has been used to modernize the existing infrastructure to which the Army is migrating its email services, including a roadmap detailing when elements of the architecture will be upgraded over time.

SEC. 354. ONE-YEAR EXTENSION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.

Section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68) is amended by striking ''October 1, 2013'' and inserting ''October 1, 2014''.

Subtitle G—Other Matters

SEC. 361. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

Section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4191; 10 U.S.C. 2576 note) is amended to read as follows:

"SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.

''(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION, SMALL AMMUNITION COMPONENTS, AND FIRED CARTRIDGE CASES.—Small arms ammunition and small ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases

shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

''(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

''(c) PREFERENCE.—No small arms ammunition or small arms ammunition components in excess of military requirements, or fired small arms cartridge cases may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency or for sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code, as amended by this Act.

''(d) SALES CONTROLS.—All small arms ammunition and small arms ammunition components, and fired small arms cartridge cases made available for commercial sale under this section shall be subject to all explosives safety and trade security controls in effect at the time of sale.

''(e) DEFINITIONS.—In this section:

''(1) SMALL ARMS AMMUNITION.—The term 'small arms ammunition' means ammunition or ordnance for firearms up to and including .50 caliber and for shotguns.

''(2) SMALL ARMS AMMUNITION COMPONENTS.—The term 'small arms ammunition components' means components, parts, accessories, and attachments associated with small arms ammunition.

''(3) FIRED CARTRIDGE CASES.—The term 'fired cartridge cases' means expended small arms cartridge cases (ESACC).''.

SEC. 362. COMPTROLLER GENERAL REVIEW OF SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(b) ELEMENTS.—The review required under subsection (a) shall include the following elements:

(1) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(2) Estimates of the effect on availability based on future projections.

(3) A discussion of the logistical and managements problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(4) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(5) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title; and

(B) unremarried widows and widowers of active or reserve component members of the Armed Forces.

(6) Other factors relating to the efficiency and cost effectiveness of space-available travel.

SEC. 363. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 669—MARITIME SAFETY OF FORCES

''Sec.
''7921. Safety and effectiveness information; hydrographic information.

''§ 7921. Safety and effectiveness information; hydrographic information

''(a) SAFETY AND EFFECTIVENESS INFORMATION.—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

''(A) marine data collection;

''(B) numerical weather and ocean prediction; and

''(C) forecasting of hazardous weather and ocean conditions.

''(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

''(b) HYDROGRAPHIC INFORMATION.—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

''669. Maritime Safety of Forces 7921''.

SEC. 364. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 5 of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended to read as follows:

''(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

SEC. 365. CLARIFICATION OF THE AIRLIFT SERVICE DEFINITIONS RELATIVE TO THE CIVIL RESERVE AIR FLEET.

(a) CLARIFICATION.—Section 41106 of title 49, United States Code, is amended—

(1) in subsections (a)(1), (b), and (c), by striking ''transport category aircraft'' each place it appears and inserting ''CRAF-eligible aircraft''; and

(2) in subsection (c), by striking ''that has aircraft in the civil reserve air fleet'' and inserting ''referred to in subsection (a)''.

(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, 'CRAF-eligible aircraft' means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.''.

SEC. 366. RATEMAKING PROCEDURES FOR CIVIL RESERVE AIR FLEET CONTRACTS.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

''§ 9511a. Civil Reserve Air Fleet contracts: payment rate

''(a) AUTHORITY.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

''(c) COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

''(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9511 the following new item:

''9511a. Civil Reserve Air Fleet contracts: payment rate.''.

(c) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 367. POLICY ON ACTIVE SHOOTER TRAINING FOR CERTAIN LAW ENFORCEMENT PERSONNEL.

The Secretary of Defense shall establish policy and promulgate guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations shall receive Active Shooter Training as described in finding 4.3 of the document entitled ''Protecting the Force: Lessons From Fort Hood''.

SEC. 368. PROCUREMENT OF TENTS OR OTHER TEMPORARY STRUCTURES.

(a) IN GENERAL.—In procuring tents or other temporary structures for use by the Armed Forces, and in establishing or maintaining an alternative source for such tents and structures, the Secretary of Defense shall award contracts that provide the best value to the United States. In determining the best value to the United States under this section, the Secretary shall consider the total life-cycle costs of such tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures.

(b) INTERAGENCY PROCUREMENT.—The requirements of this section shall apply to any agency or department of the United States that procures tents or other temporary structures on behalf of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations
Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

(1) The Army, 562,000.

(2) The Navy, 325,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,800.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 325,700.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 332,800.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,200.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 71,400.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,337.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,833.

(6) The Air Force Reserve, 2,662.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,777.

(4) For the Air National Guard of the United States, 22,509.

SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2012, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally
Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
Sec. 502. General officer and flag officer reform.
Sec. 503. National Defense University outplacement waiver.
Sec. 504. Voluntary retirement incentive matters.
Subtitle B—Reserve Component Management
Sec. 511. Leadership of National Guard Bureau.
Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.
Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
Sec. 519. Report on termination of military technician as a distinct personnel management category.
Subtitle C—General Service Authorities
Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
Sec. 526. Extension of voluntary separation pay and benefits authority.
Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.
Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.
Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.
Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.
Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.
Sec. 533. Department of Defense suicide prevention program.
Subtitle D—Military Justice and Legal Matters
Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
Sec. 542. Authority to compel production of documentary evidence.
Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.
Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.
Subtitle E—Member Education and Training Opportunities and Administration
Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
Sec. 552. Enhancement of authorities on joint professional military education.
Sec. 553. Temporary authority to waive maximum age limitation on admission to the military service academies.

Sec. 554. Enhancement of administration of the United States Air Force Institute of Technology.
Sec. 555. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.
Sec. 556. Reserve component mental health student stipend.
Sec. 557. Fiscal year 2012 administration and report on the Troops-to-Teachers Program.
Sec. 558. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.
Sec. 559. Report on certain education assistance programs.
Subtitle F—Armed Forces Retirement Home
Sec. 561. Control and administration by Secretary of Defense.
Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.
Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.
Sec. 564. Administrators, Ombudsmen, and staff of facilities.
Sec. 565. Revision of fee requirements.
Sec. 566. Revision of inspection requirements.
Sec. 567. Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.
Subtitle G—Defense Dependents' Education and Military Family Readiness Matters
Sec. 571. Impact aid for children with severe disabilities.
Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.
Sec. 574. Revision to membership of Department of Defense Military Family Readiness Council.
Sec. 575. Reemployment rights following certain National Guard duty.
Sec. 576. Expansion of Operation Hero Miles.
Sec. 577. Report on Department of Defense autism pilot and demonstration projects.
Sec. 578. Comptroller General of the United States report on Department of Defense military spouse employment programs.
Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces
Sec. 581. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 582. Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense.
Sec. 583. Director of Sexual Assault Prevention and Response Office.
Sec. 584. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
Sec. 585. Training and education programs for sexual assault prevention and response program.
Sec. 586. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.
Subtitle I—Other Matters
Sec. 588. Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities.
Sec. 589. Military adaptive sports program.
Sec. 590. Enhancement and improvement of Yellow Ribbon Reintegration Program.
Sec. 591. Army National Military Cemeteries.
Sec. 592. Inspection of military cemeteries under jurisdiction of the military departments.
Sec. 593. Authorization for award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.
Sec. 594. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.
Sec. 595. Review regarding award of Medal of Honor to Jewish American World War I veterans.
Sec. 596. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.
Sec. 597. Comptroller General study of military necessity of Selective Service System and alternatives.
Sec. 598. Evaluation of issues affecting disposition of remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

''10,000	*2,802*	*1,615*	*633*
12,500	*3,247*	*1,768*	*658*
15,000	*3,691*	*1,922*	*684*
17,500	*4,135*	*2,076*	*710*
20,000	*4,579*	*2,230*	*736*
22,500	*5,024*	*2,383*	*762*
25,000	*5,468*	*2,537*	*787''.*

SEC. 502. GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

''(b) The limitations of subsection (a) do not include the following:

''(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

''(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(b) LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—

(1) LIMITATION; EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''230'' and inserting ''231'';

(ii) in paragraph (2), by striking ''160'' and inserting ''161'';

(iii) in paragraph (3), by striking ''208'' and inserting ''198''; and

(iv) in paragraph (4), by striking ''60'' and inserting ''61''; and

(B) in subsection (b)(2)(C), by striking ''76'' and inserting ''73''.

(2) DISTRIBUTION LIMITATION.—Section 525(a) of such title is amended—

(A) in paragraph (1)(B), by striking ''45'' and inserting ''46'';

(B) in paragraph (2)(B), by striking ''43'' and inserting ''44'';

(C) in paragraph (3)(B), by striking ''32'' and inserting ''33''; and

(D) in paragraph (4)(C), by striking ''22'' and inserting ''23''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2013.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking ''324'' and inserting ''310''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

''(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

''(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA.—When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

''(d) OFFICERS SERVING IN OFFICE OF DNI.—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection

(b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

''528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.''.

SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACEMENT WAIVER.

(a) WAIVER AUTHORITY FOR OFFICERS NOT DESIGNATED AS JOINT QUALIFIED OFFICERS.—Subsection (b) of section 663 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after ''to a joint duty assignment'' the following: ''(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)''; and

(2) in paragraph (2)—

(A) by striking ''the joint duty assignment'' and inserting ''the assignment''; and

(B) by striking ''a joint duty assignment'' and inserting ''such an assignment''.

(b) EXCEPTION.—Such section is further amended by adding at the end the following new subsection:

''(d) EXCEPTION FOR OFFICERS GRADUATING FROM OTHER-THAN-IN-RESIDENCE PROGRAMS.—(1) Subsection (a) does not apply to an officer graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

''(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.''.

SEC. 504. VOLUNTARY RETIREMENT INCENTIVE MATTERS.

(a) ADDITIONAL VOLUNTARY RETIREMENT INCENTIVE AUTHORITY.—

(1) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 638a the following new section:

''§ 638b. Voluntary retirement incentive

''(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR CERTAIN OFFICERS.—The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed forces under that Secretary's jurisdiction who is specified in subsection (c) as being eligible for such a payment.

''(b) LIMITATIONS.—(1) Any authority provided the Secretary of a military department under this section shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.

''(2) The total number of officers who may be provided a voluntary retirement incentive payment under this section may not exceed 675 officers.

''(c) ELIGIBLE OFFICERS.—(1) Except as provided in paragraph (2), an officer of the armed forces is eligible for a voluntary retirement incentive payment under this section if the officer—

''(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

''(B) meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with section 3911, 6323, or 8911 of this title, as applicable to that officer;

''(C) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement years of active service for the member's grade as specified in section 633 or 634 of this title;

''(D) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement age under any other provision of law; and

''(E) meets any additional requirements for such eligibility as is specified by the Secretary concerned, including any requirement relating to years of service, skill rating, military specialty or competitive category, grade, any remaining period of obligated service, or any combination thereof.

''(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:

''(A) An officer being evaluated for disability under chapter 61 of this title.

''(B) An officer projected to be retired under section 1201 or 1204 of this title.

''(C) An officer projected to be discharged with disability severance pay under section 1212 of this title.

''(D) A member transferred to the temporary disability retired list under section 1202 or 1205 of this title.

''(E) An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation.

''(d) AMOUNT OF PAYMENT.—The amount of the voluntary retirement incentive payment paid an officer under this section shall be an amount determined by the Secretary concerned, but not to exceed an amount equal to 12 times the amount of the officer's monthly basic pay at the time of the officer's retirement. The amount may be paid in a lump sum at the time of retirement.

''(e) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a voluntary retirement incentive under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

''(2) Members who are involuntarily recalled to active duty or full-time National Guard duty under any provision of law shall not be subject to this subsection.

''(3) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. The authority in this paragraph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by inserting after the item relating to section 638a the following new item:

''638b. Voluntary retirement incentive.''.

(b) REINSTATEMENT OF CERTAIN TEMPORARY EARLY RETIREMENT AUTHORITY.—

(1) REINSTATEMENT.—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(A) by inserting ''(1)'' before ''the period''; and

(B) by inserting before the period at the end the following: '', and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018''.

(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

''(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.—The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

''(2) COAST GUARD AND NOAA.—During the period specified in subsection (i)(2), this section does not apply as follows:

''(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

''(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104–106; 10 U.S.C. 1293 note).''.

(3) COORDINATION WITH OTHER SEPARATION PROVISIONS.—Such section is further amended—

(A) in subsection (g), by striking '', 1174a, or 1175'' and inserting ''or 1175a''; and

(B) in subsection (h)—

(i) in the subsection heading, by striking ''SSB OR VSI'' and inserting ''SSB, VSI, OR VSP'';

(ii) by inserting before the period at the end of the first sentence the following: ''or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title''; and

(iii) in the second sentence, by striking ''under section 1174a or 1175 of title 10, United States Code''.

Subtitle B—Reserve Component Management

SEC. 511. LEADERSHIP OF NATIONAL GUARD BUREAU.

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

''(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.

''(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.''.

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

''(e) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

''(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.''.

(3) EXCLUSION FOR CHIEF OF NATIONAL GUARD BUREAU FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) REDESIGNATION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Subsection (a)(1) of section 10505 of such title is amended by striking ''Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from'' and inserting ''Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from''.

(2) ELIGIBILITY REQUIREMENTS.—Subsection (a)(1) of such section is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(B) in subparagraph (E), as so redesignated, by striking ''colonel'' and inserting ''brigadier general''; and

(C) by inserting after subparagraph (A) the following new subparagraphs:

''(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

''(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;''.

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

''(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.''.

(c) CONFORMING AMENDMENTS REGARDING REFERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by striking ''Director of the Joint Staff'' each place in appears and inserting ''Vice Chief''; and

(ii) in paragraph (3)(B), by striking ''as the Director'' and inserting ''as the Vice Chief''; and

(B) in subsection (b), by striking ''Director of the Joint Staff'' and inserting ''Vice Chief''.

(2) CROSS REFERENCES IN SECTION 10506.—Section 10506(a)(1) of such title is amended by striking ''Chief of the National Guard Bureau and the Director of the Joint Staff'' and inserting ''Chief and Vice Chief''.

(3) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 10505 of such title is amended to read as follows:

''§ 10505. Vice Chief of the National Guard Bureau''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10505. Vice Chief of the National Guard Bureau.''.

(e) TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

SEC. 512. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(b) DUTIES AS MEMBER OF JOINT CHIEFS OF STAFF.—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e), as amended by section 511(a), as subsections (e) and (f), respectively; and

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

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.''.

SEC. 513. MODIFICATION OF TIME IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED TO RESERVE COMPONENT MEMBERS BEING DEMOBILIZED.

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting ''or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible,'' after ''or separation date,''.

SEC. 514. CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

(a) DISCRETIONARY DEFERRAL OF MANDATORY SEPARATION.—Section 10216(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AUTHORITY FOR'' before ''DEFERRAL OF MANDATORY SEPARATION'';

(2) by striking ''shall implement'' and inserting ''may each implement'';

(3) by inserting '', at the discretion of the Secretary concerned,'' after ''so as to allow''; and

(4) by striking ''for officers''.

(b) CONFORMING AMENDMENT.—Section 10218(a)(3)(A)(i) of such title is amended by striking ''if qualified be appointed'' and inserting ''if qualified may be appointed''.

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12304 the following new section:

''§ 12304a. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

''(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor's request.

''(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

''(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by inserting after the item relating to section 12304 the following new item:

''12304a. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.''.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting ''12304a,'' after ''12304,''.

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

SEC. 516. AUTHORITY FOR ORDER TO ACTIVE DUTY OF UNITS OF THE SELECTED RESERVE FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 515, is further amended by inserting after section 12304a the following new section:

"§ 12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands

''(a) AUTHORITY.—When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission in support of a combatant command, the Secretary may, subject to subsection (b), order any unit of the Selected Reserve (as defined in section 10143(a) of this title), without the consent of the members, to active duty for not more than 365 consecutive days.

''(b) LIMITATIONS.—(1) Units may be ordered to active duty under this section only if—

''(A) the manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units are anticipated to be ordered to active duty; and

''(B) the budget information on such costs includes a description of the mission for which such units are anticipated to be ordered to active duty and the anticipated length of time of the order of such units to active duty on an involuntary basis.

''(2) Not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time.

''(c) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

''(d) NOTICE TO CONGRESS.—Whenever the Secretary of a military department orders any unit of the Selected Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such unit.

''(e) TERMINATION OF DUTY.—Whenever any unit of the Selected Reserve is ordered to active duty under subsection (a), the service of all units so ordered to active duty may be terminated—

''(1) by order of the Secretary of the military department concerned; or

''(2) by law.

''(f) RELATIONSHIP TO WAR POWERS RESOLUTION.—Nothing contained in this section shall be construed as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

''(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—In determining which units of the Selected Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

''(1) the length and nature of previous service, to assure such sharing of exposure to hazards as national security and military requirements will reasonably allow;

''(2) the frequency of assignments during service career;

''(3) family responsibilities; and

''(4) employment necessary to maintain the national health, safety, or interest.

''(h) POLICIES AND PROCEDURES.—The Secretaries of the military departments shall prescribe policies and procedures to carry out this section, including on determinations with respect to orders to active duty under subsection (g). Such policies and procedures shall not go into effect until approved by the Secretary of Defense.

''(i) DEFENSE BUDGET MATERIALS DEFINED.—In this section, the term 'defense budget materials' has the meaning given that term in section 231(g)(2) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title, as so amended, is further amended by inserting after the item relating to section 12304a the following new item:

''12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.''.

(b) CLARIFYING AMENDMENTS RELATING TO AUTHORITY TO ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended—

(1) by inserting ''named'' before ''operational mission''; and

(2) by striking ''365 days'' and inserting ''365 consecutive days''.

SEC. 517. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS).—A reserve officer of the Army or Air Force employed as a military technician (dual status) under section 10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.''.

SEC. 518. CONSIDERATION OF RESERVE COMPONENT OFFICERS FOR APPOINTMENT TO CERTAIN COMMAND POSITIONS.

Whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.

SEC. 519. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall conduct an independent study of the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Secretary shall—

(1) identify various options for deploying units of the Selected Reserve of the Ready Reserve that otherwise use military technicians through use of a combination of active duty personnel, reserve component personnel, State civilian employees, and Federal civilian employees in a manner that meets mission requirements without harming unit readiness;

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);

(3) determine whether military technicians who are employed at the commencement of the transition described in paragraph (2) should remain as technicians, whether with or without a military status, until separation or retirement, rather than transitioned to such a traditional personnel category;

(4) identify and take into account the unique needs of the National Guard in the management and use of military technicians;

(5) determine potential cost savings, if any, to be achieved as a result of the transition described in paragraph (2), including savings in long-term mandatory entitlement costs associated with military and civil service retirement obligations;

(6) develop a recommendation on the feasibility and advisability of terminating the military technician as a distinct personnel management category, and, if the termination is determined to be feasible and advisable, develop recommendations for appropriate legislative and administrative action to implement the termination;

(7) address any other matter relating to the management and long-term viability of the military technician as a distinct personnel management category that the Secretary shall specify for purposes of the study; and

(8) ensure the involvement and input of military technicians (dual status).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

Subtitle C—General Service Authorities

SEC. 521. SENSE OF CONGRESS ON THE UNIQUE NATURE, DEMANDS, AND HARDSHIPS OF MILITARY SERVICE.

It is the sense of Congress that—

(1) section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

(2) there is no constitutional right to serve in the Armed Forces;

(3) pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces;

(4) the primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise;

(5) the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense;

(6) success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion;

(7) one of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual members of the Armed Forces that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of individual unit members;

(8) military life is fundamentally different from civilian life in that—

(A) the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist as a specialized society; and

(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society;

(9) the standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces;

(10) those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty;

(11) the pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment;

(12) the worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy; and

(13) the Armed Forces must maintain personnel policies that are intended to recruit and

retain only those persons whose presence in the Armed Forces serves the needs of the Armed Forces, contributes to the accomplishment of the missions of the Armed Forces, and maintains the high standards of the Armed Forces for morale, good order and discipline, and unit cohesion that are the essence of military capability.

SEC. 522. POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.

(a) POLICY ADDRESSING DWELL TIME.—Subsection (a) of section 991 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member's or unit's permanent duty station or home port, as the case may be, between deployments.''.

(b) UNIT OPERATING TEMPO AND PERSONNEL TEMPO RECORDKEEPING.—Subsection (c) of such section is amended to read as follows:

''(c) RECORDKEEPING.—(1) The Secretary of Defense shall—

''(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

''(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

''(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting, and evaluation of Department of Defense programs and policies.

''(2) The data collection repository shall be able to identify—

''(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

''(B) the duration of their participation.

''(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

''(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

''(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

''(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

''(D) the total amount expended on the allowance.

''(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) OTHER DEFINITIONS.—In this section:

''(1)(A) Subject to subparagraph (B), the term 'dwell time' means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

''(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

''(2) The term 'operating tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

''(3) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 991 of such title is amended to read as follows:

''§991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is amended by striking the item relating to section 991 and inserting the following new item:

''991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.''.

SEC. 523. PROTECTED COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

Section 1034(c)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) A threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property.''.

SEC. 524. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection.''.

SEC. 525. EXPANSION OF REGULAR ENLISTED MEMBERS COVERED BY EARLY DISCHARGE AUTHORITY.

Section 1171 of title 10, United States Code, is amended by striking ''within three months'' and inserting ''within one year''.

SEC. 526. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS AUTHORITY.

Section 1175a(k)(1) of title 10, United States Code, is amended by striking ''December 31, 2012'' and inserting ''December 31, 2018''.

SEC. 527. PROHIBITION ON DENIAL OF REENLISTMENT OF MEMBERS FOR UNSUITABILITY BASED ON THE SAME MEDICAL CONDITION FOR WHICH THEY WERE DETERMINED TO BE FIT FOR DUTY.

(a) PROHIBITION.—Subsection (a) of section 1214a of title 10, United States Code, is amended by inserting '', or deny reenlistment of the member,'' after ''a member described in subsection (b)''.

(b) CONFORMING AMENDMENT.—Subsection (c)(3) of such section is amended by inserting ''or denial of reenlistment'' after ''to warrant administrative separation''.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1214a and inserting the following new item:

''1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation.''.

SEC. 528. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking ''Only the'' in the matter preceding paragraph (1) and inserting ''The'';

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''clauses (1)-(3)'' and inserting ''paragraphs (1) through (4)''; and

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.''.

SEC. 529. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''job placement counseling for the spouse'' and inserting ''inclusion of the spouse, at the discretion of the member and the spouse, when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs'';

(2) in paragraph (9), by inserting before the period the following: '', including information on budgeting, saving, credit, loans, and taxes'';

(3) in paragraph (10), by striking ''and employment'' and inserting '', employment, and financial'';

(4) by striking paragraph (16) and inserting the following new paragraph:

''(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.''; and

(5) in paragraph (17), by inserting before the period the following: '', and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits''.

SEC. 530. CONVERSION OF HIGH-DEPLOYMENT ALLOWANCE FROM MANDATORY TO AUTHORIZED.

(a) CONVERSION.—Section 436(a) of title 37, United States Code, is amended by striking ''shall pay'' and inserting ''may pay''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 531. EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) DURATION OF PROGRAM AUTHORITY.—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 701 note) is amended to read as follows:

''(l) DURATION OF PROGRAM AUTHORITY.—No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.''.

(b) CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.—Subsection (c) of such section is amended by striking ''each of calendar years 2009 through 2012'' and inserting ''a calendar year''.

(c) ADDITIONAL REPORTS REQUIRED.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking ''June 1, 2011, and June 1, 2013'' and inserting ''June 1 of 2011, 2013, 2015, and 2017''; and

(2) in paragraph (2), by striking ''March 1, 2016'' and inserting ''March 1, 2019''.

SEC. 532. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.—

(1) EQUAL TREATMENT.—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(2) COVERED GRADUATES.—Paragraph (1) applies with respect to person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) POLICY ON RECRUITMENT AND ENLISTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified for recruitment and enlistment in the Armed Forces, which may include the use of a non-cognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) RECRUITMENT PLAN.—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) COMMUNICATION PLAN.—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are understood by military recruiters.

SEC. 533. DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.

(a) PROGRAM ENHANCEMENT.—The Secretary of Defense shall take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the Armed Forces from their initial enlistment or appointment through their final retirement or separation.

(b) COOPERATIVE EFFORT.—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(1) the Secretary of Veterans Affairs, the National Institute of Mental Health, and the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services; and

(2) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(c) PRESEPARATION COUNSELING REGARDING SUICIDE PREVENTION RESOURCES.—Section 1142(b)(8) of title 10, United States Code, is amended by inserting before the period the following: ''and the availability to the member and dependents of suicide prevention resources following separation from the armed forces''.

Subtitle D—Military Justice and Legal Matters

SEC. 541. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) RAPE AND SEXUAL ASSAULT GENERALLY.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:

(1) REVISED OFFENSE OF RAPE.—Subsection (a) is amended to read as follows:

''(a) RAPE.—Any person subject to this chapter who commits a sexual act upon another person by—

''(1) using unlawful force against that other person;

''(2) using force causing or likely to cause death or grievous bodily harm to any person;

''(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

''(4) first rendering that other person unconscious; or

''(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a court-martial may direct.''.

(2) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120b.—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.

(3) REVISED OFFENSE OF SEXUAL ASSAULT.—Subsection (c) is redesignated as subsection (b) and is amended to read as follows:

''(b) SEXUAL ASSAULT.—Any person subject to this chapter who—

''(1) commits a sexual act upon another person by—

''(A) threatening or placing that other person in fear;

''(B) causing bodily harm to that other person;

''(C) making a fraudulent representation that the sexual act serves a professional purpose; or

''(D) inducing a belief by any artifice, pretense, or concealment that the person is another person;

''(2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or

''(3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—

''(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

''(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;

is guilty of sexual assault and shall be punished as a court-martial may direct.''.

(4) AGGRAVATED SEXUAL CONTACT.—Subsection (e) is redesignated as subsection (c) and is amended—

(A) by striking ''engages in'' and inserting ''commits''; and

(B) by striking ''with'' and inserting ''upon''.

(5) ABUSIVE SEXUAL CONTACT.—Subsection (h) is redesignated as subsection (d) and is amended—

(A) by striking ''engages in'' and inserting ''commits'';

(B) by striking ''with'' and inserting ''upon''; and

(C) by striking ''subsection (c) (aggravated sexual assault)'' and inserting ''subsection (b) (sexual assault)''.

(6) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120c.—Subsections (k), (l), (m), and (n) are repealed.

(7) PROOF OF THREAT.—Subsection (p) is redesignated as subsection (e) and is amended—

(A) by striking ''the accused made'' and inserting ''a person made'';

(B) by striking ''the accused actually'' and inserting ''the person actually''; and

(C) by inserting before the period at the end the following: ''or had the ability to carry out the threat''.

(8) DEFENSES.—Subsection (q) is redesignated as subsection (f) and is amended to read as follows:

''(f) DEFENSES.—An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.''.

(9) PROVISIONS RELATING TO AFFIRMATIVE DEFENSES.—Subsections (r) and (s) are repealed.

(10) DEFINITIONS.—Subsection (t) is redesignated as subsection (g) and is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or anus or mouth'' after ''vulva''; and

(ii) in subparagraph (B)—

(I) by striking ''genital opening'' and inserting ''vulva or anus or mouth,''; and

(II) by striking ''a hand or finger'' and inserting ''any part of the body'';

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

''(2) SEXUAL CONTACT.—The term 'sexual contact' means—

''(A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

''(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.

Touching may be accomplished by any part of the body.''.

(C) by striking paragraph (4) and redesignating paragraph (3) as paragraph (4);

(D) by redesignating paragraph (8) as paragraph (3), transferring that paragraph so as to appear after paragraph (2), and amending that paragraph by inserting before the period at the end the following: '', including any nonconsensual sexual act or nonconsensual sexual contact'';

(E) in paragraph (4), as redesignated by subparagraph (C), by striking the last sentence;

(F) by striking paragraphs (5) and (7);

(G) by redesignating paragraph (6) as paragraph (7);

(H) by inserting after paragraph (4), as redesignated by subparagraph (C), the following new paragraphs (5) and (6):

''(5) FORCE.—The term 'force' means—

''(A) the use of a weapon;

''(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

''(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

''(6) UNLAWFUL FORCE.—The term 'unlawful force' means an act of force done without legal justification or excuse.'';

(I) in paragraph (7), as redesignated by subparagraph (G)—

(i) by striking ''under paragraph (3)'' and all that follows through ''contact),''; and

(ii) by striking ''death, grievous bodily harm, or kidnapping'' and inserting ''the wrongful action contemplated by the communication or action.'';

(J) by striking paragraphs (9) through (13);

(K) by redesignating paragraph (14) as paragraph (8) and in that paragraph—

(i) by inserting ''(A)'' before ''The term'';

(ii) by striking ''words or overt acts indicating'' and ''sexual'' in the first sentence;

(iii) by striking ''accused's'' in the third sentence;

(iv) by inserting ''or social or sexual'' before ''relationship'' in the fourth sentence;

(v) by striking ''sexual'' before ''conduct'' in the fourth sentence;

(vi) by striking ''A person cannot consent'' and all that follows through the period; and

(vii) by adding at the end the following new subparagraphs:

''(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

''(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.''; and

(L) by striking paragraphs (15) and (16).

(11) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 920. Art. 120. Rape and sexual assault generally''.

(b) RAPE AND SEXUAL ASSAULT OF A CHILD.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after section 920a (article 120a), as amended by subsection (a), the following new section (article):

''§ 920b. Art. 120b. Rape and sexual assault of a child

''(a) RAPE OF A CHILD.—Any person subject to this chapter who—

''(1) commits a sexual act upon a child who has not attained the age of 12 years; or

''(2) commits a sexual act upon a child who has attained the age of 12 years by—

''(A) using force against any person;

''(B) threatening or placing that child in fear;

''(C) rendering that child unconscious; or

''(D) administering to that child a drug, intoxicant, or other similar substance;

is guilty of rape of a child and shall be punished as a court-martial may direct.

''(b) SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.

''(c) SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

''(d) AGE OF CHILD.—

''(1) UNDER 12 YEARS.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engaging in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.

''(2) UNDER 16 YEARS.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the evidence, that the accused reasonably believed that the child had attained the age of 16 years, if the child had in fact attained at least the age of 12 years.

''(e) PROOF OF THREAT.—In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

''(f) MARRIAGE.—In a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), it is a defense, which the accused must prove by a preponderance of the evidence, that the persons engaging in the sexual act or lewd act were at that time married to each other, except where the accused commits a sexual act upon the person when the accused knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring or when the other person is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the accused.

''(g) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this section. A child not legally married to the person committing the sexual act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

''(h) DEFINITIONS.—In this section:

''(1) SEXUAL ACT AND SEXUAL CONTACT.—The terms 'sexual act' and 'sexual contact' have the meanings given those terms in section 920(g) of this title (article 120(g)).

''(2) FORCE.—The term 'force' means—

''(A) the use of a weapon;

''(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a child; or

''(C) inflicting physical harm.

In the case of a parent-child or similar relationship, the use or abuse of parental or similar authority is sufficient to constitute the use of force.

''(3) THREATENING OR PLACING THAT CHILD IN FEAR.—The term 'threatening or placing that child in fear' means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.

''(4) CHILD.—The term 'child' means any person who has not attained the age of 16 years.

''(5) LEWD ACT.—The term 'lewd act' means—

''(A) any sexual contact with a child;

''(B) intentionally exposing one's genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;

''(C) intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

''(D) any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.''.

(c) OTHER SEXUAL MISCONDUCT.—Such chapter (the Uniform Code of Military Justice) is further amended by inserting after section 920b (article 120b), as added by subsection (b), the following new section:

''§ 920c. Art. 120c. Other sexual misconduct

''(a) INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.—Any person subject to this chapter who, without legal justification or lawful authorization—

''(1) knowingly and wrongfully views the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy;

''(2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy; or

''(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

''(b) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.

''(c) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall by punished as a court-martial may direct.

''(d) DEFINITIONS.—In this section:

''(1) ACT OF PROSTITUTION.—The term 'act of prostitution' means a sexual act or sexual contact (as defined in section 920(g) of this title (article 120(g))) on account of which anything of value is given to, or received by, any person.

''(2) PRIVATE AREA.—The term 'private area' means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

''(3) REASONABLE EXPECTATION OF PRIVACY.—The term 'under circumstances in which that other person has a reasonable expectation of privacy' means—

''(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or

''(B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

''(4) BROADCAST.—The term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

''(5) DISTRIBUTE.—The term 'distribute' means delivering to the actual or constructive possession of another, including transmission by electronic means.

''(6) INDECENT MANNER.—The term 'indecent manner' means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.''.

(d) CONFORMING AMENDMENTS.—Chapter 47 of such title (the Uniform Code of Military Justice) is further amended as follows:

(1) STATUTE OF LIMITATIONS.—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—

(A) in clause (i), by striking ''section 920 of this title (article 120)'' and inserting ''section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)''; and

(B) in clause (v)—

(i) by striking ''indecent assault''; and

(ii) by striking ''or liberties with a child''.

(2) MURDER.—Paragraph (4) of section 918 (article 118) is amended by striking ''aggravated sexual assault,'' and all that follows through ''with a child,'' and inserting ''sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child,''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended by striking the items relating to sections 920 and 920a (articles 120 and 120a) and inserting the following new items:

''920. 120. Rape and sexual assault generally.

''920a. 120a. Stalking.

''920b. 120b. Rape and sexual assault of a child.

''920c. 120c. Other sexual misconduct.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to offenses committed on or after such effective date.

SEC. 542. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.

(a) EFFECT OF REFUSAL TO APPEAR OR TESTIFY.—Section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''board;'' and inserting ''board, or has been duly issued a subpoena duces tecum for an investigation pursuant to section 832(b) of this title (article 32(b));''; and

(B) in paragraph (2)—

(i) by striking ''duly paid or tendered the fees and mileage of a witness'' and inserting ''provided a means for reimbursement from the Government for fees and mileage''; and

(ii) by inserting before the semicolon the following: ''or, in the case of extraordinary hardship, is advanced such fees and mileage''; and

(2) in subsection (c), by striking ''or board'' and inserting ''board, or convening authority''.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking ''subpenaed'' both places it appears and inserting ''subpoenaed''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to subpoenas issued after the date of the enactment of this Act.

SEC. 543. CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or'';

(2) in subsection (c), by striking ''paragraph (1) or (2) of subsection (c)'' and inserting ''paragraph (1), (2) or (3) of subsection (b)''; and

(3) by adding at the end the following new subsection:

''(e) APPLICATION OF CERTAIN REGULATIONS.—To the extent provided in the regulations issued under subsection (a) to implement subsection (b)(2), the regulations shall apply to the acceptance of gifts received after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.''.

SEC. 544. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 551. EMPLOYMENT SKILLS TRAINING FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE TRANSITIONING TO CIVILIAN LIFE.

Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) EMPLOYMENT SKILLS TRAINING.—(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training, including apprenticeship programs, to help prepare such members for employment in the civilian sector.

''(2) A member of the armed forces is an eligible member for purposes of a program under this subsection if the member—

''(A) has completed at least 180 days on active duty in the armed forces; and

''(B) is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program.

''(3) Any program under this subsection shall be carried out in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 552. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.

(a) AUTHORITY TO CREDIT MILITARY GRADUATES OF THE NATIONAL DEFENSE INTELLIGENCE COLLEGE WITH COMPLETION OF JPME PHASE I.—

(1) JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.—Section 2154(a)(1) of title 10, United States Code, is amended by inserting ''or at a joint intermediate level school'' before the period at the end.

(2) JOINT INTERMEDIATE LEVEL SCHOOL DEFINED.—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

''(3) The term 'joint intermediate level school' includes the National Defense Intelligence College.''.

(b) PILOT PROGRAM ON JPME PHASE II ON OTHER-THAN-IN RESIDENCE BASIS.—

(1) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of offering a program of instruction for Phase II joint professional military education (JPME II) on an other than in-residence basis.

(2) LOCATION.—The pilot program authorized by this subsection shall be carried out at the headquarters of not more than two combatant commands selected by the Secretary for purposes of the pilot program.

(3) PROGRAM OF INSTRUCTION.—The program of instruction offered under the pilot program authorized by this subsection shall meet the requirements of section 2155 of title 10, United States Code.

(4) REPORT.—Not later than one year before completion of the pilot program authorized by this subsection, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(A) The number of students enrolled at each location under the pilot program.

(B) The number of students who successfully completed the program of instruction under the pilot program and were awarded credit for Phase II joint professional military education.

(C) The assessment of the Secretary regarding the feasibility and advisability of expanding the pilot program to the headquarters of additional combatant commands, or of making the pilot program permanent, and a statement of the legislative or administrative actions required to implement such assessment.

(5) SUNSET.—The authority in this subsection to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 553. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE MILITARY SERVICE ACADEMIES.

(a) WAIVER FOR CERTAIN ENLISTED MEMBERS.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) MAXIMUM AGE FOR RECEIPT OF WAIVER.—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy pursuant to the waiver.

(c) LIMITATION ON NUMBER ADMITTED USING WAIVER.—Not more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(d) RECORD KEEPING REQUIREMENT.—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(e) REPORTS.—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

(1) the number of applications for waivers received by the Secretary under this section;

(2) the number of waivers granted by the Secretary under this section;

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(f) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under this section expires on September 30, 2016.

SEC. 554. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

''§ 9314b. United States Air Force Institute of Technology: administration

''(a) COMMANDANT.—

''(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

''(2) ELIGIBILITY.—The Commandant shall be one of the following:

''(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

''(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

''(3) TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

''(b) PROVOST AND ACADEMIC DEAN.—

''(1) IN GENERAL.—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

''(2) TERM.—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

''(3) COMPENSATION.—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

''9314b. United States Air Force Institute of Technology: administration.''.

SEC. 555. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.

(a) IN GENERAL.—Section 9315 of title 10, United States Code, is amended—

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

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

''(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted member of the armed forces who at the time of the person's separation from active duty—

''(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

''(B) is categorized by the Secretary concerned as seriously wounded, ill, or injured.

''(2) For purposes of this subsection, a person who may be categorized as seriously wounded, ill, or injured is a person with a serious injury or illness (as that term is defined in section 1602(8) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)).

''(3) A person may not be authorized under paragraph (1) to participate in a program of higher education after the end of the 10-year period beginning on the date of the person's separation from active duty.

''(4) The Secretary may not pay the tuition for participation in a program of higher education under subsection (a)(1) of a person participating in such program pursuant to an authorization under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by striking ''enlisted member'' both places it appears and inserting ''person''.

(c) EFFECTIVE DATE.—Subsection (c) of section 9315 of title 10, United States Code (as added by subsection (a)(2)), shall apply to persons covered by paragraph (1) of such subsection who are categorized by the Secretary concerned as seriously wounded, ill, or injured after September 11, 2001. With respect to any such person who is separated from active duty during the period beginning on September 12, 2001, and ending on the date of the enactment of this Act, the 10-year period specified in paragraph (3) of such subsection shall be deemed to commence on the date of the enactment of this Act.

SEC. 556. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

''(A) is eligible to be appointed as an officer in a reserve component;

''(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

''(C) signs an agreement that, unless sooner separated, the person will—

''(i) complete the educational phase of the program;

''(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

''(iii) participate in a residency program if required for clinical licensure in a mental health profession skill; and

''(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a mental health profession skill that has been designated by the Secretary as a critically needed wartime skill.

''(2) Under the agreement—

''(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

''(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Selected Reserve;

''(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Selected Reserve; and

''(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(2) in subsection (g), as redesignated by subsection (a)(1) of this section, by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (f)''.

SEC. 557. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) REPORT.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term ''Troops-to-Teachers Program'' means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SEC. 558. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialities or duty speciality codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialities or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) DURATION.—The Secretary shall complete the pilot program by not later than five years after the date of the commencement of the pilot program.

(d) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison of the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion in the expansion.

SEC. 559. REPORT ON CERTAIN EDUCATION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the education assistance programs under sections 1784a and 2007 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the effect of the programs on recruiting and retention within the Armed Forces.

(2) An analysis of other programs that provide benefits similar to those provided through the programs, including the use of education assistance programs under chapters 30 and 33 of title 38, United States Code, for education and training pursued by members of the Armed Forces serving on active duty while they are off-duty.

(3) A description of the effects of modifying the programs to require members of the Armed Forces and dependents participating in the programs to pay an appropriate percentage of their education expenses with the Secretary of the military department concerned paying the remaining percentage of such expenses, with the intent of ensuring that members and their dependents give due consideration to their educational needs before enrolling in the programs.

(4) A description of the costs of the programs to the Department of Defense, including the following elements for each institution of higher education that received funds under the programs during any of fiscal years 2009, 2010, 2011:

(A) The name and location of the institution of higher education.

(B) Whether the institution is a public, nonprofit, or for-profit institution.

(C) The amount of funds received by the institution in each such fiscal year.

(D) The number of members of the Armed Forces and dependents who received education at the institution during each such fiscal year.

(E) The average amount of funds members and dependents received under the programs.

(5) A description of the education outcomes for members of the Armed Forces and dependents participating in the program during fiscal years, 2009, 2010, 2011, including the following:

(A) Credit accumulation.

(B) Completion of education on-time or within 150 percent of on-time.

(C) Completion of a degree.

(D) Loan defaults, if applicable.

(6) A description of the feasibility and desirability of requiring institutions of higher learning, as a requirement for participation in the programs, to report to the Secretary of Defense, as well as disclose, provide, and make publicly available through electronic or other means to members of the Armed Forces participating in the programs, the following information about their programs prior to enrollment:

(A) When applicable, qualifications for examination, certification, or licensure required as a precondition for employment in the occupation or skill for which the program is represented to prepare the student, and whether the program meets those requirements.

(B) The normal and average time to completion of the program. Normal time to completion means the amount of time it would take a full-time student to complete the program.

(C) The completion, graduation, and dropout rates of students for the institution.

(D) Information concerning average student indebtedness for each program resulting from Federal, private, and institutional loans.

(E) Whether the institution participates, or is eligible to participate, under in financial aid programs under title IV of the Higher Education Act of 1965.

Subtitle F—Armed Forces Retirement Home

SEC. 561. CONTROL AND ADMINISTRATION BY SECRETARY OF DEFENSE.

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

''(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.''.

SEC. 562. SENIOR MEDICAL ADVISOR OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking ''(1) The''; and inserting ''The'';

(2) by striking paragraph (2); and

(3) by striking ''and the Chief Operating Officer'' and all that follows through the period at the end and inserting the following: ''the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

''(1) medical administrative matters at each facility of the Retirement Home; and

''(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home.''.

(b) RELATED DUTIES.—Subsection (c) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

''(3) Periodically visit each facility of the Retirement Home to review—

''(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

''(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

''(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness.''.

SEC. 563. ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.

(a) REPLACEMENT OF LOCAL BOARDS OF TRUSTEES.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended by striking section 1516 and inserting the following new sections:

''SEC. 1516. ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—The Retirement Home shall have an Advisory Council, to be known as the 'Armed Forces Retirement Home Advisory Council'. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

''(b) DUTIES.—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

''(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

''(3) In carrying out its functions, the Advisory Council shall—

''(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and

''(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.

''(c) COMPOSITION.—(1) The Advisory Council shall consist of at least 15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces.

''(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

''(3) The Advisory Council shall include the following members:

''(A) One member who is an expert in nursing home or retirement home administration and financing.

''(B) One member who is an expert in gerontology.

''(C) One member who is an expert in financial management.

''(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

''(E) The Chairpersons of the Resident Advisory Committees.

''(F) One enlisted representative of the Services' Retiree Advisory Council.

''(G) The senior noncommissioned officer of one of the Armed Forces.

''(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

''(I) One senior judge advocate from one of the Armed Forces.

''(J) One senior representative of one of the chief personnel officers of the Armed Forces.

''(K) Such other members as the Secretary of Defense may designate.

''(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

''(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council.

''(d) TERM OF SERVICE.—(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

''(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

''(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

''(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

''(e) VACANCIES.—A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

''(f) COMPENSATION.—(1) Except as provided in paragraph (2), a member of the Advisory Council shall—

''(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

''(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

''(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

''SEC. 1516A. RESIDENT ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE.—(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

''(2) A Resident Advisory Committee—

''(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

''(B) provides a means to communicate policy and general information between residents and management.

''(b) ELECTION PROCESS.—The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

''(c) CHAIRPERSON.—(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

''(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

''(d) MEETINGS.—At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

''(3) The term 'Advisory Council' means the Armed Forces Retirement Home Advisory Council established under section 1516.

''(4) The term 'Resident Advisory Committee' means an elected body of residents at a facility of the Retirement Home established under section 1516A.''.

(2) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) of such Act (24 U.S.C. 415(c)(2)) is amended by striking '', including the Local Boards of those facilities''.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''Local Board for the facility or the resident advisory committee or council'' and inserting ''Advisory Council or the Resident Advisory Committee''; and

(ii) in paragraph (3), by striking ''Local Board for the facility, the resident advisory committee or council'' and inserting ''Advisory Council, the Resident Advisory Committee'';

(B) in subsection (c)(1), by striking ''Local Board for the facility'' and inserting ''Advisory Council''; and

(C) in subsection (e)(1), by striking ''Local Board for the facility'' and inserting ''Advisory Council''.

SEC. 564. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking ''a Director, a Deputy Director, and an Associate Director'' and inserting ''an Administrator and an Ombudsman'';

(2) in subsections (b) and (c)—

(A) by striking ''DIRECTOR'' in each subsection heading and inserting ''ADMINISTRATOR''; and

(B) by striking ''Director'' each place it appears and inserting ''Administrator'';

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—

(A) by striking ''ASSOCIATE DIRECTOR'' in the subsection heading and inserting ''OMBUDSMAN''; and

(B) by striking ''Associate Director'' in paragraphs (1) and (2) and inserting ''Ombudsman'';

(5) in subsection (e), as so redesignated—

(A) by striking ''ASSOCIATE DIRECTOR.—'' in the subsection heading and inserting ''OMBUDSMAN.—(1)'';

(B) by striking ''Associate Director'' and inserting ''Ombudsman'';

(C) by striking ''Director and Deputy Director'' and inserting ''Administrator'';

(D) by striking ''Director may'' and inserting ''Administrator may''; and

(E) by adding at the end the following new paragraph:

''(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.'';

(6) in subsection (f), as so redesignated, by striking ''Director'' each place it appears and inserting ''Administrator''; and

(7) in subsection (g), as so redesignated—

(A) by striking ''DIRECTORS'' in the subsection heading and inserting ''ADMINISTRATORS'';

(B) in paragraph (1), by striking ''Directors'' and inserting ''Administrators''; and

(C) in paragraph (2), by striking ''a Director'' and inserting ''an Administrator''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking ''Directors'' and inserting ''Administrators''.

SEC. 565. REVISION OF FEE REQUIREMENTS.

(a) LIMITATION ON MAXIMUM MONTHLY AMOUNT OF FEES.—Subsection (c)(3) of section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended by striking the last sentence.

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

SEC. 566. REVISION OF INSPECTION REQUIREMENTS.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended—

(1) in subsection (b)(1)—

(A) by striking ''In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,'' and inserting ''Not less often than once every three years,'';

(B) by striking ''of that facility'' and inserting ''of each facility of the Retirement Home''; and

(C) by inserting ''long-term care,'' after ''assisted living,'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''45 days'' and inserting ''90 days''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.''; and

(3) in subsection (e)(1)—

(A) by striking ''45 days'' and inserting ''60 days''; and

(B) by striking ''Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer'' and inserting ''Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor''.

SEC. 567. REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, consisting of sections 1531, 1532, and 1533 relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home (24 U.S.C. 431, 432, 433), is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419(a)(2)) is amended by striking ''Retirement Home Board'' and inserting ''Chief Operating Officer''.

(2) TITLE 10.—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking ''Armed Forces Retirement Home Board'' and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''.

(c) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 note) is amended to read as follows:

''SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.''.

(2) SECTION 1513.—The heading of section 1513 of such Act (24 U.S.C. 413) is amended to read as follows:

''SEC. 1513. SERVICES PROVIDED TO RESIDENTS.''.

(3) SECTION 1513A.—The heading of section 1513A of such Act (24 U.S.C. 413a) is amended to read as follows:

''SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.''.

(4) SECTION 1517.—The heading of section 1517 of such Act (24 U.S.C. 417) is amended to read as follows:

''SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.''.

(5) SECTION 1518.—The heading of section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.''.

(6) PUNCTUATION.—The headings of sections 1512 and 1520 of such Act (24 U.S.C. 412, 420) are amended by adding a period at the end.

(d) PART A HEADER.—The heading for part A is repealed.

(e) TABLE OF CONTENTS.—The table of contents in section 1501(b) of such Act is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

''Sec. 1513. Services provided to residents.

''Sec. 1513A. Oversight of health care provided to residents.'';

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following:

''Sec. 1516. Advisory Council.
''Sec. 1516A. Resident Advisory Committees.
''Sec. 1517. Administrators, Ombudsmen, and staff of facilities.
''Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors.''; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2012 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

(a) ADDITIONAL AUTHORITIES.—Paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(1) by inserting ''grant assistance'' after ''To provide''; and

(2) by striking ''including—'' and all that follows and inserting ''including programs on the following:

''(i) Access to virtual and distance learning capabilities and related applications.

''(ii) Training for teachers.

''(iii) Academic strategies to increase academic achievement.

''(iv) Curriculum development.

''(v) Support for practices that minimize the impact of transition and deployment.

''(vi) Other appropriate services to improve the academic achievement of such students.''.

(b) THREE-YEAR EXTENSION.—Paragraph (3) of such section is amended by striking ''September 30, 2013'' and inserting ''September 30, 2016''.

SEC. 574. REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Subsection (b) of section 1781a of title 10, United States Code, is amended to read as follows:

''(b) MEMBERS.—(1) The Council shall consist of the following members:

''(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary's absence.

''(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

''(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

''(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

''(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

''(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

''(D) The senior enlisted advisor from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

''(E) The Director of the Office of Community Support for Military Families with Special Needs.

''(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of subparagraph (B) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that subparagraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

''(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years.''.

SEC. 575. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) ordered to full-time National Guard duty (other than for training) under section 502(f)(2)(A) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.''.

SEC. 576. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.''.

SEC. 577. REPORT ON DEPARTMENT OF DEFENSE AUTISM PILOT AND DEMONSTRATION PROJECTS.

(a) REPORT REQUIRED.—Not later than March 14, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on all pilot and demonstration projects and all other efforts being conducted by the Department of Defense on autism services.

(b) MATTERS COVERED.—At a minimum, the report under subsection (a) shall include an assessment of the demand for autism treatment services by military families, including the intensity and volumes of use across specific diagnoses and age groups and the availability of qualified providers of such treatment services.

SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) All current Department of Defense military spouse employment programs, and the efficacy and effectiveness of each such program.

(2) The types of military spouse employment programs that have been considered or used in the past by the Department.

(3) The ways in which military spouse employment programs have changed in recent years.

(4) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(5) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(6) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(7) The total funding available to the Department for each military spouse employment program and the amount obligated by the Department for each such program.

(8) The number (or a reasonable estimate if a precise number is not available) of military

spouses who have obtained employment following participation in a Department military spouse employment program, as a whole and for each military spouse employment program.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department military spouse employment programs.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 581. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.

(b) ASSISTANCE AND REPORTING.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1565a the following new section:

"§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

''(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may be provided the following:

''(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to section 1044 of this title.

''(B) Assistance provided by a Sexual Assault Response Coordinator.

''(C) Assistance provided by a Sexual Assault Victim Advocate.

''(2) A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member or dependent shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual Assault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.

''(3) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.

''(b) RESTRICTED REPORTING.—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.

''(2) The individuals specified in this paragraph are the following:

''(A) A Sexual Assault Response Coordinator.

''(B) A Sexual Assault Victim Advocate.

''(C) Healthcare personnel specifically identified in the regulations required by paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1565a the following new item:

''1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.''.

SEC. 582. CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT OR RELATED OFFENSE.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

"§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense

''(a) TIMELY CONSIDERATION AND ACTION.—The Secretary concerned shall provide for timely determination and action on an application for consideration of a change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920, 920a, or 920c of this title (article 120, 120a, or 120c) so as to reduce the possibility of retaliation against the member for reporting the sexual assault or other offense.

''(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense. These guidelines shall provide that the application submitted by a member described in subsection (a) for a change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours of the submission of the application. Additionally, if the application is disapproved by the commanding officer, the member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the member, and that decision must be made within 72 hours of submission of the request for review.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense.''.

SEC. 583. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: '', who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position''.

SEC. 584. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT OF COORDINATORS.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

(b) ASSIGNMENT OF VICTIM ADVOCATES.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

(c) TRAINING AND CERTIFICATION.—

(1) TRAINING AND CERTIFICATION PROGRAM.—As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

(2) CONSULTATION.—In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

(3) EFFECTIVE DATE.—On and after October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

(d) DEFINITIONS.—In this section:

(1) The term ''armed forces'' means the Army, Navy, Air Force, and Marine Corps.

(2) The term ''sexual assault prevention and response program'' has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).

SEC. 585. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts sexual assault prevention and response training.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

SEC. 586. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON RETENTION AND ACCESS TO EVIDENCE AND RECORDS RELATING TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON RETENTION AND ACCESS TO RECORDS.—Not later than October 1, 2012, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

(b) OBJECTIVES.—The comprehensive policy required by subsection (a) shall include policies and procedures (including systems of records) necessary to ensure preservation of records and evidence for periods of time that ensure that members of the Armed Forces and veterans of military service who were the victims of sexual assault during military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual assault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) ELEMENTS.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

(1) Identification of records, including non-Department of Defense records, relating to an incident of sexual assault, that must be retained.

(2) Criteria for collection and retention of records.

(3) Identification of physical evidence and non-documentary forms of evidence relating to sexual assaults that must be retained.

(4) Length of time records, including Department of Defense Forms 2910 and 2911, and evidence must be retained, except that—

(A) the length of time physical evidence and forensic evidence must be retained shall be not less than five years; and

(B) the length of time documentary evidence relating to sexual assaults must be retained shall be not less than the length of time investigative records relating to reports of sexual assaults of that type (restricted or unrestricted reports) must be retained.

(5) Locations where records must be stored.

(6) Media which may be used to preserve records and assure access, including an electronic systems of records.

(7) Protection of privacy of individuals named in records and status of records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''), restricted reporting cases, and laws related to privilege.

(8) Access to records by victims of sexual assault, the Department of Veterans Affairs, and others, including alleged assailants and law enforcement authorities.

(9) Responsibilities for record retention by the military departments.

(10) Education and training on record retention requirements.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(d) UNIFORM APPLICATION TO MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) COPY OF RECORDS OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The records of the proceedings shall be provided without charge and as soon as the records are authenticated. The victim shall be notified of the opportunity to receive the records of the proceedings.''.

Subtitle I—Other Matters

SEC. 588. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY REINTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

''§ 1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel

''(a) REINTEGRATION AND SUPPORT AUTHORIZED.—The Secretary of Defense may carry out the following:

''(1) Reintegration activities for recovered persons who are Department of Defense personnel.

''(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

''(b) ACTIVITIES AUTHORIZED.—(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

''(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

''(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

''(C) Transportation or reimbursement for transportation in connection with the attendance of the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

''(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

''(c) DEFINITIONS.—In this section:

''(1) The term 'post-isolation support', in the case of a recovered person, means—

''(A) the debriefing of the recovered person following a separation as described in paragraph (2);

''(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

''(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

''(2) The term 'recovered person' means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the individual was detained in isolation or held in captivity by a hostile entity.

''(3) The term 'reintegration', in the case of a recovered person, means—

''(A) the debriefing of the recovered person following a separation as described in paragraph (2);

''(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

''(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

''1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.''.

SEC. 589. MILITARY ADAPTIVE SPORTS PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

''§ 2564a. Provision of assistance for adaptive sports programs for members of the armed forces

''(a) PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

''(2) In establishing the military adaptive sports program, the Secretary of Defense shall—

''(A) consult with the Secretary of Veterans Affairs; and

''(B) avoid duplicating programs conducted by the Secretary of Veterans Affairs under section 521A of title 38.

''(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

''(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

''(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

''(1) for the purposes specified in subsection (b); and

''(2) for such related activities and expenses as the Secretary of Defense may authorize.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 717 the following new item:

''2564a. Provision of assistance for adaptive sports programs for members of the armed forces.''.

SEC. 590. ENHANCEMENT AND IMPROVEMENT OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.—Subsection (b) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended by inserting ''(including programs of outreach)'' after ''informational events and activities''.

(b) RESTATEMENT OF FUNCTIONS OF CENTER FOR EXCELLENCE IN REINTEGRATION AND INCLUSION IN FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN PROGRAMS OF OUTREACH.—Subsection (d)(2) of such section is amended by striking the second, third, and fourth sentences and inserting the following: ''The Center shall have the following functions:

''(A) To collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs.

''(B) To assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

''(C) To develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).

''(D) To develop and implement a process for identifying best practices in the delivery of information and services in programs of outreach as described in subsection (j).''.

(c) STATE-LED PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

''(j) STATE-LED PROGRAMS OF OUTREACH.—The Office for Reintegration Programs may work with the States, whether acting through or in coordination with their National Guard and Reserve organizations, to assist the States and such organizations in developing and carrying out programs of outreach for members of the Armed Forces and their families to inform and educate them on the assistance and services available to them under the Yellow Ribbon Reintegration Program, including the assistance and services described in subsection (h).''.

(d) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

''(k) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.''.

SEC. 591. ARMY NATIONAL MILITARY CEMETERIES.

(a) MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.—

(1) IN GENERAL.—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

"CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES

''Sec.
''4721. Authority and responsibilities of the Secretary of the Army.
''4722. Interment and inurnment policy.
''4723. Advisory committee on Arlington National Cemetery.
''4724. Executive Director.
''4725. Superintendents.
''4726. Oversight and inspections.

"§4721. Authority and responsibilities of the Secretary of the Army

''(a) GENERAL AUTHORITY.—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

''(b) ARMY NATIONAL MILITARY CEMETERIES.—The Army National Military Cemeteries (in this chapter referred to as the 'Cemeteries') consist of the following:

''(1) Arlington National Cemetery in Arlington, Virginia.

''(2) The United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

''(c) ADMINISTRATIVE JURISDICTION.—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

''(d) REGULATIONS AND OTHER POLICIES.—The Secretary of the Army shall prescribe such regulations and policies as may be necessary to administer the Cemeteries.

''(e) BUDGETARY AND REPORTING REQUIREMENTS.—The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

"§4722. Interment and inurnment policy

''(a) ELIGIBILITY DETERMINATIONS GENERALLY.—(1) The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

''(2) The Secretary of the Army, with the approval of the Secretary of Defense, shall establish policy and procedures for reviewing and determining requests for exceptions to interment and inurnment eligibility policy, which shall include a requirement, before granting the request for an exception, for notification of the Committees on Armed Services and the Committees on Veterans Affairs of the Senate and the House of Representatives.

''(b) REMOVAL OF REMAINS.—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of the Army may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

''(c) COVERED PERSONS.—Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

''(d) EXCEPTIONS.—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

''(1) who is missing in action;

''(2) whose remains have not been recovered or identified;

''(3) whose remains were buried at sea, whether by the choice of the person or otherwise;

''(4) whose remains were donated to science; or

''(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

"§4723. Advisory committee on Arlington National Cemetery

''(a) APPOINTMENT.—The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

''(b) ROLE.—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

''(c) REPORTS AND RECOMMENDATIONS.—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

''(d) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans' Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

"§4724. Executive Director

''(a) APPOINTMENT AND QUALIFICATIONS.—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

''(2) The Executive Director reports directly to the Secretary.

''(b) RESPONSIBILITIES.—The Executive Director is responsible for the following:

''(1) Exercising authority, direction and control over all aspects of the Cemeteries.

''(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

''(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

''(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

''(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

''(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

''(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

''(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

''(9) Providing recommendations regarding any request for an exception to interment and inurnment eligibility policy.

''(10) Supervising the superintendents of the Cemeteries.

"§4725. Superintendents

''(a) APPOINTMENT AND QUALIFICATIONS.—An individual serving as the superintendent of one of the Cemeteries should have, as determined by the Secretary of the Army—

''(1) experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

''(2) experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

''(b) DUTIES.—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

"§4726. Oversight and inspections

''(a) INSPECTIONS REQUIRED.—The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the

periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. The inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

''(b) SUBMISSION OF RESULTS.—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.''.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 445 the following new item:

''446. ARMY NATIONAL MILITARY CEMETERIES 4721''.

(b) DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERMENT AND INURNMENT RECORDS.—

(1) DEADLINE FOR CONVERSION AND USE.—Not later than June 1, 2012, all records related to interments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to interments and inurnments at Arlington National Cemetery are preserved and utilized.

(2) DIGITIZED FORMAT DEFINED.—In this subsection, the term ''digitized format'' refers to the use of an electronic database for recordkeeping and includes the full accounting of all records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location.

(c) ADDITIONAL INSPECTION REQUIREMENT.—During fiscal years 2013 and 2015, the Inspector General of the Department of Defense shall conduct an inspection of—

(1) Arlington National Cemetery in Arlington, Virginia; and

(2) the United States Soldiers' and Airmen's Home National Cemetery in the District of Colombia.

SEC. 592. INSPECTION OF MILITARY CEMETERIES UNDER JURISDICTION OF THE MILITARY DEPARTMENTS.

(a) INSPECTION AND RECOMMENDATIONS REQUIRED.—The Inspector General of each military department shall conduct an inspection of each military cemetery under the jurisdiction of that military department and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

(b) ELEMENTS OF INSPECTION.—The inspection of military cemeteries conducted by the Inspector General of a military department under subsection (a) shall include an assessment of the following:

(1) The adequacy of the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by the military cemeteries under the jurisdiction of that military department and the adherence of such military cemeteries to such statutes, policies, and regulations.

(2) The system employed to fully account for and accurately identify the remains interred or inurned in such military cemeteries.

(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretary of the military department over such military cemeteries and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretary of the military department to operate such military cemeteries and an assessment of the budget and appropriations structure and history of such military cemeteries.

(6) Such other matters as the Inspector General considers to be appropriate.

(c) INSPECTION OF ADDITIONAL CEMETERIES.—

(1) INSPECTION REQUIRED.—In addition to the inspections required by subsection (a), the Inspector General of the Department of Defense shall conduct an inspection of a statistically valid sample of cemeteries located at current or former military installations inside and outside the United States that are under the jurisdiction of the military departments for the purpose of obtaining an assessment of the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by those cemeteries.

(2) EXCLUSION.—Paragraph (1) does not apply to the cemeteries maintained by the American Battle Monuments Commission and the military cemeteries identified in subsection (e).

(d) SUBMISSION OF INSPECTION RESULTS AND CORRECTIVE ACTION PLANS.—

(1) MILITARY CEMETERY INSPECTIONS.—Not later than May 15, 2012, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspectors General of the military departments based on such inspections; and

(C) a plan for corrective action.

(2) INSPECTION OF ADDITIONAL CEMETERIES.—Not later than December 31, 2012, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (c) and the recommendations of the Inspector General based on such inspections. Not later than April 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(e) MILITARY CEMETERY DEFINED.—In subsections (a) and (b), the term ''military cemetery'' means the cemeteries that are under the jurisdiction of a Secretary of a military department at the following locations:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 593. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

SEC. 594. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SEC. 595. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service of each Jewish American World War I veteran described in subsection (b) to determine whether such veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service is to be reviewed under subsection (a) are any Jewish American World War I veterans awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award are submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) that the award of the Medal of Honor to a veteran is warranted, the Secretary shall submit to the Secretary of Defense a recommendation that the Medal of Honor be awarded posthumously to the veteran.

(d) WORLD WAR I DEFINED.—In this section, the term ''World War I'' means the period beginning on April 6, 1917, and ending on November 11, 1918.

SEC. 596. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.

(a) IN GENERAL.—Not later than September 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect to members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or conditions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recommendations for legislative and administrative action as the Secretary considers appropriate for the establishment of such process.

(b) REQUIREMENTS FOR REPORT.—

(1) EVALUATION OF APPROPRIATE ELEMENTS OF SIMILAR FEDERAL PROGRAMS.—In preparing the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

(2) CONSULTATION.—The Secretary of Defense shall conduct the study in consultation with the Secretary of Veterans Affairs.

SEC. 597. COMPTROLLER GENERAL STUDY OF MILITARY NECESSITY OF SELECTIVE SERVICE SYSTEM AND ALTERNATIVES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to assess the necessity of the Selective Service System to the Department of Defense in

meeting future military manpower requirements that are in excess of the ability of the all-volunteer force; and

(2) to determine the fiscal and national security impacts of—

(A) disestablishing the Selective Service System;

(B) putting the Selective Service System into a deep standby mode, defined as retaining only personnel sufficient to conduct necessary functions, to include maintaining the registration database; and

(C) requiring the Department of Defense, or other Federal department, upon disestablishment of the Selective Service System and repeal of registration requirements, to assume responsibility for securing the Selective Service System registration data bases, and keeping them updated.

(b) ADDITIONAL CONSIDERATIONS FOR EACH OPTION.—As part of considering the impacts of disestablishment of the Selective Service System, putting it into a deep standby mode, or transferring responsibilities as described in subsection (a)(2)(C), the Comptroller General shall provide for each option—

(1) an estimate of the annual cost or savings of each option to the Federal government; and

(2) the feasibility, cost, and time required for each option—

(A) to reestablish the capability to meet the Selective Service System mission, as it existed before disestablishment; and

(B) to provide the Department of Defense the required number of conscripts for training, should conscription be authorized by Congress.

(c) SPECIAL CONSIDERATIONS REGARDING REGISTRATION.—The study shall also include an assessment of the feasibility, cost, and time required to meet registration requirements by—

(1) using existing Federal and State government institutions as an alternative to Selective Service registration to maintain an accurate, comprehensive database of Americans who, according to existing Selective Service System registration requirements, would be subject to conscription should conscription be authorized; and

(2) integrating various alternative registration databases for use in connection with conscription and provide a means to keep updated and accurate the Selective Service System database under each of the options described in subsection (a)(2).

(d) SUBMISSION OF RESULTS.—Not later than May 1, 2012, the Comptroller General shall submit the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

SEC. 598. EVALUATION OF ISSUES AFFECTING DISPOSITION OF REMAINS OF AMERICAN SAILORS KILLED IN THE EXPLOSION OF THE KETCH U.S.S. INTREPID IN TRIPOLI HARBOR ON SEPTEMBER 4, 1804.

(a) EVALUATION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the Navy shall conduct an evaluation of the following issues with respect to the disposition of the remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804:

(1) The feasibility of recovery of the remains based on historical information, factual considerations, costs, and precedential effect.

(2) The ability to make identifications of the remains within a two-year period based on conditions and facts that would have to exist for positive scientific identification of the remains.

(3) The diplomatic and inter-governmental issues that would have to be addressed in order to provide for exhuming and removing the remains consistent with the sovereignty of the Libyan government.

(b) PARTICIPATION AND CONSULTATION.—The Secretary of Defense and the Secretary of the Navy shall conduct the evaluation under subsection (a) with the participation of the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command and in consultation with the Secretary of State.

(c) SUBMISSION OF RECOMMENDATION.—Upon completion of the evaluation as required by subsection (a), the Secretary of Defense and the Secretary of State shall submit to the Committees on Armed Services of the Senate and the House of Representatives their recommendation regarding the proposal to exhume, identify, and relocate the remains of the American sailors referred to in such subsection and the reasons supporting their recommendation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 602. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.

Subtitle C—Travel and Transportation Allowances Generally

Sec. 621. One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

Sec. 631. Consolidation and reform of travel and transportation authorities of the uniformed services.

Sec. 632. Transition provisions.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.

Sec. 642. Access of military exchange stores system to credit available through Federal Financing Bank.

Sec. 643. Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House.

Subtitle F—Disability, Retired Pay and Survivor Benefits

Sec. 651. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Subtitle G—Other Matters

Sec. 661. Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty.

Sec. 662. Report on incentives for recruitment and retention of health care professionals.

Subtitle A—Pay and Allowances

SEC. 601. RESUMPTION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

SEC. 602. LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.

(a) EXTENSION TO PRECOMMISSIONING UNIT SAILORS.—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting ''or assigned to duty in connection with commissioning or fitting out of a ship'' after ''sea duty''; and

(2) by inserting '', because the ship is under construction and is not yet habitable,'' after ''because of repairs,''.

(b) EXTENSION TO ENLISTED MEMBERS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''After the expiration of the authority provided in subsection (b), an officer'' and inserting ''A member'';

(B) by striking ''officer's quarters'' and inserting ''member's quarters'';

(C) by striking ''obtaining quarters'' and inserting ''obtaining housing''; and

(D) by striking ''the officer'' and inserting ''the member'';

(2) in paragraph (2)—

(A) by striking ''an officer'' both places it appears and inserting ''a member'';

(B) by striking ''quarters'' and inserting ''housing''; and

(C) by striking ''officer's grade'' and inserting ''member's grade''; and

(3) in paragraph (3)—

(A) by striking ''an officer'' and inserting ''a member''; and

(B) by striking ''quarters'' and inserting ''housing''.

(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:

''(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member's quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

''(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member's grade.

''(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

''(4) The Secretary may prescribe regulations to carry out this subsection.''.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the item relating to section 7572 and inserting the following new item:

''7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.

(a) HOSTILE FIRE AND IMMINENT DANGER PAY.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''for any month or portion of a month'' and inserting ''for any day or portion of a day'';

(2) by striking subsection (b) and inserting the following new subsection (b):

''(b) SPECIAL PAY AMOUNT.—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for a day or portion of a day shall be the amount equal to 1/30th of the monthly amount of basic pay or compensation payable to the member for the month in which the exposure occurs.

''(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) in an amount not to exceed the amount that would be payable to the member under paragraph (1) for 30 days of exposure. The total amount paid a member under this paragraph in any month may not exceed the amount that would be payable under paragraph (1) for 30 days of exposure.'';

(3) in subsection (c)(1), by inserting ''for any day (or portion of a day) of'' before ''not more than three additional months''; and

(4) in subsection (d)(2), by striking ''any month'' and inserting ''any day''.

(b) HAZARDOUS DUTY PAY.—Section 351(c)(2) of such title is amended by striking ''receipt of hazardous duty pay,'' and all that follows and inserting ''receipt of hazardous duty pay—

''(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

''(i) shall prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; or

''(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

''(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.

Section 408a(e) of title 37, United States Code, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

SEC. 631. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.

(a) PURPOSE.—This section establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.

(b) CONSOLIDATED AUTHORITIES.—Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

''Sec.

''SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

''451. Definitions.

''452. Allowable travel and transportation: general authorities.

''453. Allowable travel and transportation: specific authorities.

''454. Travel and transportation: pilot programs.

''455. Appropriations for travel: may not be used for attendance at certain meetings.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''461. Relationship to other travel and transportation authorities.

''462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.

''463. Program of compliance; electronic processing of travel claims.

''464. Regulations.

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''471. Travel authorities transition expiration date.

''472. Definitions and other incorporated provisions of chapter 7.

''474. Travel and transportation allowances: general.
''474a. Travel and transportation allowances: temporary lodging expenses.
''474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
''475. Travel and transportation allowances: per diem while on duty outside the continental United States.
''475a. Travel and transportation allowances: departure allowances.
''476. Travel and transportation allowances: dependents; baggage and household effects.
''476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
''476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
''476c. Travel and transportation allowances: members assigned to a vessel under construction.
''477. Travel and transportation allowances: dislocation allowance.
''478. Travel and transportation allowances: travel within limits of duty station.
''478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
''479. Travel and transportation allowances: house trailers and mobile homes.
''480. Travel and transportation allowances: miscellaneous categories.
''481. Travel and transportation allowances: administrative provisions.
''481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
''481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
''481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
''481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
''481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
''481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
''481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.
''481i. Travel and transportation allowances: parking expenses.
''481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
''481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
''481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.
''484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
''488. Allowance for recruiting expenses.
''489. Travel and transportation allowances: minor dependent schooling.
''490. Travel and transportation: dependent children of members stationed overseas.
''491. Benefits for certain members assigned to the Defense Intelligence Agency.
''492. Travel and transportation: members escorting certain dependents.
''494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
''495. Funeral honors duty: allowance.

''SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

"§451. Definitions

''(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

''(1) The term 'administering Secretary' or 'administering Secretaries' means the following:

''(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

''(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

''(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

''(2) The term 'authorized traveler' means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

''(A) A member of the uniformed services.

''(B) A family member of a member of the uniformed services.

''(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

''(D) A person who participates in a military funeral honors detail.

''(E) A Senior Reserve Officers' Training Corps cadet or midshipman.

''(F) An applicant or rejected applicant for enlistment.

''(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

''(H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of the following:

''(i) Transportation of survivors to attend burial services or transfer of deceased members after death overseas as provided in section 481f of this title.

''(ii) Transportation of designated individuals incident to the hospitalization of members as provided in section 481h of this title.

''(iii) Transportation of designated individuals incident to the repatriation of members as provided in section 481j of this title.

''(iv) Transportation of non-medical attendants as provided in section 481k of this title.

''(v) Transportation of designated individuals to attend Yellow Ribbon Reintegration Program events as provided in section 481l of this title.

''(vi) Transportation of a person with regard to a single event when the administering Secretary determines that the travel is necessary to ensure fairness and equity, respond to emergency or humanitarian circumstances, or serve the best interests of the Government.

''(3) The term 'family member', with respect to a member of the uniformed services, means the following:

''(A) A dependent, as defined in section 401(a) of this title.

''(B) A child, as defined in section 401(b)(1) of this title.

''(C) A parent, as defined in section 401(b)(2) of this title.

''(D) A sibling of the member.

''(E) A former spouse of the member.

''(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

''(1) The term 'official travel' means the following:

''(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

''(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

''(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

''(D) Local travel in or around the temporary duty or permanent duty station.

''(E) Other travel as authorized or ordered by the administering Secretary.

''(2) The term 'actual and necessary expenses' means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

''(3) The term 'travel allowances' means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

''(4) The term 'transportation allowances' means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

''(5) The term 'transportation-, lodging-, or meals-in-kind' means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

''(6) The term 'miscellaneous expenses' means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

''(7) The term 'personal property', with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

''(8) The term 'relocation allowances' means the costs associated with relocating a member of the uniformed services and the member's dependents between an old and new temporary or permanent duty assignment location or other authorized location.

''(9) The term 'dislocation allowances' means the costs associated with relocation of the household of a member of the uniformed services and the member's dependents in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

"§452. Allowable travel and transportation: general authorities

''(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

''(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

''(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

''(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

''(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

''(4) Recruiting duties for the armed forces.

''(5) Assignment or detail to another Government department or agency.

''(6) Rest and recuperative leave.

''(7) Convalescent leave.

''(8) Reenlistment leave.

''(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

''(10) Ready Reserve muster duty.

''(11) Unusual, extraordinary, hardship, or emergency circumstances.

''(12) Presence of family members at a military medical facility incident to the illness or injury of members.

''(13) Presence of family members at the repatriation of members held captive.

''(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

''(15) Attendance at Yellow Ribbon Reintegration Program events.

''(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

''(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

''(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

''(1) Allowances for transportation, lodging, and meals.

''(2) Dislocation or relocation allowances paid in connection with a change in a member's temporary or permanent duty assignment location.

''(3) Other related miscellaneous expenses.

''(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

''(1) as an actual expense;

''(2) as an authorized allowance;

''(3) in-kind; or

''(4) using a combination of the authorities under paragraphs (1), (2), and (3).

''(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization.

''(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

''(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

''(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

''§ 453. Allowable travel and transportation: specific authorities

''(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

''(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

''(c) MOVEMENT OF PERSONAL PROPERTY.—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

''(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

''(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

''(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

''(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

''(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

''(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

''(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

''(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

''(3) A member who is discharged under section 1173 of title 10.

''(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

''§ 454. Travel and transportation: pilot programs

''(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be conducted so as to evaluate one or more of the following:

''(1) Alternative methods for performing and reimbursing travel.

''(2) Means for limiting the need for travel.

''(3) Means for reducing the environmental impact of travel.

''(b) LIMITATIONS.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

''(2) The duration of a pilot program may not exceed four years.

''(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

''(c) REPORTS.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

''(A) The purpose of the pilot program.

''(B) The duration of the pilot program.

''(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

''(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

''(A) A description of results of the pilot program.

''(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

''(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' has the meaning given that term in section 101(a)(16) of title 10.

''SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

''§ 461. Relationship to other travel and transportation authorities

''An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

''§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

''(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

''(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

''(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

''§ 463. Programs of compliance; electronic processing of travel claims

''(a) PROGRAMS OF COMPLIANCE.—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

''(b) ELEMENTS.—The programs of compliance under subsection (a) shall—

''(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other

means as the administering Secretaries may establish for purposes of the programs of compliance; and

''(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

''(c) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

''(2) The administering Secretary, or the Secretary's designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

''(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

''§464. Regulations

''This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

''SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

''§471. Travel authorities transition expiration date

''In this subchapter, the term 'travel authorities transition expiration date' means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''§472. Definitions and other incorporated provisions of chapter 7

''(a) DEFINITIONS.—The provisions of section 401 of this title apply to this subchapter.

''(b) OTHER PROVISIONS.—The provisions of sections 421 and 423 of this title apply to this subchapter.''.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 411g of title 37, United States Code, is repealed.

(d) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411l, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

Section:	*Redesignated Section:*
404	*474*
404a	*474a*
404b	*474b*
405	*475*
405a	*475a*
406	*476*
406a	*476a*
406b	*476b*
406c	*476c*
407	*477*
408	*478*
408a	*478a*
409	*479*
410	*480*
411	*481*
411a	*481a*
411b	*481b*
411c	*481c*
411d	*481d*
411e	*481e*
411f	*481f*
411h	*481h*
411i	*481i*
411j	*481j*
411k	*481k*
411l	*481l*
428	*488*
429	*489*
430	*490*
432	*492*
434	*494*
435	*495*

(3) TRANSFER OF SECTION 554.—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 481l (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) SUNSET OF OLD-LAW AUTHORITIES.—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

''(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(2) Section 474a is amended by adding at the end the following new subsection:

''(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.''.

(3) Section 474b is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.''.

(4) Section 475 is amended by adding at the end the following new subsection:

''(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.''.

(5) Section 475a is amended by adding at the end the following new subsection:

''(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.''.

(6) Section 476 is amended by adding at the end the following new subsection:

''(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

''(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

''(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.''.

(7) Section 476a is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''Under uniform regulations''; and

(B) by adding at the end the following new subsection:

''(b) TERMINATION.—No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(8) Section 476b is amended by adding at the end the following new subsection:

''(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(9) Section 476c is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(10) Section 477 is amended by adding at the end the following new subsection:

''(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.''.

(11) Section 478 is amended by adding at the end the following new subsection:

''(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(12) Section 479 is amended by adding at the end the following new subsection:

''(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.''.

(13) Section 480 is amended by adding at the end the following new subsection:

''(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(14) Section 481 is amended by adding at the end the following new subsection:

''(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.''.

(15) Section 481a is amended by adding at the end the following new subsection:

''(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(16) Section 481b is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.''.

(17) Section 481c is amended by adding at the end the following new subsection:

''(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.''.

(18) Section 481d is amended by adding at the end the following new subsection:

''(d) No transportation may be provided under this section after the travel authorities transition expiration date.''.

(19) Section 481e is amended by adding at the end the following new subsection:

''(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(20) Section 481f is amended by adding at the end the following new subsection:

''(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(21) Section 481h is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(22) Section 481i is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(23) Section 481j is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(24) Section 481k is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(25) Section 481l is amended by adding at the end the following new subsection:

''(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(26) Section 484 is amended by adding at the end the following new subsection:

''(k) No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.''.

(27) Section 488 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

(B) by adding at the end the following new subsection:

''(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(28) Section 489 is amended—

(A) by inserting ''(a) AUTHORITY.—'' before ''In addition''; and

(B) by adding at the end the following new subsection:

''(b) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(29) Section 490 is amended by adding at the end the following new subsection:

''(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(30) Section 492 is amended by adding at the end the following new subsection:

''(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.''.

(31) Section 494 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.''.

(32) Section 495 is amended by adding at the end the following new subsection:

''(c) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.''.

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 7 of such title is amended to read as follows: ''**CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES**''.

(2) TABLE OF CHAPTERS.—The table of chapter preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

''7. ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES 401

''8. TRAVEL AND TRANSPORTATION ALLOWANCES 451''.

(3) TABLES OF SECTIONS.—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(B) The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (c) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) Any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that is transferred and redesignated by subsection (c) is deemed to refer to the section as so redesignated.

SEC. 632. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 631(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) TRANSITION PERIOD.—In this section, the term ''transition period'' means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.

Section 7604(c) of title 10, United States Code, is amended by striking ''shall'' and inserting ''may''.

SEC. 642. ACCESS OF MILITARY EXCHANGE STORES SYSTEM TO CREDIT AVAILABLE THROUGH FEDERAL FINANCING BANK.

Section 2487 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ACCESS OF EXCHANGE STORES SYSTEM TO FEDERAL FINANCING BANK.—To facilitate the provision of in-store credit to patrons of the exchange stores system while reducing the costs of providing such credit, the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges may issue and sell their obligations to the Federal Financing Bank as provided in section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285).''.

SEC. 643. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is hereby designated as a Fisher House for purposes of section 2493 of title 10, United States Code.

Subtitle F—Disability, Retired Pay and Survivor Benefits

SEC. 651. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training''.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

Subtitle G—Other Matters

SEC. 661. REPORT ON BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS TRANSITIONING BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY.

(a) STUDY.—The Secretary of Defense shall conduct a study on the implications for the monthly amount of basic allowance for housing of the transitions of members of the Army National Guard of the United States and Air National Guard of the United States as follows:

(1) From active duty under title 10, United States Code, to full-time National Guard duty under title 32, United States Code.

(2) From full-time National Guard duty under title 32, United States Code, to active duty under title 10, United States Code.

(b) REQUIREMENTS FOR STUDY.—In conducting the study required by subsection (a), the Secretary shall—

(1) take into account all potential variations of circumstance involving housing location, basic allowance for housing rates, duration of service, duration of break in service, and duty status;

(2) take into account all current applicable policies, practices, and regulations;

(3) assess potential modifications of policy and law, and develop recommendations for modifications of policy and law if determined appropriate; and

(4) take into account the welfare of members of the Armed Forces and their families when developing recommendations, if any, under paragraph (3).

(c) REPORT.—Not later than five months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including a description of the manner in which each matter specified in subsection (b) was met, and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. Such report shall—

(1) identify the positions in most critical need for additional health care professionals, including—

(A) the number of physicians needed; and

(B) whether additional behavioral health professionals are needed to treat members of the Armed Forces for post traumatic stress disorder and traumatic brain injury; and

(2) recommend incentives for healthcare professionals with more than 20 years of clinical experience to join the active or reserve components, including changes in age or length of service requirements to qualify for partial retired pay for non-regular service.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Annual enrollment fees for certain retirees and dependents.
Sec. 702. Mental health assessments for members of the Armed Forces deployed in support of a contingency operation.
Sec. 703. Behavioral health support for members of the reserve components of the Armed Forces.
Sec. 704. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
Sec. 705. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.
Sec. 706. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.
Sec. 707. Provision of rehabilitative equipment under Wounded Warrior Act.
Sec. 708. Transition enrollment of uniformed services family health plan medicare-eligible retirees to TRICARE for life.

Subtitle B—Health Care Administration

Sec. 711. Codification and improvement of procedures for mental health evaluations for members of the Armed Forces.
Sec. 712. Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States.
Sec. 713. Expansion of State licensure exception for certain health care professionals.
Sec. 714. Clarification on confidentiality of medical quality assurance records.
Sec. 715. Maintenance of the adequacy of provider networks under the TRICARE program.
Sec. 716. Review of the administration of the military health system.
Sec. 717. Limitation on availability of funds for the future electronic health records program.

Subtitle C—Reports and Other Matters

Sec. 721. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 722. Treatment of wounded warriors.
Sec. 723. Report on research and treatment of post-traumatic stress disorder.
Sec. 724. Report on memorandum regarding traumatic brain injuries.
Sec. 725. Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
Sec. 726. Comptroller General report on contract health care staffing for military medical treatment facilities.

Subtitle A—Improvements to Health Benefits

SEC. 701. ANNUAL ENROLLMENT FEES FOR CERTAIN RETIREES AND DEPENDENTS.

(a) ANNUAL ENROLLMENT FEES.—Section 1097(e) of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting ''(1) The Secretary of Defense'';

(2) by striking ''A premium,'' and inserting ''Except as provided by paragraph (2), a premium,''; and

(3) by adding at the end the following new paragraph:

''(2) Beginning October 1, 2012, the Secretary of Defense may only increase in any year the annual enrollment fees described in paragraph (1) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.''.

(b) CLARIFICATION OF APPLICATION FOR FISCAL YEAR 2013.—The Secretary of Defense shall determine the maximum enrollment fees for TRICARE Prime under section 1097(e)(2) of title 10, United States Code, as added by subsection (a), for fiscal year 2013 and thereafter as if the enrollment fee for each enrollee during fiscal year 2012 was the amount charged to an enrollee who enrolled for the first time during such fiscal year.

SEC. 702. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

''§ 1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation

''(a) MENTAL HEALTH ASSESSMENTS.—(1) The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

''(A) Once during the period beginning 120 days before the date of the deployment.

''(B) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

''(C) Subject to subsection (d), not later than once during each of—

''(i) the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date; and

''(ii) the period beginning 18 months after such redeployment date and ending 30 months after such redeployment date.

''(2) A mental health assessment is not required for a member of the armed forces under subparagraph (B) and (C) of paragraph (1) if the Secretary determines that—

''(A) the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

''(B) providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

''(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

''(c) ELEMENTS.—(1) The mental health assessments provided pursuant to this section shall—

''(A) be performed by personnel trained and certified to perform such assessments and may be performed—

''(i) by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks; and

''(ii) by personnel at private facilities in accordance with section 1074(c) of this title;

''(B) include a person-to-person dialogue between members described in subsection (a) and the professionals or personnel described by subparagraph (A), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

''(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns;

''(D) be provided in a consistent manner across the military departments; and

''(E) include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

''(2) The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f of this title, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

''(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the armed forces.

''(e) SHARING OF INFORMATION.—(1) The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this section, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

''(2) Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

''(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including section 1614 of such Act (122 Stat. 443; 10 U.S.C. 1071 note).

''(B) Section 1720F of title 38.

''(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member is notified

of the sharing of information with the Secretary of Veterans Affairs under this subsection.

''(f) REGULATIONS.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(2) Not later than 270 days after the date of the issuance of the regulations prescribed under paragraph (1), the Secretary shall notify the congressional defense committees of the implementation of the regulations by the military departments.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation.''.

(3) REGULATIONS.—The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1), effective not later than 90 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2376; 10 U.S.C. 1074f note) is repealed.

SEC. 703. BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) MENTAL HEALTH ASSESSMENTS.—Section 1074a of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary of Defense may provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

''(2) Mental health services provided to a member under this subsection shall be at no cost to the member.''; and

(3) in subsection (i), as redesignated by paragraph (1), by striking ''medical and dental readiness'' and inserting ''medical, dental, and behavioral health readiness''.

(b) BEHAVIORAL HEALTH SUPPORT.—

(1) IN GENERAL.—Each member of a reserve component of the Armed Forces participating in annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs for members of the reserve components described in this paragraph shall include one or any combination of the following:

(A) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(B) Programs providing training on suicide prevention and post-suicide response.

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(3) FUNDING.—Behavioral health support programs provided to members of the reserve components under this subsection shall be provided using amounts made available for operation and maintenance for the reserve components.

(4) STATE DEFINED.—In this subsection, the term ''State'' has the meaning given that term in section 10001 of title 10, United States Code.

SEC. 704. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities

''(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

''(2) An individual described in this paragraph is the following:

''(A) A member of the uniformed services or dependent—

''(i) who is receiving outpatient medical care at a military medical treatment facility; and

''(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

''(B) A member of the uniformed services or dependent—

''(i) who is a family member of an infant receiving inpatient medical care at a military medical treatment facility;

''(ii) who provides care to the infant while the infant receives such inpatient medical care; and

''(iii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of providing such care to the infant.

''(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

''(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 705. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Except as provided by subparagraph (E), for purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a location described in that paragraph, obstetrical anesthesia services for childbirth equivalent to the obstetrical anesthesia services for childbirth available in a military treatment facility in the United States.

''(B) In the case of a dependent at a remote location outside the continental United States who elects services described in subparagraph (A) and for whom air transportation would be needed to travel under paragraph (1) to the nearest appropriate medical facility in which adequate medical care is available, the Secretary may authorize the dependent to receive transportation under that paragraph to the continental United States and be treated at the military treatment facility that can provide appropriate obstetrical services that is nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation by reason of this paragraph.

''(D) The total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent by reason of this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to that dependent under paragraph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

''(E) The Secretary may not provide transportation to a dependent under this paragraph if the Secretary determines that—

''(i) the dependent would otherwise receive obstetrical anesthesia services at a military treatment facility; and

''(ii) such facility, in carrying out the required number of necessary obstetric cases, would not maintain competency of its obstetrical staff unless the facility provides such services to such dependent.

''(F) The authority under this paragraph shall expire on September 30, 2016.''.

SEC. 706. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: ''For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.''.

SEC. 707. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

''(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.''.

SEC. 708. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by striking ''If a covered beneficiary'' and inserting ''(1) Except as provided in paragraph (2), if a covered beneficiary''; and

(2) by adding at the end the following new paragraph:

''(2) After September 30, 2012, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the

beneficiary was enrolled in that program on September 30, 2012.''.

Subtitle B—Health Care Administration

SEC. 711. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) CODIFICATION AND IMPROVEMENT OF PROCEDURES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:

''§ 1090a. Commanding officer and supervisor referrals of members for mental health evaluations

''(a) REGULATIONS.—The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

''(b) REDUCTION OF PERCEIVED STIGMA.—The regulations required by subsection (a) shall, to the greatest extent possible—

''(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

''(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

''(c) PROCEDURES FOR INPATIENT EVALUATIONS.—The regulations required by subsection (a) shall provide that, when a commander or supervisor determines that it is necessary to refer a member of the armed forces for a mental health evaluation—

''(1) the health evaluation shall only be conducted in the most appropriate clinical setting, in accordance with the least restrictive alternative principle; and

''(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

''(d) PROHIBITION ON USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication shall also include a communication to any appropriate authority in the chain of command of the member.

''(e) DEFINITIONS.—In this section:

''(1) The term 'mental health professional' means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

''(2) The term 'mental health evaluation' means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

''(3) The term 'least restrictive alternative principle' means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

''(A) that is no more restrictive than is conducive to the most effective form of treatment; and

''(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090 the following new item:

''1090a. Commanding officer and supervisor referrals of members for mental health evaluations.''.

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

SEC. 712. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking ''not later than'' and all that follows and inserting the following: ''as follows:

''(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

''(2) In the case of any other services, by not later than one year after the services are provided.''.

SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''at any location'' before ''in any State''; and

(B) by striking ''regardless'' and all that follows through the period at the end and inserting ''regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties.''; and

(2) in paragraph (2), by striking ''member of the armed forces'' and inserting ''member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for this purpose''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

SEC. 714. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''any activity carried out'' and inserting ''any peer review activity carried out''; and

(2) by adding at the end the following new paragraph:

''(4) The term 'peer review' means any assessment of the quality of medical care carried out by a health care professional, including any such assessment of professional performance, any patient safety program root cause analysis or report, or any similar activity described in regulations prescribed by the Secretary under subsection (i).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2012.

SEC. 715. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall, to the extent practicable, maintain adequate networks of providers, including institutional, professional, and pharmacy. For the purpose of determining whether network providers under such provider network agreements are subcontractors for purposes of the Federal Acquisition Regulation or any other law, a TRICARE managed care support contract that includes the requirement to establish, manage, or maintain a network of providers may not be considered to be a contract for the performance of health care services or supplies on the basis of such requirement.''.

SEC. 716. REVIEW OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

(a) PROHIBITION ON RESTRUCTURE OR REORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense may not restructure or reorganize the military health system until a 120-day period has elapsed following the date on which the report under subsection (b)(3) is submitted by the Comptroller General of the United States to the congressional defense committees.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report that includes the following:

(A) A description of each of the options developed and considered by the task force established by the Deputy Secretary of Defense to review the governance model options for the military health system (in this section referred to as the ''task force'').

(B) The goals to be achieved by restructure or reorganization and the principles upon which they are based.

(C) A description of how each option would affect readiness, quality of care, and beneficiary satisfaction.

(D) An explanation of the costs of each option so considered.

(E) An analysis of the strengths and weaknesses of each option.

(F) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—The Comptroller General of the United States shall carry out a review of the options described under subsection (a)(2)(A) and the recommendations made by the task force.

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) An analysis of the strengths and weaknesses of each option.

(B) A comparison of each option to each of the governance models for the military health system adopted as of October 1, 1991.

(C) An estimate of the costs to implement each option.

(D) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(3) REPORT.—Not later than 180 days after the date on which the Secretary submits the report under subsection (a)(2), the Comptroller General shall submit to the congressional defense committees a report on the review.

SEC. 717. LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement, research, development, test, and evaluation, or operation and maintenance of the future electronic health records program, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report addressing—

(1) an architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);

(3) the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4249);

(4) the role of the Interagency Program Office to manage or oversee efforts with respect to the future electronic health records program; and

(5) any other matters the Secretary considers appropriate.

(b) FUTURE ELECTRONIC HEALTH RECORDS PROGRAM DEFINED.—In this section, the term ''future electronic health records program'' means the programs of the Department of Defense referred to as the ''EHR way ahead'' and the ''virtual lifetime electronic record''.

Subtitle C—Reports and Other Matters

SEC. 721. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) SCOPE OF CERTAIN SURVEYS.—Subsection (a)(3)(A) of section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 190; 10 U.S.C. 1073 note) is amended by striking ''2011'' and inserting ''2015''.

(b) FREQUENCY OF SUBMITTAL OF GAO REVIEWS.—Subsection (b)(2) of such section is amended by striking ''bi-annual basis'' and inserting ''biennial basis''.

SEC. 722. TREATMENT OF WOUNDED WARRIORS.

The Secretary of Defense may establish a program to enter into partnerships to enable coordinated, rapid clinical evaluation and the application of evidence-based treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries, that will address the priorities of the Armed Forces with respect to retention and readiness.

SEC. 723. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify, and improve the diagnosis of, post-traumatic stress disorder.

SEC. 724. REPORT ON MEMORANDUM REGARDING TRAUMATIC BRAIN INJURIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the implementation of the policy of the Department of Defense related to the management of concussion and mild traumatic brain injury in the deployed setting;

(2) the effectiveness of such policy with respect to identifying and treating blast-related concussive injuries; and

(3) the effect of such policy on operational effectiveness in theater.

SEC. 725. COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of women-specific health services and treatment for female members of the Armed Forces.

(b) ELEMENTS.—The review required by subsection (a) shall address, at a minimum, the following:

(1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.

(2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of women-specific services and treatment for female members of the Armed Forces who experience sexual assault or sexual abuse.

(4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.

(5) The access to and efficacy of women-specific breast cancer services and programs with respect to outreach, prevention, and treatment.

(6) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(7) An assessment of the policies, procedures, and programs of the Department of Defense that include specific force health protection and access to care for female members of the Armed Forces as an element of readiness.

(c) REPORT.—Not later than December 31, 2012, the Comptroller General shall submit to the congressional defense committees a report on the review required by subsection (a).

SEC. 726. COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

(a) REPORT.—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the contracting activities of the military departments with respect to providing health care professional services to members of the Armed Forces, dependents, and retirees.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A review of the contracting practices used by the military departments to provide health care professional services by civilian providers.

(2) An assessment of whether the contracting practices described in paragraph (1) are the most cost effective means to provide necessary care.

(3) A determination of—

(A) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in military medical treatment facilities or other on-base facilities; and

(B) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B.

Sec. 802. Revision to law relating to disclosures to litigation support contractors.

Sec. 803. Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.

Sec. 804. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.

Sec. 805. Defense Contract Audit Agency annual report.

Sec. 806. Inclusion of data on contractor performance in past performance databases for source selection decisions.

Sec. 807. Implementation of recommendations of Defense Science Board Task Force on Improvements to Service Contracting.

Sec. 808. Temporary limitation on aggregate annual amount available for contract services.

Sec. 809. Annual report on single-award task and delivery order contracts.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Calculation of time period relating to report on critical changes in major automated information systems.

Sec. 812. Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days.

Sec. 813. Extension of sunset date for certain protests of task and delivery order contracts.

Sec. 814. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation.

Sec. 815. Rights in technical data and validation of proprietary data restrictions.

Sec. 816. Covered contracts for purposes of requirements on contractor business systems.

Sec. 817. Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense.

Sec. 818. Detection and avoidance of counterfeit electronic parts.

Sec. 819. Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009.

Sec. 820. Inclusion of contractor support requirements in Department of Defense planning documents.

Sec. 821. Amendment relating to buying tents, tarpaulins, or covers from American sources.

Sec. 822. Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms.

Sec. 823. Prohibition on collection of political information.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased.

Sec. 832. Assessment, management, and control of operating and support costs for major weapon systems.
Sec. 833. Clarification of responsibility for cost analyses and targets for contract negotiation purposes.
Sec. 834. Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs.
Sec. 835. Management of developmental test and evaluation for major defense acquisition programs.
Sec. 836. Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries.
Sec. 837. Competition in maintenance and sustainment of subsystems of major weapon systems.
Sec. 838. Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program.
Sec. 839. Implementation of acquisition strategy for Evolved Expendable Launch Vehicle.
Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan
Sec. 841. Prohibition on contracting with the enemy in the United States Central Command theater of operations.
Sec. 842. Additional access to contractor and subcontractor records in the United States Central Command theater of operations.
Sec. 843. Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn.
Sec. 844. Competition and review of contracts for property or services in support of a contingency operation.
Sec. 845. Inclusion of associated support services in rapid acquisition and deployment procedures for supplies.
Sec. 846. Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.
Subtitle E—Defense Industrial Base Matters
Sec. 851. Assessment of the defense industrial base pilot program.
Sec. 852. Strategy for securing the defense supply chain and industrial base.
Sec. 853. Assessment of feasability and advisability of establishment of rare earth material inventory.
Sec. 854. Department of Defense assessment of industrial base for night vision image intensification sensors.
Sec. 855. Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.
Subtitle F—Other Matters
Sec. 861. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
Sec. 862. Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs.
Sec. 863. Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels.
Sec. 864. Acquisition workforce improvements.
Sec. 865. Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries.
Sec. 866. Three-year extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 867. Five-year extension of Department of Defense Mentor-Protege Program.

Subtitle A—Acquisition Policy and Management

SEC. 801. REQUIREMENTS RELATING TO CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES FOR MILESTONE A AND MILESTONE B AND ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.

(a) ADDITIONAL MILESTONE A REQUIREMENTS.—

(1) ADDITIONAL ITEMS OF CERTIFICATION.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(A) in paragraph (2), by striking ''core competency'' and inserting ''function'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) that a determination of applicability of core depot-level maintenance and repair capabilities requirements has been made;''; and

(D) in paragraph (6) (as so redesignated), by striking ''develop and procure'' and inserting ''develop, procure, and sustain''.

(2) DEFINITION.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(7) The term 'core depot-level maintenance and repair capabilities'' means the core depot-level maintenance and repair capabilities identified under section 2464(a) of this title.''.

(b) ADDITIONAL MILESTONE B REQUIREMENTS.—

(1) ADDITIONAL ITEM OF CERTIFICATION.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by redesignating subparagraph (E) as subparagraph (G);

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

(C) by inserting after subparagraph (D) the following new subparagraphs:

''(E) life-cycle sustainment planning, including corrosion prevention and mitigation planning, has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

''(F) an estimate has been made of the requirements for core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities and the associated sustaining workloads required to support such requirements; and''.

(2) DEFINITION.—Subsection (g) of such section is amended by striking paragraph (5) (relating to Key Decision Point B) and inserting the following new paragraph (5):

''(5) The term 'core logistics capabilities' means the core logistics capabilities identified under section 2464(a) of this title.''.

(c) REQUIREMENTS PRIOR TO LOW-RATE INITIAL PRODUCTION.—Prior to entering into a contract for low-rate initial production of a major defense acquisition program, the Secretary of Defense shall ensure that the detailed requirements for core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities and the associated sustaining workloads required to support such requirements, have been defined.

(d) GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance implementing the amendments made by subsections (a) and (b), and subsection (c), in a manner that is consistent across the Department of Defense.

(e) ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.—

(1) AMENDMENTS TO SECTION 2366a.—Section 2366a of title 10, United States Code, is amended—

*(A) in the section heading, by striking ''**or Key Decision Point**'';*

(B) in subsection (a), in the matter preceding paragraph (1), by striking '', or Key Decision Point A approval in the case of a space program,'' and by striking '', or Key Decision Point B approval in the case of a space program,''; and

(C) in subsection (b)—

(i) in paragraph (1), by striking ''(or Key Decision Point A approval in the case of a space program)''; and

(ii) in paragraph (2)(C)(ii), by striking '', or Key Decision Point A approval in the case of a space program,''.

(2) AMENDMENTS TO SECTION 2366b.—Section 2366b of such title is amended—

*(A) in the section heading, by striking ''**or Key Decision Point B**'';*

(B) in subsection (a), in the matter preceding paragraph (1), by striking '', or Key Decision Point B approval in the case of a space program,''; and

(C) in subsections (b)(2) and (d)(1), by striking ''(or Key Decision Point B approval in the case of a space program)'' each place it appears.

(3) AMENDMENTS TO TABLE OF SECTIONS.—The items relating to sections 2366a and 2366b in the table of sections at the beginning of chapter 139 of such title are amended to read as follows:

''2366a. Major defense acquisition programs: certification required before Milestone A approval.

''2366b. Major defense acquisition programs: certification required before Milestone B approval.''.

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 2433a(c)(1) of such title is amended by striking '', or Key Decision Point approval in the case of a space program,'' each place it appears in subparagraphs (B) and (C).

SEC. 802. REVISION TO LAW RELATING TO DISCLOSURES TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—

(1) REVISED AUTHORITY TO COVER DISCLOSURES UNDER LITIGATION SUPPORT CONTRACTS.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

''§ 129d. Disclosure to litigation support contractors

''(a) DISCLOSURE AUTHORITY.—An officer or employee of the Department of Defense may disclose sensitive information to a litigation support contractor if—

''(1) the disclosure is for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; and

''(2) under a contract with the Government, the litigation support contractor agrees to and acknowledges—

''(A) that sensitive information furnished will be accessed and used only for the purposes stated in the relevant contract;

''(B) that the contractor will take all precautions necessary to prevent disclosure of the sensitive information provided to the contractor;

''(C) that such sensitive information provided to the contractor under the authority of this section shall not be used by the contractor to compete against a third party for Government or non-Government contracts; and

''(D) that the violation of subparagraph (A), (B), or (C) is a basis for the Government to terminate the litigation support contract of the contractor.

''(b) DEFINITIONS.—In this section:

''(1) The term 'litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support.

''(2) The term 'sensitive information' means confidential commercial, financial, or proprietary information, technical data, or other privileged information.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

''129d. Disclosure to litigation support contractors.''.

(b) REPEAL OF SUPERSEDED PROVISIONS ENACTED IN PUBLIC LAW 111–383.—Section 2320 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking ''subsection (a)'' and all that follows through ''a covered Government'' and inserting ''subsection (a), allowing a covered Government''; and

(B) by striking subparagraph (B); and

(2) by striking subsection (g).

SEC. 803. EXTENSION OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER DEFENSE CONTRACTS.

(a) CERTAIN COMPENSATION NOT ALLOWABLE UNDER DEFENSE CONTRACTS.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended—

(1) by striking ''senior executives of contractors'' and inserting ''any contractor employee''; and

(2) by adding before the period at the end the following: '', except that the Secretary of Defense may establish one or more narrowly targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities''.

(b) CONFORMING AMENDMENT.—Subsection (l) of such section is amended by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be implemented in the Federal Acquisition Regulation within 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act.

SEC. 804. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) AVAILABILITY.—Paragraph (6) of section 1705(e) of title 10, United States Code, is amended to read as follows:

''(6) DURATION OF AVAILABILITY.—Amounts credited to the Fund in accordance with subsection (d)(2), transferred to the Fund pursuant to subsection (d)(3), appropriated to the Fund, or deposited to the Fund shall remain available for obligation in the fiscal year for which credited, transferred, appropriated, or deposited and the two succeeding fiscal years.''.

(b) EFFECTIVE DATE.—Paragraph (6) of such section, as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act.

SEC. 805. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.

(a) DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313 the following new section:

''§2313a. Defense Contract Audit Agency: annual report

''(a) REQUIRED REPORT.—The Director of the Defense Contract Audit Agency shall prepare an annual report of the activities of the Agency during the previous fiscal year. The report shall include, at a minimum—

''(1) a description of significant problems, abuses, and deficiencies encountered during the conduct of contractor audits;

''(2) statistical tables showing—

''(A) the total number of audit reports completed and pending;

''(B) the priority given to each type of audit;

''(C) the length of time taken for each type of audit;

''(D) the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs); and

''(E) an assessment of the number and types of audits pending for a period longer than allowed pursuant to guidance of the Defense Contract Audit Agency;

''(3) a summary of any recommendations of actions or resources needed to improve the audit process; and

''(4) any other matters the Director considers appropriate.

''(b) SUBMISSION OF ANNUAL REPORT.—Not later than March 30 of each year, the Director shall submit to the congressional defense committees the report required by subsection (a).

''(c) PUBLIC AVAILABILITY.—Not later than 60 days after the submission of an annual report to the congressional defense committees under subsection (b), the Director shall make the report available on the publicly available website of the Agency or such other publicly available website as the Director considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313 the following new item:

''2313a. Defense Contract Audit Agency: annual report.''.

SEC. 806. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR SOURCE SELECTION DECISIONS.

(a) STRATEGY ON INCLUSION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in paragraph (2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

SEC. 807. IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON IMPROVEMENTS TO SERVICE CONTRACTING.

(a) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting pursuant to the Under Secretary's responsibility under section 2330 of title 10, United States Code, develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting.

(b) ELEMENTS.—The plan developed pursuant to subsection (a) shall include, to the extent determined appropriate by the Under Secretary for Acquisition, Technology, and Logistics, the following:

(1) Meaningful incentives to services contractors for high performance at low cost, consistent with the objectives of the Better Buying Power Initiative established by the Under Secretary.

(2) Improved means of communication between the Government and the services contracting industry in the process of developing requirements for services contracts.

(3) Clear guidance for defense acquisition personnel on the use of appropriate contract types for particular categories of services contracts.

(4) Formal certification and training requirements for services acquisition personnel, consistent with the requirements of sections 1723 and 1724 of title 10, United States Code.

(5) Appropriate emphasis on the recruiting and training of services acquisition personnel, consistent with the strategic workforce plan developed pursuant to section 115b of title 10, United States Code, and the funds available through the Department of Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

(6) Policies and guidance on career development for services acquisition personnel, consistent with the requirements of sections 1722a and 1722b of title 10, United States Code.

(7) Actions to ensure that the military departments dedicate portfolio-specific commodity managers to coordinate the procurement of key categories of contract services, as required by section 2330(b)(3)(C) of title 10, United States Code.

(8) Actions to ensure that the Department of Defense conducts realistic exercises and training that account for services contracting during contingency operations, as required by section 2333(e) of title 10, United States Code.

(c) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the following:

(1) The actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics to carry out the requirements of this section.

(2) The actions taken by the Under Secretary to carry out the requirements of section 2330 of title 10, United States Code.

(3) The actions taken by the military departments to carry out the requirements of section 2330 of title 10, United States Code.

(4) The extent to which the actions described in paragraphs (1), (2), and (3) have resulted in the improved acquisition and management of contract services.

SEC. 808. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012 or 2013 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) EXCEPTION.—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012 or 2013 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary of Defense that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section during fiscal years 2012 and 2013. The guidance shall, at a minimum—

(1) establish a negotiation objective that labor rates and overhead rates in any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 shall not exceed labor rates and overhead rates paid to the contractor for contract services in fiscal year 2010;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to approve in writing any contract or task order for contract services with an estimated value in excess of $10,000,000 awarded to a contractor in fiscal year 2012 or 2013 that provides for continuing services at an annual cost that exceeds the annual cost paid by the military department or Defense Agency concerned for the same or similar services in fiscal year 2010;

(3) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;

(4) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(5) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012 and 2013.

(d) DEFINITIONS.—In this section:

(1) The term ''contract services'' has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term ''function closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term ''staff augmentation contracts'' means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term ''transfers from funding for overseas contingency operations'' means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012 or 2013.

SEC. 809. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

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

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

(C) by adding at the end the following new subparagraph:

''(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of $100,000,000 to a single source, an explanation of the basis for the determination.''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''WITH PRICE OR VALUE GREATER THAN $15,000,000''.

(b) REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking ''(A)'';

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CALCULATION OF TIME PERIOD RELATING TO REPORT ON CRITICAL CHANGES IN MAJOR AUTOMATED INFORMATION SYSTEMS.

Section 2445c(d)(2)(A) of title 10, United States Code, is amended to read as follows:

''(A) the automated information system or information technology investment failed to achieve a full deployment decision within five years after the Milestone A decision for the program or, if there was no Milestone A decision, the date when the preferred alternative is selected for the program (excluding any time during which program activity is delayed as a result of a bid protest);''.

SEC. 812. CHANGE IN DEADLINE FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FROM 60 TO 45 DAYS.

Section 2432(f) of title 10, United States Code, is amended by striking ''60'' and inserting ''45''.

SEC. 813. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Paragraph (3) of section 4106(f) of title 41, United States Code, is amended to read as follows:

''(3) EFFECTIVE PERIOD.—Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.''.

SEC. 814. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.

(a) CLARIFICATION OF AUTHORITY.—Section 2253(a)(2) of title 10, United States Code, is amended by striking ''vehicles'' and inserting ''passenger sedans''.

(b) ADJUSTMENT FOR INFLATION.—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.

SEC. 815. RIGHTS IN TECHNICAL DATA AND VALIDATION OF PROPRIETARY DATA RESTRICTIONS.

(a) RIGHTS IN TECHNICAL DATA.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D)(i)—

(i) in subclause (I), by striking ''or'' at the end;

(ii) by redesignating subclause (II) as subclause (III); and

(iii) by inserting after subclause (I) the following new subclause (II):

''(II) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; or'';

(B) in paragraph (2)(E), by striking ''and shall be based'' and all that follows through ''such rights shall'' and inserting ''. The United States shall have government purpose rights in such technical data, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such regulations, that negotiation of different rights in such technical data would be in the best interest of the United States. The establishment of any such negotiated rights shall''; and

(C) in paragraph (3), by striking ''for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)'' and inserting ''for the purposes of the definitions under this paragraph''; and

(2) in subsection (b)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(9) providing that, in addition to technical data that is already subject to a contract delivery requirement, the United States may require at any time the delivery of technical data that has been generated or utilized in the performance of a contract, and compensate the contractor only for reasonable costs incurred for having converted and delivered the data in the required form, upon a determination that—

''(A) the technical data is needed for the purpose of reprocurement, sustainment, modification, or upgrade (including through competitive means) of a major system or subsystem thereof, a weapon system or subsystem thereof, or any noncommercial item or process; and

''(B) the technical data—

''(i) pertains to an item or process developed in whole or in part with Federal funds; or

''(ii) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; and

''(10) providing that the United States is not foreclosed from requiring the delivery of the technical data by a failure to challenge, in accordance with the requirements of section 2321(d) of this title, the contractor's assertion of a use or release restriction on the technical data.''.

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321(d)(2) of such title is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''Except as provided in subparagraph (C)'' and all that follows through ''three-year period'' and inserting ''A challenge to a use or release restriction asserted by the contractor in accordance with applicable regulations may not be made under paragraph (1) after the end of the six-year period'';

(B) in clause (ii), by striking ''or'' at the end;

(C) in clause (iii) by striking the period and inserting ''; or''; and

(D) by adding at the end the following new clause:

''(iv) are the subject of a fraudulently asserted use or release restriction.'';

(2) in subparagraph (B), by striking ''three-year period'' each place it appears and inserting ''six-year period''; and

(3) by striking subparagraph (C).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(1)(C) shall take effect on January 7, 2011, immediately after the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383), to which such amendment relates.

SEC. 816. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

''(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.''.

SEC. 817. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking ''with the requirements'' and all that follows and inserting ''with the following:

''(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

''(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.''.

SEC. 818. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) ASSESSMENT OF DEPARTMENT OF DEFENSE POLICIES AND SYSTEMS.—The Secretary of Defense shall conduct an assessment of Department of Defense acquisition policies and systems for the detection and avoidance of counterfeit electronic parts.

(b) ACTIONS FOLLOWING ASSESSMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary shall, based on the results of the assessment required by subsection (a)—

(1) establish Department-wide definitions of the terms ''counterfeit electronic part'' and ''suspect counterfeit electronic part'', which definitions shall include previously used parts represented as new;

(2) issue or revise guidance applicable to Department components engaged in the purchase of electronic parts to implement a risk-based approach to minimize the impact of counterfeit electronic parts or suspect counterfeit electronic parts on the Department, which guidance shall address requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining counterfeit electronic parts and suspect counterfeit electronic parts, and taking corrective actions (including actions to recover costs as described in subsection (c)(2));

(3) issue or revise guidance applicable to the Department on remedial actions to be taken in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures;

(4) establish processes for ensuring that Department personnel who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department contains counterfeit electronic parts or suspect counterfeit electronic parts provide a report in writing within 60 days to appropriate Government authorities and to the Government-Industry Data Exchange Program (or a similar program designated by the Secretary); and

(5) establish a process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted in accordance with the processes under paragraph (4).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) covered contractors who supply electronic parts or products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department and Department contractors and subcontractors at all tiers—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department, and inspection, testing, and authentication of electronic parts that the Department or a Department contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers comply with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such suppliers as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department, or purchased by a contractor or subcontractor for delivery to, or on behalf of, the Department, contains counterfeit electronic parts or suspect counterfeit electronic parts report in writing within 60 days to appropriate Government authorities and the Government-Industry Data Exchange Program (or a similar program designated by the Secretary).

(5) CONSTRUCTION OF COMPLIANCE WITH REPORTING REQUIREMENT.—A Department contractor or subcontractor that provides a written report required under this subsection shall not be subject to civil liability on the basis of such reporting, provided the contractor or subcontractor made a reasonable effort to determine that the end item, component, part, or material concerned contained counterfeit electronic parts or suspect counterfeit electronic parts.

(d) INSPECTION PROGRAM.—The Secretary of Homeland Security shall establish and implement a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(e) IMPROVEMENT OF CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program to enhance contractor detection and avoidance of counterfeit electronic parts.

(2) ELEMENTS.—The program implemented pursuant to paragraph (1) shall—

(A) require covered contractors that supply electronic parts or systems that contain electronic parts to establish policies and procedures to eliminate counterfeit electronic parts from the defense supply chain, which policies and procedures shall address—

(i) the training of personnel;

(ii) the inspection and testing of electronic parts;

(iii) processes to abolish counterfeit parts proliferation;

(iv) mechanisms to enable traceability of parts;

(v) use of trusted suppliers;

(vi) the reporting and quarantining of counterfeit electronic parts and suspect counterfeit electronic parts;

(vii) methodologies to identify suspect counterfeit parts and to rapidly determine if a suspect counterfeit part is, in fact, counterfeit;

(viii) the design, operation, and maintenance of systems to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(ix) the flow down of counterfeit avoidance and detection requirements to subcontractors; and

(B) establish processes for the review and approval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, which processes shall be comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011

(Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note).

(f) DEFINITIONS.—In subsections (a) through (e) of this section:

(1) The term ''covered contractor'' has the meaning given that term in section 893(f)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

(2) The term ''electronic part'' means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode), or a circuit assembly.

(g) INFORMATION SHARING.—

(1) IN GENERAL.—If United States Customs and Border Protection suspects a product of being imported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of the Treasury may share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging, and labels, with the rightholders of the trademarks suspected of being copied or simulated for purposes of determining whether the products are prohibited from importation pursuant to such section.

(2) SUNSET.—This subsection shall expire on the date of the enactment of the Customs Facilitation and Trade Enforcement Reauthorization Act of 2012.

(3) LANHAM ACT DEFINED.—In this subsection, the term ''Lanham Act'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'').

(h) TRAFFICKING IN INHERENTLY DANGEROUS GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended to read as follows:

''§2320. Trafficking in counterfeit goods or services

''(a) OFFENSES.—Whoever intentionally—

''(1) traffics in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services,

''(2) traffics in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive, or

''(3) traffics in goods or services knowing that such good or service is a counterfeit military good or service the use, malfunction, or failure of which is likely to cause serious bodily injury or death, the disclosure of classified information, impairment of combat operations, or other significant harm to a combat operation, a member of the Armed Forces, or to national security, or attempts or conspires to violate any of paragraphs (1) through (3) shall be punished as provided in subsection (b).

''(b) PENALTIES.—

''(1) IN GENERAL.—Whoever commits an offense under subsection (a)—

''(A) if an individual, shall be fined not more than $2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, shall be fined not more than $5,000,000; and

''(B) for a second or subsequent offense under subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than $15,000,000.

''(2) SERIOUS BODILY INJURY OR DEATH.—

''(A) SERIOUS BODILY INJURY.—Whoever knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned for not more than 20 years, or both, and if other than an individual, shall be fined not more than $15,000,000.

''(B) DEATH.—Whoever knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a), if an individual, shall be fined not more than $5,000,000 or imprisoned for any term of years or for life, or both, and if other than an individual, shall be fined not more than $15,000,000.

''(3) COUNTERFEIT MILITARY GOODS OR SERVICES.—Whoever commits an offense under subsection (a) involving a counterfeit military good or service—

''(A) if an individual, shall be fined not more than $5,000,000, imprisoned not more than 20 years, or both, and if other than an individual, be fined not more than $15,000,000; and

''(B) for a second or subsequent offense, if an individual, shall be fined not more than $15,000,000, imprisoned not more than 30 years, or both, and if other than an individual, shall be fined not more than $30,000,000.

''(c) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.

''(d) DEFENSES.—All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act shall be applicable in a prosecution under this section. In a prosecution under this section, the defendant shall have the burden of proof, by a preponderance of the evidence, of any such affirmative defense.

''(e) PRESENTENCE REPORT.—(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) Persons permitted to submit victim impact statements shall include—

''(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

''(B) holders of intellectual property rights in such goods or services; and

''(C) the legal representatives of such producers, sellers, and holders.

''(f) DEFINITIONS.—For the purposes of this section—

''(1) the term 'counterfeit mark' means—

''(A) a spurious mark—

''(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

''(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

''(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

''(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or

''(B) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available by reason of section 220506 of title 36;

but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

''(2) the term 'financial gain' includes the receipt, or expected receipt, of anything of value;

''(3) the term 'Lanham Act' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (15 U.S.C. 1051 et seq.);

''(4) the term 'counterfeit military good or service' means a good or service that uses a counterfeit mark on or in connection with such good or service and that—

''(A) is falsely identified or labeled as meeting military specifications, or

''(B) is intended for use in a military or national security application; and

''(5) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.

''(g) LIMITATION ON CAUSE OF ACTION.—Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.

''(h) REPORT TO CONGRESS.—(1) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of this title), criminal infringement of copyrights (as defined in section 2319 of this title), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of this title), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of this title):

''(A) The number of open investigations.

''(B) The number of cases referred by the United States Customs Service.

''(C) The number of cases referred by other agencies or sources.

''(D) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.

''(2)(A) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

''(i) The number of infringement cases in these categories: audiovisual (videos and films); audio (sound recordings); literary works (books and musical compositions); computer programs; video games; and, others.

''(ii) The number of online infringement cases.

''(iii) The number and dollar amounts of fines assessed in specific categories of dollar amounts. These categories shall be: no fines ordered; fines under $500; fines from $500 to $1,000; fines from $1,000 to $5,000; fines from $5,000 to $10,000; and fines over $10,000.

''(iv) The total amount of restitution ordered in all copyright infringement cases.

''(B) In this paragraph, the term 'online infringement cases' as used in paragraph (2) means those cases where the infringer—

''(i) advertised or publicized the infringing work on the Internet; or

''(ii) made the infringing work available on the Internet for download, reproduction, performance, or distribution by other persons.

''(C) The information required under subparagraph (A) shall be submitted in the report required in fiscal year 2005 and thereafter.

''(i) TRANSSHIPMENT AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' or the 'Lanham Act').''.

SEC. 819. MODIFICATION OF CERTAIN REQUIREMENTS OF THE WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.

(a) REPEAL OF CERTIFICATION OF COMPLIANCE OF CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS BEFORE MILESTONE APPROVAL.—Subsection (c) of section 204 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1723; 10 U.S.C. 2366a note) is repealed.

(b) WAIVER OF REQUIREMENT TO REVIEW PROGRAMS RECEIVING WAIVER OF CERTAIN CERTIFICATION REQUIREMENTS.—Section 2366b(d) of title 10, United States Code, is amended by adding the following new paragraph:

''(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

''(A) determines in writing that—

''(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

''(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

''(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.''.

SEC. 820. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) ELEMENTS IN QDR REPORTS TO CONGRESS.—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) the roles and responsibilities that would be discharged by contractors.'';

(2) in paragraph (6), by striking ''manpower and sustainment'' and inserting ''manpower, sustainment, and contractor support''; and

(3) in paragraph (8), by inserting '', and the scope of contractor support,'' after ''Defense Agencies''.

(b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

(1) ASSESSMENTS UNDER CONTINGENCY PLANNING.—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Identifying the support functions that are likely to require contractor performance under those contingency plans, and the risks associated with the assignment of such functions to contractors.''.

(2) ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—Paragraph (4)(E) of such subsection is amended by inserting ''and contractor support'' after ''area of manpower''.

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.''; and

(B) in paragraph (3)(B), by striking ''and the levels of support from allies and other friendly nations'' and inserting ''the levels of support from allies and other friendly nations, and the levels of contractor support''.

SEC. 821. AMENDMENT RELATING TO BUYING TENTS, TARPAULINS, OR COVERS FROM AMERICAN SOURCES.

Section 2533a(b)(1)(C) of title 10, United States Code, is amended by inserting ''(and the structural components thereof)'' after ''tents''.

SEC. 822. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FROM FOREIGN SOURCES FOR THE PRODUCTION OF UNIFORMS.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

SEC. 823. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§2335. Prohibition on collection of political information

''(a) PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION.—The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

''(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the award of a contract for procurement of property or services; or

''(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option.

''(b) SCOPE.—The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

''(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

''(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

''(d) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

''(2) POLITICAL INFORMATION.—The term 'political information' means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms 'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2334 the following new item:

''2335. Prohibition on collection of political information.''.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

''(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

''(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost or procurement unit cost for the program or subprogram would not have increased by a percentage equal to or greater than the cost growth thresholds for the program or subprogram set forth in subparagraph (B); and

''(II) the change in quantity of items described in subclause (I) was not made as a result of an increase in program cost, a delay in the program, or a problem meeting program requirements;

''(ii) the Secretary determines in writing that the cost to the Department of Defense of complying with such requirements is likely to exceed the benefits to the Department of complying with such requirements; and

''(iii) the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title—

''(I) a copy of the written determination under clause (i) and an explanation of the basis for the determination; and

''(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

''(B) The cost growth thresholds specified in this subparagraph are as follows:

''(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

''(I) 5 percent over the program acquisition unit cost for the program or subprogram as

shown in the current Baseline Estimate for the program or subprogram; and

''(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.

''(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

''(I) 5 percent over the procurement unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

''(II) 10 percent over the procurement unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.''.

SEC. 832. ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on actions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

(b) ELEMENTS.—The guidance required by subsection (a) shall, at a minimum—

(1) be issued in conjunction with the comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems required by section 805 of the National Defenese Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2403; 10 U.S.C. 2301 note);

(2) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

(3) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

(4) establish standard requirements for the collection of data on operating and support costs for major weapon systems and require the military departments to revise their Visibility and Management of Operating and Support Costs (VAMOSC) systems to ensure that they collect complete and accurate data in compliance with such requirements and make such data available in a timely manner;

(5) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

(6) require the military departments—

(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(7) require the military departments to ensure that sustainment factors are fully considered at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(8) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(9) include—

(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—

(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

(10) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, may direct the military departments to collect and retain information necessary to support the database.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 833. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.

Section 2334(e) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (1)—

(A) by striking ''shall provide that—'' and all that follows through ''cost estimates'' and inserting ''shall provide that cost estimates'';

(B) by striking ''; and'' and inserting a period; and

(C) by redesignating subparagraph (B) as paragraph (2) and moving such paragraph two ems to the left;

(3) in paragraph (2), as redesignated by paragraph (2) of this section, by striking ''cost analyses and targets'' and inserting ''The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets'';

(4) in paragraph (3), as redesignated by paragraph (1) of this section, by striking ''issued by the Director of Cost Assessment and Program Evaluation'' and inserting ''issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)''; and

(5) in paragraph (5), as redesignated by paragraph (1) of this section, by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

SEC. 834. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 812(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

(1) by striking ''manufacturing readiness levels'' each place it appears and inserting ''manufacturing readiness levels or other manufacturing readiness standards'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios;''.

SEC. 835. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CHIEF DEVELOPMENTAL TESTER.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330), as amended by section 805(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–181; 123 Stat. 2403), is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) Chief developmental tester.''.

(b) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Section 139b of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

''(c) SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—

''(1) SUPPORT.—The Secretary of Defense shall require that each major defense acquisition program be supported by—

''(A) a chief developmental tester; and

''(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

''(2) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER.—The chief developmental tester for a major defense acquisition program shall be responsible for—

''(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

''(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

''(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

''(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

''(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

''(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

''(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.''.

SEC. 836. ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

(a) ASSESSMENT OF RISK REQUIRED.—

(1) IN GENERAL.—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) PREPARATION.—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(b) ELEMENTS.—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract to be entered into under (a)(1), and a full explanation why such requirements need to be waived or modified.

(c) DEFINITIONS.—In this section:

(1) The term ''engineering and manufacturing development'' has the meaning given that term in Department of Defense Instruction 5000.02.

(2) The term ''major weapon system'' has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 837. COMPETITION IN MAINTENANCE AND SUSTAINMENT OF SUBSYSTEMS OF MAJOR WEAPON SYSTEMS.

Section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1721; 10 U.S.C. 2430 note) is amended—

(1) in the subsection heading, by striking ''OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS'' and inserting ''MAINTENANCE AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS AND SUBSYSTEMS'';

(2) by inserting ''or subsystem of a major weapon system'' after ''a major weapon system''; and

(3) by inserting '', or for components needed for such maintenance and sustainment,'' after ''such maintenance and sustainment''.

SEC. 838. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SEC. 839. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) IN GENERAL.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional committees specified in subsection (c) the following information:

(1) A description of how the strategy of the Department of Defense to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO–11–641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

(c) CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

SEC. 841. PROHIBITION ON CONTRACTING WITH THE ENEMY IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to authorize the head of a contracting activity, pursuant to a request from the Commander of the United States Central Command under subsection (c)(2)—

(A) to restrict the award of Department of Defense contracts, grants, or cooperative agreements that the head of the contracting activity determines in writing would provide funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(B) to terminate for default any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations; or

(C) to void in whole or in part any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contract, grant, or cooperative agreement provides funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(b) CONTRACT CLAUSE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (a).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT.—In this subsection, the term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations.

(c) IDENTIFICATION OF CONTRACTS WITH SUPPORTERS OF THE ENEMY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, acting through the Commander of the United States Central Command, shall establish

a program to use available intelligence to review persons and entities who receive United States funds through contracts, grants, and cooperative agreements performed in the United States Central Command theater of operations and identify any such persons and entities who are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(2) NOTICE TO CONTRACTING ACTIVITIES.—If the Commander of the United States Central Command, acting pursuant to the program required by paragraph (1), identifies a person or entity as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation, the Commander may notify the head of a contracting activity in writing of such identification and request that the head of the contracting activity exercise the authority provided in subsection (a) with regard to any contracts, grants, or cooperative agreements that provide funding directly or indirectly to the person or entity.

(3) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon by the Commander of the United States Central Command to make an identification in accordance with this subsection may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (a), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(d) NONDELEGATION OF RESPONSIBILITIES.—

(1) CONTRACT ACTIONS.—The authority provided by subsection (a) to restrict, terminate, or void contracts, grants, and cooperative agreements may not be delegated below the level of the head of a contracting activity.

(2) IDENTIFICATION OF SUPPORT OF ENEMY.—The authority to make an identification under subsection (c)(1) may not be delegated below the level of the Commander of the United States Central Command.

(e) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) and explain the basis for the action taken. Any report under this subsection may be submitted in classified form.

(f) OTHER DEFINITION.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) SUNSET.—The authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) shall cease to be effective on the date that is three years after the date of the enactment of this Act.

SEC. 842. ADDITIONAL ACCESS TO CONTRACTOR AND SUBCONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.

(a) DEPARTMENT OF DEFENSE CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement concerned may have been subject to extortion or corruption or may have been provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of $100,000.

(b) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken, Any report under this subsection may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) The term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(d) SUNSET.—

(1) IN GENERAL.—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of this Act.

(2) CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant to this section before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

SEC. 843. REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.

(a) AUTHORITY TO DESIGNATE LEAD CONTRACTING ACTIVITY.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the ''lead reach-back contracting authority'' for such operations.

(b) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.—The head of the contracting authority designated pursuant to subsection (a) may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) DEFINITIONS.—In this section:

(1) The term ''overseas increased micro-purchase threshold'' means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term ''overseas increased simplified acquisition threshold'' means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

SEC. 844. COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

(2) develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

(b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.

(c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.— Section 863(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (110–181; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.''.

SEC. 845. INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.

(a) INCLUSION.—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking ''supplies'' each place it appears (other than subsections (a)(1)(B) and (f)) and inserting ''supplies and associated support services''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) ASSOCIATED SUPPORT SERVICES DEFINED.—In this section, the term 'associated support services' means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this

section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.''.

(c) LIMITATION ON AVAILABILITY OF AUTHORITY.—The authority to acquire associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note).

SEC. 846. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

''§ 2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund

''(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Joint Urgent Operational Needs Fund' (in this section referred to as the 'Fund').

''(b) ELEMENTS.—The Fund shall consist of the following:

''(1) Amounts appropriated to the Fund.

''(2) Amounts transferred to the Fund.

''(3) Any other amounts made available to the Fund by law.

''(c) USE OF FUNDS.—(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

''(2) The Secretary shall establish a merit-based process for identifying equipment, supplies, services, training, and facilities suitable for funding through the Fund.

''(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

''(d) TRANSFER AUTHORITY.—(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

''(A) Operation and maintenance accounts.

''(B) Procurement accounts.

''(C) Research, development, test, and evaluation accounts.

''(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

''(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

''(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

''(e) SUNSET.—The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

''2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.''.

(b) LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note).

Subtitle E—Defense Industrial Base Matters

SEC. 851. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE PILOT PROGRAM.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the defense industrial base pilot program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A quantitative and qualitative analysis of the effectiveness of the defense industrial base pilot program.

(2) An assessment of the legal, policy, or regulatory challenges associated with effectively executing the pilot program.

(3) Recommendations for changes to the legal, policy, or regulatory framework for the pilot program to make it more effective.

(4) A description of any plans to expand the pilot program, including to other sectors beyond the defense industrial base.

(5) An assessment of the potential legal, policy, or regulatory challenges associated with expanding the pilot program.

(6) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 852. STRATEGY FOR SECURING THE DEFENSE SUPPLY CHAIN AND INDUSTRIAL BASE.

(a) REPORT REQUIRED.—The Secretary of Defense shall ensure that the annual report to Congress on the defense industrial base submitted for fiscal year 2012 pursuant to section 2504 of title 10, United States Code, includes a description of, and a status report on, the sector-by-sector, tier-by-tier assessment of the industrial base undertaken by the Department of Defense.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, a description of the steps taken and planned to be taken—

(1) to identify current and emerging sectors of the defense industrial base that are critical to the national security of the United States;

(2) in each sector, to identify items that are critical to military readiness, including key components, subcomponents, and materials;

(3) to examine the structure of the industrial base, including the competitive landscape, relationships, risks, and opportunities within that structure;

(4) to map the supply chain for critical items identified under paragraph (2) in a manner that provides the Department of Defense visibility from raw material to final products;

(5) to perform a risk assessment of the supply chain for such critical items and conduct an evaluation of the extent to which—

(A) the supply chain for such items is subject to disruption by factors outside the control of the Department of Defense; and

(B) such disruption would adversely affect the ability of the Department of Defense to fill its national security mission.

(c) STRATEGY REQUIRED.—Based on the findings from the sector-by-sector, tier-by-tier assessment, as described in the report required by subsection (a), the Secretary of Defense shall develop a defense supply chain and industrial base strategy to ensure the continued availability of items that are determined by the Secretary to be critical to military readiness and to be subject to significant supply chain risk. The strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and industrial base and shall, at a minimum, address—

(1) mitigation strategies needed to address any gaps or vulnerabilities in the relevant sectors of the defense industrial base;

(2) the need for timely mobilization and capacity in such sectors of the defense industrial base; and

(2) any other steps needed to foster and safeguard such sectors of the defense industrial base.

(d) FOLLOW-UP REVIEW.—The Secretary of Defense shall ensure that the annual report to Congress on the defense industrial base submitted for each of fiscal years 2013, 2014, and 2015 includes an update on the steps taken by the Department of Defense to act on the findings of the sector-by-sector, tier-by-tier assessment of the industrial base and implement the strategy required by subsection (c). Such updates shall, at a minimum—

(1) be conducted based on current mapping of the supply chain and industrial base structure, including an analysis of the competitive landscape, relationships, risks, and opportunities within that structure; and

(2) take into account any changes or updates to the National Defense Strategy, National Military Strategy, national counterterrorism policy, homeland security policy, and applicable operational or contingency plans.

SEC. 853. ASSESSMENT OF FEASABILITY AND ADVISABILITY OF ESTABLISHMENT OF RARE EARTH MATERIAL INVENTORY.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency Strategic Materials shall submit to the Secretary of Defense an assessment of the feasibility and advisability of establishing an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials. The assessment shall—

(1) identify and describe the steps necessary to create an inventory of rare earth materials, including oxides, metals, alloys, and magnets, to support national defense requirements and ensure reliable sources of such materials for defense purposes;

(2) provide a detailed cost-benefit analysis of creating such an inventory in accordance with Office of Management and Budget Circular A–94;

(3) provide an analysis of the potential market effects, including effects on the pricing and commercial availability of such rare earth materials, associated with creating such an inventory;

(4) identify and describe the mechanisms available to the Administrator to make such an inventory accessible, including by purchase, to entities requiring such rare earth materials to support national defense requirements, including producers of end items containing rare earth materials;

(5) provide a detailed explanation of the ability of the Administrator to authorize the sale of excess materials to support a Rare Earth Material Stockpile Inventory Program;

(6) analyze any potential requirements to amend or revise the Defense Logistics Agency Strategic Materials Annual Material Plan for Fiscal Year 2012 and subsequent years to reflect an inventory of rare earth materials to support national defense requirements;

(7) identify and describe the steps necessary to develop or maintain a competitive, multi-source supply-chain to avoid reliance on a single source of supply;

(8) identify and describe supply sources considered by the Administrator to be reliable, including an analysis of the capabilities of such

sources to produce such materials in forms required for military applications in the next five years, as well as the security of upstream supply for these sources of material; and

(9) include such other considerations and recommendations as necessary to support the establishment of such inventory.

(b) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the assessment is submitted under subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(A) the findings and recommendations from the assessment required under subsection (a);

(B) a description of any actions the Secretary intends to take regarding the plans, strategies, policies, regulations, or resourcing of the Department of Defense as a result of the findings and recommendations from such assessment; and

(C) any recommendations for legislative or regulatory changes needed to ensure the long-term availability of such rare earth materials.

(c) DEFINITIONS.—In this section:

(1) The term ''rare earth'' means any of the following chemical elements in any of their physical forms or chemical combinations and alloys:

(A) Scandium.
(B) Yttrium.
(C) Lanthanum.
(D) Cerium.
(E) Praseodymium.
(F) Neodymium.
(G) Promethium.
(H) Samarium.
(I) Europium.
(J) Gadolinium.
(K) Terbium.
(L) Dysprosium.
(M) Holmium.
(N) Erbium.
(O) Thulium.
(P) Ytterbium.
(Q) Lutetium.

(2) The term ''capability'' means the required facilities, manpower, technological knowledge, and intellectual property necessary for the efficient and effective production of rare earth materials.

SEC. 854. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources;

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SEC. 855. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.

Section 139e(b)(12) of title 10, United States Code, is amended by striking ''titles I and II'' and inserting ''titles I and III''.

Subtitle F—Other Matters

SEC. 861. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.

(a) EXCLUSIVE JURISDICTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any cause of action filed on or after the first day of the first month beginning more than 30 days after the date of the enactment of this Act.

SEC. 862. ENCOURAGEMENT OF CONTRACTOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) PROGRAMS.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop programs and incentives to ensure that Department of Defense contractors take appropriate steps to—

(1) enhance undergraduate, graduate, and doctoral programs in science, technology, engineering and math (in this section referred to as ''STEM'' disciplines);

(2) make investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools;

(3) encourage employees to volunteer in Title I schools in order to enhance STEM education and programs;

(4) make personnel available to advise and assist faculty at such colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establish partnerships between the offeror and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines;

(6) award scholarships and fellowships, and establish cooperative work-education programs in scientific disciplines; or

(7) conduct recruitment activities at historically black colleges and universities and other minority-serving institutions or offer internships or apprenticeships.

(b) IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the steps taken to implement the requirements of this section.

SEC. 863. SENSE OF CONGRESS AND REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ALTERNATIVE FUELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement of alternative fuels by the Department of Defense through the use of long-term contracts can provide stability for industry, which could attract investment needed to develop alternative fuel sources.

(2) In appropriate circumstances, and with appropriate protections, the use of long-term contracts for alternative fuels can be in the best interest of the Department if the costs of these contracts are competitive with other fuel contracts.

(3) The Department has asked for the authority to enter into long-term contracts for alternative fuels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should continue to pursue long-term contracting authority for alternative fuels, as well as traditional fuels, if the contracts will satisfy military requirements and result in equal or less cost to the Department over their duration.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of alternative fuels, including advanced biofuels. The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of alternative fuels, including advanced biofuels, of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

SEC. 864. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: ''The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.'';

(2) by striking ''The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).'' and inserting ''The Associate Administrator shall be located in the Office of Federal Procurement Policy.'';

(3) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

''(5) implementing workforce programs under subsections (f) through (l) of section 1703 of this title; and''.

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of subtitle I of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

''CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

''Sec.
''1201. Federal Acquisition Institute.

''§ 1201. Federal Acquisition Institute

''(a) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

''(1) foster and promote the development of a professional acquisition workforce Government-wide;

''(2) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

''(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

''(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

''(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

''(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

''(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

''(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

''(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

''(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

''(11) assist civilian agencies with their acquisition and capital planning efforts; and

''(12) perform other career management or research functions as directed by the Administrator.

''(b) BUDGET RESOURCES AND AUTHORITY.—

''(1) IN GENERAL.—The Administrator shall recommend to the Administrator of General Services sufficient budget resources and authority for the Federal Acquisition Institute to support Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

''(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator under paragraph (1).

''(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

''(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator.

''(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

''(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

''(A) meets its statutory requirements;

''(B) meets the needs of the Federal acquisition workforce;

''(C) implements appropriate programs;

''(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

''(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

''(F) works closely with the Defense Acquisition University.

''(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

''(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, be subject to the direction and control of, and report directly to the Administrator.

''(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of subtitle I of such title is amended by inserting after the item relating to chapter 11 the following new item:

''12. Federal Acquisition Institute 1201.''.

(3) CONFORMING AMENDMENT.—Paragraph (5) of section 1122(a) of such title is amended to read as follows:

''(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.''.

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking ''The Administrator shall'' and inserting the following:

''(A) IN GENERAL.—The Administrator shall''; and

(B) by adding at the end the following:

''(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

''(i) developing and modifying acquisition certification programs;

''(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

''(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

''(iv) developing career path information for certified professionals to encourage retention in government positions;

''(v) coordinating with the Office of Personnel Management for human capital efforts; and

''(vi) managing rotation assignments to support opportunities to apply skills included in certification.''; and

(2) by adding at the end the following new subsection:

''(l) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.''.

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking ''to support the training of the acquisition workforce of the executive agencies'' and inserting ''to support the activities set forth in section 1201(a) of this title''; and

(2) in paragraph (6), by striking ''ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)'' and inserting ''ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title''.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

SEC. 865. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.

Section 2350a(b)(2) of title 10, United States Code, is amended by striking ''and to one other official of the Department of Defense'' and inserting '', the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering''.

SEC. 866. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) THREE-YEAR EXTENSION.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking ''September 30, 2011'' and inserting ''December 31, 2014''.

(b) ADDITIONAL REPORT.—Subsection (f) of such section is amended by inserting ''and March 1, 2012,'' after ''March 1, 1994,''.

SEC. 867. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking ''September 30, 2010'' and inserting ''September 30, 2015''; and

(2) in paragraph (2), by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revision of defense business systems requirements.

Sec. 902. Qualifications for appointments to the position of Deputy Secretary of Defense.

Sec. 903. Designation of Department of Defense senior official with principal responsibility for airship programs.

Sec. 904. Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces.

Sec. 905. Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests.

Sec. 906. Sense of Congress on use of modeling and simulation in Department of Defense activities.

Sec. 907. Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO.

Sec. 908. Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills.

Subtitle B—Space Activities

Sec. 911. Harmful interference to Department of Defense Global Positioning System.

Sec. 912. Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements.

Subtitle C—Intelligence-Related Matters

Sec. 921. Report on implementation of recommendations by the Comptroller General on intelligence information sharing.

Sec. 922. Insider threat detection.

Sec. 923. Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.

Sec. 924. Ozone Widget Framework.
Sec. 925. Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise.
Sec. 926. Facilities for intelligence collection or special operations activities abroad.

Subtitle D—Total Force Management

Sec. 931. General policy for total force management.
Sec. 932. Revisions to Department of Defense civilian personnel management constraints.
Sec. 933. Additional amendments relating to total force management.
Sec. 934. Modifications of annual defense manpower requirements report.
Sec. 935. Revisions to strategic workforce plan.
Sec. 936. Amendments to requirement for inventory of contracts for services.
Sec. 937. Preliminary planning and duration of public-private competitions.
Sec. 938. Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees.

Subtitle E—Quadrennial Roles and Missions and Related Matters

Sec. 941. Chairman of the Joint Chiefs of Staff assessment of contingency plans.
Sec. 942. Quadrennial defense review.

Subtitle F—Other Matters

Sec. 951. Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity.
Sec. 952. Report on United States Special Operations Command structure.
Sec. 953. Strategy to acquire capabilities to detect previously unknown cyber attacks.
Sec. 954. Military activities in cyberspace.

Subtitle A—Department of Defense Management

SEC. 901. REVISION OF DEFENSE BUSINESS SYSTEMS REQUIREMENTS.

Section 2222 of title 10, United States Code, is amended to read as follows:

"§2222. Defense business systems: architecture, accountability, and modernization

"(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system program that will have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title unless—

"(1) the appropriate pre-certification authority for the covered defense business system program has determined that—

"(A) the defense business system program is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

"(i) the business process supported by the defense business system program is or will be as streamlined and efficient as practicable; and

"(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

"(B) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

"(C) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

"(2) the covered defense business system program has been reviewed and certified by the investment review board established under subsection (g); and

"(3) the certification of the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee established by section 186 of this title.

"(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a covered defense business system program that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

"(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—(1) The Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

"(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget; and

"(B) a transition plan for implementing the defense business enterprise architecture.

"(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture content, including unambiguous definitions of functional processes, business rules, and standards, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

"(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

"(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

"(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

"(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations covered by subparagraphs (A) through (D).

"(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

"(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

"(A) comply with all applicable law, including Federal accounting, financial management, and reporting requirements;

"(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

"(C) integrate budget, accounting, and program information and systems; and

"(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

"(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

"(3) A target defense business systems computing environment, compliant with the defense business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.

"(e) COMPOSITION OF TRANSITION PLAN.—The transition plan developed under subsection (c)(1)(B) shall include the following:

"(1) A listing of the new systems that are expected to be needed to complete the defense business enterprise architecture, along with each system's time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

"(2) A listing of the defense business systems existing as of September 30, 2011 (known as 'legacy systems') that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

"(3) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the target defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture, including time-phased milestones, performance measures, and financial resource needs.

"(f) DESIGNATION OF APPROPRIATE PRE-CERTIFICATION AUTHORITIES AND SENIOR OFFICIALS.—(1) For purposes of subsections (a) and (g), the appropriate pre-certification authority for a defense business system program is as follows:

"(A) In the case of an Army program, the Chief Management Officer of the Army.

"(B) In the case of a Navy program, the Chief Management Officer of the Navy.

"(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

"(D) In the case of a program of a Defense Agency, the Director, or equivalent, of such Defense Agency, unless otherwise approved by the Deputy Chief Management Officer of the Department of Defense.

"(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer of the Department of Defense.

"(2) For purposes of subsection (g), the appropriate senior official of the Department of Defense for the functions and activities supported by a covered defense business system is as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of any defense business system the primary purpose of which is to support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

"(B) The Under Secretary of Defense (Comptroller), in the case of any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

"(C) The Under Secretary of Defense for Personnel and Readiness, in the case of any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

"(D) The Chief Information Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

"(E) The Deputy Chief Management Officer of the Department of Defense, in the case of any defense business system the primary purpose of

which is to support any activity of the Department of Defense not covered by subparagraphs (A) through (D).

''(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require the Deputy Chief Management Officer of the Department of Defense, not later than March 15, 2012, to establish an investment review board and investment management process, consistent with section 11312 of title 40, to review and certify the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business systems programs. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

''(2) The review of defense business systems programs under the investment management process shall include the following:

''(A) Review and approval by an investment review board of each covered defense business system program before the obligation of funds on the system in accordance with the requirements of subsection (a).

''(B) Periodic review, but not less than annually, of all covered defense business system programs, grouped in portfolios of defense business systems.

''(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representation from each of the following:

''(i) The appropriate pre-certification authority for the defense business system under review.

''(ii) The appropriate senior official of the Department of Defense for the functions and activities supported by the defense business system under review.

''(iii) The Chief Information Officer of the Department of Defense.

''(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system programs depending on scope, complexity, and cost.

''(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

''(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

''(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

''(1) Identification of each defense business system program for which funding is proposed in that budget.

''(2) Identification of all funds, by appropriation, proposed in that budget for each such program, including—

''(A) funds for current services (to operate and maintain the system covered by such program); and

''(B) funds for business systems modernization, identified for each specific appropriation.

''(3) For each such program, identification of the appropriate pre-certification authority and senior official of the Department of Defense designated under subsection (f).

''(4) For each such program, a description of each approval made under subsection (a)(3) with regard to such program.

''(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. Each report shall—

''(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the defense business system programs submitted for certification under such subsection;

''(2) identify the number of defense business system programs so certified;

''(3) identify any covered defense business system program during the preceding fiscal year that was not approved under subsection (a), and the reasons for the lack of approval;

''(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems programs; and

''(5) include a copy of the most recent report of the Chief Management Officer of each military department on implementation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4569; 10 U.S.C. 2222 note).

''(j) DEFINITIONS.—In this section:

''(1) The term 'defense business system' means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(2) The term 'covered defense business system program' means any defense business system program that is expected to have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.

''(3) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44.

''(4) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40.

''(5) The term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.''.

SEC. 902. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: ''The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.''.

SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

SEC. 904. MEMORANDA OF AGREEMENT ON IDENTIFICATION AND DEDICATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES TO FULFILL CERTAIN REQUIREMENTS OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT.—By not later than 180 days after the date of the enactment of this Act and annually thereafter, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command that identifies or establishes processes and associated milestones by which numbers and types of enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary can be identified and dedicated to fulfill the training and operational requirements of special operations forces under the United States Special Operations Command.

(b) FORMAT.—Such agreements may be accomplished in an annex to existing memoranda of agreement or through separate memoranda of agreement.

SEC. 905. ASSESSMENT OF DEPARTMENT OF DEFENSE ACCESS TO NON-UNITED STATES CITIZENS WITH SCIENTIFIC AND TECHNICAL EXPERTISE VITAL TO THE NATIONAL SECURITY INTERESTS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to the national security interests of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of the critical scientific and technical skills that are vital to the national security interests of the United States and are anticipated to be in short supply over the next 10 years, and an identification of the military positions and civilian positions of the Department of Defense that require such skills.

(2) An identification of mechanisms and incentives for attracting persons who are non-United States citizens with such skills to such positions, including the expedited extension of United States citizenship.

(3) An identification and assessment of any concerns associated with the provision of security clearances to such persons.

(4) An identification and assessment of any concerns associated with the employment of such persons in civilian positions in the United States defense industrial base, including in positions in which United States citizenship, a security clearance, or both are a condition of employment.

(c) REPORTS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

SEC. 906. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SEC. 908. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

Subtitle B—Space Activities

SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) FEDERAL COMMUNICATIONS COMMISSION CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.—

(1) CONTINUATION OF CONDITIONS UNTIL INTERFERENCE ADDRESSED.—The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to covered GPS devices.

(2) NOTICE AND COMMENT ON WORKING GROUP REPORT.—Prior to permitting such commercial terrestrial operations, the Federal Communications Commission shall make available the final working group report mandated by such Order and Authorization and provide all interested parties an opportunity to comment on such report.

(3) NOTICE TO CONGRESS.—

(A) IN GENERAL.—At the conclusion of the proceeding on such commercial terrestrial operations, the Federal Communications Commission shall submit to the congressional committees described in subparagraph (B) official copies of the documents containing the final decision of the Commission regarding whether to permit such commercial terrestrial operations. If the decision is to permit such commercial terrestrial operations, such documents shall contain or be accompanied by an explanation of how the concerns described in paragraph (1) have been resolved.

(B) CONGRESSIONAL COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are the following:

(i) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(ii) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

(b) SECRETARY OF DEFENSE REVIEW OF HARMFUL INTERFERENCE.—

(1) REVIEW.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the date referred to in paragraph (3), the Secretary of Defense shall conduct a review to—

(A) assess the ability of covered GPS devices to receive signals from Global Positioning System satellites without widespread harmful interference; and

(B) determine if commercial communications services are causing or will cause widespread harmful interference with covered GPS devices.

(2) NOTICE TO CONGRESS.—

(A) NOTICE.—If the Secretary of Defense determines during a review under paragraph (1) that commercial communications services are causing or will cause widespread harmful interference with covered GPS devices, the Secretary shall promptly submit to the congressional defense committees notice of such interference.

(B) CONTENTS.—The notice required under subparagraph (A) shall include—

(i) a list and description of the covered GPS devices that are being or expected to be interfered with by commercial communications services;

(ii) a description of the source of, and the entity causing or expect to cause, the interference with such receivers;

(iii) a description of the manner in which such source or such entity is causing or expected to cause such interference;

(iv) a description of the magnitude of harm caused or expected to be caused by such interference;

(v) a description of the duration of and the conditions and circumstances under which such interference is occurring or expected to occur;

(vi) a description of the impact of such interference on the national security interests of the United States; and

(vii) a description of the plans of the Secretary to address, alleviate, or mitigate such interference, including the cost of such plans.

(C) FORM.—The notice required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(3) TERMINATION DATE.—The date referred to in this paragraph is the earlier of—

(A) the date that is two years after the date of the enactment of this Act; or

(B) the date on which the Secretary—

(i) determines that commercial communications services are not causing any widespread harmful interference with covered GPS devices; and

(ii) the Secretary submits to the congressional defense committees notice of the determination made under clause (i).

(c) COVERED GPS DEVICE DEFINED.—In this section, the term ''covered GPS device'' means a Global Position System device of the Department of Defense.

SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SATELLITES AS MAJOR SUBPROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' before ''If the Secretary of Defense determines''; and

(2) by adding at the end the following new subparagraph:

''(B) If the Secretary of Defense determines that a major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.''.

Subtitle C—Intelligence-Related Matters

SEC. 921. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS BY THE COMPTROLLER GENERAL ON INTELLIGENCE INFORMATION SHARING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the Comptroller General a report on actions taken by the Secretary in response to the recommendations of the Comptroller General in the report issued on January 22, 2010, titled ''Intelligence, Surveillance, and Reconnaissance: Establishing Guidance, Timelines, and Accountability for Integrating Intelligence Data Would Improve Information Sharing'' (GAO–10–265NI), regarding the need to develop guidance, such as a concept of operations, to provide overarching direction and priorities for sharing intelligence information across the defense elements of the intelligence community.

(b) REVIEW OF REPORT.—The Comptroller General shall submit to the appropriate congressional committees a review of the report submitted under subsection (a), including a determination by the Comptroller General as to whether the actions taken by the Secretary of Defense in response to the recommendations referred to in such subsection are consistent with and adequately address such recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Select Committee on Intelligence of the Senate.

SEC. 922. INSIDER THREAT DETECTION.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for information sharing protection and insider threat mitigation for the information systems of the Department of Defense to detect unauthorized access to, use of, or transmission of classified or controlled unclassified information.

(b) ELEMENTS.—The program established under subsection (a) shall include the following:

(1) Technology solutions for deployment within the Department of Defense that allow for centralized monitoring and detection of unauthorized activities, including—

(A) monitoring the use of external ports and read and write capability controls;

(B) disabling the removable media ports of computers physically or electronically;

(C) electronic auditing and reporting of unusual and unauthorized user activities;

(D) using data-loss prevention and data-rights management technology to prevent the unauthorized export of information from a network or to render such information unusable in the event of the unauthorized export of such information;

(E) a roles-based access certification system;

(F) cross-domain guards for transfers of information between different networks; and

(G) patch management for software and security updates.

(2) Policies and procedures to support such program, including special consideration for policies and procedures related to international and interagency partners and activities in support of ongoing operations in areas of hostilities.

(3) A governance structure and process that integrates information security and sharing technologies with the policies and procedures referred to in paragraph (2). Such structure and process shall include—

(A) coordination with the existing security clearance and suitability review process;

(B) coordination of existing anomaly detection techniques, including those used in counterintelligence investigation or personnel screening activities; and

(C) updating and expediting of the classification review and marking process.

(4) A continuing analysis of—

(A) gaps in security measures under the program; and

(B) technology, policies, and processes needed to increase the capability of the program beyond the initially established full operating capability to address such gaps.

(5) A baseline analysis framework that includes measures of performance and effectiveness.

(6) A plan for how to ensure related security measures are put in place for other departments or agencies with access to Department of Defense networks.

(7) A plan for enforcement to ensure that the program is being applied and implemented on a uniform and consistent basis.

(c) OPERATING CAPABILITY.—The Secretary shall ensure the program established under subsection (a)—

(1) achieves initial operating capability not later than October 1, 2012; and

(2) achieves full operating capability not later than October 1, 2013.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that includes—

(1) the implementation plan for the program established under subsection (a);

(2) the resources required to implement the program;

(3) specific efforts to ensure that implementation does not negatively impact activities in support of ongoing operations in areas of hostilities;

(4) a definition of the capabilities that will be achieved at initial operating capability and full operating capability, respectively; and

(5) a description of any other issues related to such implementation that the Secretary considers appropriate.

(e) BRIEFING REQUIREMENT.—The Secretary shall provide briefings to the Committees on Armed Services of the House of Representatives and the Senate as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a briefing describing the governance structure referred to in subsection (b)(3).

(2) Not later than 120 days after the date of the enactment of this Act, a briefing detailing the inventory and status of technology solutions deployment referred to in subsection (b)(1), including an identification of the total number of host platforms planned for such deployment, the current number of host platforms that provide appropriate security, and the funding and timeline for remaining deployment.

(3) Not later than 180 days after the date of the enactment of this Act, a briefing detailing the policies and procedures referred to in subsection (b)(2), including an assessment of the effectiveness of such policies and procedures and an assessment of the potential impact of such policies and procedures on information sharing within the Department of Defense and with interagency and international partners.

(f) BUDGET SUBMISSION.—On the date on which the President submits to Congress the budget under section 1105 of title 31, United States Code, for each of fiscal years 2014 through 2019, the Secretary of Defense shall submit to the congressional defense committees an identification of the resources requested in such budget to carry out the program established under subsection (a).

SEC. 923. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting ''(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

''454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.''.

SEC. 924. OZONE WIDGET FRAMEWORK.

(a) MECHANISM FOR INTERNET PUBLICATION OF INFORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS AND APPLICATIONS.—The Chief Information Officer of the Department of Defense, acting through the Director of the Defense Information Systems Agency, shall implement a mechanism to publish and maintain on the public Internet the application programming interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework (OWF) as the Chief Information Officer considers necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications for use by the Department of Defense and the elements of the intelligence community.

(b) PROCESS FOR VOLUNTARY CONTRIBUTION OF IMPROVEMENTS BY PRIVATE SECTOR.—In addition to the requirement under subsection (a), the Chief Information Officer shall also establish a process by which private individuals and companies may voluntarily contribute the following:

(1) Improvements to the source code and documentation for the Ozone Widget Framework.

(2) Alternative or compatible implementations of the published application programming interface specifications for the Framework.

(c) ENCOURAGEMENT OF USE AND DEVELOPMENT.—The Chief Information Officer shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

SEC. 925. PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (DI2E).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprise-wide query and correlation capability required pursuant to paragraph (1).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of online electronic user credentials, profiles, and authentication.

(3) TERMINATION.—The pilot program conducted under this subsection shall terminate on September 30, 2014.

(c) REPORT.—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SEC. 926. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.

(a) IN GENERAL.—Section 2682 of title 10, United States Code, is amended—

(1) by striking ''The maintenance and repair'' and inserting ''(a) MAINTENANCE AND REPAIR.—Subject to subsection (c), the maintenance and repair'';

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting ''JURISDICTION.—'' before ''A real property facility'';

(3) in subsection (b), as designated by paragraph (2) of this subsection, by striking ''A real property'' and inserting ''Subject to subsection (c), a real property''; and

(4) by adding at the end the following new subsection:

''(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.''.

(b) SUNSET.—Effective on September 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later—

(1) subsection (a) of section 2682 of title 10, United States Code, as designated and amended by subsection (a)(1) of this section, is amended by striking ''Subject to subsection (c), the maintenance and repair'' and inserting ''The maintenance and repair'';

(2) subsection (b) of section 2682 of title 10, United States Code, as designated by subsection (a)(2) and amended by subsection (a)(3) of this section, is amended by striking ''Subject to subsection (c), a real property'' and inserting ''A real property''; and

(3) subsection (c) of section 2682 of title 10, United States Code, as added by subsection (a)(4) of this section, is repealed.

Subtitle D—Total Force Management

SEC. 931. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT.

(a) REVISION OF GENERAL PERSONNEL POLICY SECTION.—Section 129a of title 10, United States Code, is amended to read as follows:

''§ 129a. General policy for total force management

''(a) POLICIES AND PROCEDURES.—The Secretary of Defense shall establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

''(b) RISK MITIGATION OVER COST.— In establishing the policies and procedures under subsection (a), the Secretary shall clearly provide that attainment of a Department of Defense workforce sufficiently sized and comprised of the appropriate mix of personnel necessary to carry out the mission of the Department and the core mission areas of the armed forces (as identified pursuant to section 118b of this title) takes precedence over cost.

''(c) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

''(1) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for guidance to implement such policies and procedures.

''(2) The Secretaries of the military departments and the heads of the Defense Agencies shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

''(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1).

''(4) The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. The Under Secretary shall notify the congressional defense committees of any deviations from such policies and procedures that are recommended in the budget.

''(d) USE OF PLAN, INVENTORY, AND LIST.—The policies and procedures established by the Secretary under subsection (a) shall specifically require the Department of Defense to use the following when making determinations regarding the appropriate workforce mix necessary to perform its mission:

''(1) The civilian strategic workforce plan (required by section 115b of this title).

''(2) The civilian positions master plan (required by section 1597(c) of this title).

''(3) The inventory of contracts for services required by section 2330a(c) of this title.

''(4) The list of activities required by the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note).

''(e) CONSIDERATIONS IN CONVERTING PERFORMANCE OF FUNCTIONS.— If conversion of functions to performance by either Department of Defense civilian personnel or contractor personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall ensure compliance with—

''(1) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

''(2) section 2461 of this title (relating to public-private competition required before conversion to contractor performance).

''(f) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this title may be construed as authorizing—

''(1) a military department or Defense Agency to directly convert a function to contractor performance without complying with section 2461 of this title;

''(2) the use of contractor personnel for functions that are inherently governmental even if there is a military or civilian personnel shortfall in the Department of Defense;

''(3) restrictions on the use by a military department or Defense Agency of contractor personnel to perform functions closely associated with inherently governmental functions, provided that—

''(A) there are adequate resources to maintain sufficient capabilities within the Department in the functional area being considered for performance by contractor personnel; and

''(B) there is adequate Government oversight of contractor personnel performing such functions;

''(4) the establishment of numerical goals or budgetary savings targets for the conversion of functions to performance by either Department of Defense civilian personnel or for conversion to performance by contractor personnel; or

''(5) the imposition of a civilian hiring freeze that may inhibit the implementation of the policies and procedures established under subsection (a).''.

(b) CLERICAL AMENDMENT.—The item relating to section 129a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''129a. General policy for total force management.''.

SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after ''(1)'' the following: ''the total force management policies and procedures established under section 129a of this title, (2)''; and

(B) by striking ''department and (2)'' and inserting ''department, and (3)'';

(2) in subsection (d), by striking ''within that budget activity for which funds are provided for that fiscal year.'' and inserting ''within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.''; and

(3) in subsection (e), by striking the sentence beginning with ''With respect to''.

SEC. 933. ADDITIONAL AMENDMENTS RELATING TO TOTAL FORCE MANAGEMENT.

(a) AMENDMENTS TO SECRETARY OF DEFENSE REPORT.—Section 113(l) of title 10, United States Code, is amended to read as follows:

''(l)(1) The Secretary shall include in the annual report to Congress under subsection (c) the following:

''(A) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five fiscal years.

''(B) A comparison of the following for each of the preceding five fiscal years:

''(i) The number of military personnel, shown by major occupational category, assigned to support positions or to mission positions.

''(ii) The number of civilian personnel, shown by major occupational category, assigned to support positions or to mission positions.

''(iii) The number of contractor personnel performing support functions.

''(C) An accounting for each of the preceding five fiscal years of the following:

''(i) The number of military and civilian personnel, shown by armed force and by major occupational category, assigned to support positions.

''(ii) The number of contractor personnel performing support functions.

''(D) An identification, for each of the three workforce sectors (military, civilian, and contractor) of the percentage of the total number of personnel in that workforce sector that is providing support to headquarters and headquarters support activities for each of the preceding five fiscal years.

''(2) Contractor personnel shall be determined for purposes of paragraph (1) by using contractor full-time equivalents, based on the inventory required under section 2330a of this title.''.

(b) AMENDMENTS RELATING TO CERTAIN GUIDELINES.—Section 1597(b) of title 10, United States Code, is amended by inserting after the first sentence the following: ''In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.''.

(c) AMENDMENT TO REQUIREMENTS FOR ACQUISITION OF SERVICES.—Section 863 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4293; 10 U.S.C. 2330 note) is amended by adding at the end of subsection (d) the following new paragraph:

''(9) Considerations relating to total force management policies and procedures established under section 129a of this title.''.

SEC. 934. MODIFICATIONS OF ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

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

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

''(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year; and

''(3) the projected number of contractor personnel full-time equivalents required to provide contract services (as that term is defined in section 235 of this title) for each component of the Department of Defense for the next fiscal year and the contractor personnel full-time equivalents that provided contract services for each component of the Department of Defense for the prior fiscal year as reported in the inventory of contracts for services required by section 2330a(c) of this title.''.

SEC. 935. REVISIONS TO STRATEGIC WORKFORCE PLAN.

(a) REVISION IN REPORTING PERIOD.—

(1) IN GENERAL.—Section 115b of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**Annual strategic**'' and inserting ''**Biennial strategic**'';

(B) in the heading of subsection (a), by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(C) in subsection (a)(1), by striking ''on an annual basis'' and inserting ''in every even-numbered year''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of such title is amended by striking the item relating to section 115b and inserting the following:

''115b. Biennial strategic workforce plan.''.

(b) REVISION IN ASSESSMENT CONTENTS AND PERIOD.—Section 115b(b)(1) of such title is amended—

(1) in subparagraph (A), by striking ''seven-year period following the year in which the plan is submitted'' and inserting ''five-year period corresponding to the current future-years defense program under section 221 of this title''; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: '', as determined under the total force management policies and procedures established under section 129a of this title''.

(c) REFERENCE TO SECTION 129a.—Section 115b(c)(2)(D) of such title is amended by inserting before the period at the end the following: ''and the policies and procedures established under section 129a of this title''.

SEC. 936. AMENDMENTS TO REQUIREMENT FOR INVENTORY OF CONTRACTS FOR SERVICES.

(a) AMENDMENTS RELATING TO INVENTORY.—Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) by inserting after ''pursuant to contracts for services'' the following: ''(and pursuant to contracts for goods to the extent services are a significant component of performance as identified in a separate line item of a contract)'';

(2) in subparagraph (A)—

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

(B) by striking clause (ii) and inserting the following:

''(ii) the calculation of contractor full-time equivalents for direct labor, using direct labor hours in a manner that is comparable to the calculation of Department of Defense civilian full-time employees; and

''(iii) the conduct and completion of the annual review required under subsection (e)(1).''; and

(3) in subparagraph (B), by inserting ''for requirements relating to acquisition'' before the period.

(b) AMENDMENTS RELATING TO REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of such title is amended—

(1) by inserting ''and'' at the end of paragraph (2);

(2) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(c) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS.—Section 2330a of such title is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS.—The Secretary of the military department or head of the Defense Agency responsible for activities in the inventory shall develop a plan, including an enforcement mechanism and approval process, to—

''(1) provide for the use of the inventory by the military department or Defense Agency to implement the requirements of section 129a of this title;

''(2) ensure the inventory is used to inform strategic workforce planning;

''(3) facilitate use of the inventory for compliance with section 235 of this title; and

''(4) provide for appropriate consideration of the conversion of activities identified under subsection (e)(3) within a reasonable period of time.''.

SEC. 937. PRELIMINARY PLANNING AND DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Section 2461(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by striking '', begins'' and inserting ''shall be conducted in accordance with guidance and procedures that shall be issued and maintained by the Under Secretary of Defense for Personnel and Readiness and shall begin'';

(B) by inserting after ''the date on which'' the following: ''a component of'';

(C) by inserting ''first'' before ''obligates'';

(D) by inserting ''specifically'' after ''funds'';

(E) by inserting ''for the preliminary planning effort'' after ''support''; and

(F) in clause (i), by inserting ''a public-private'' before ''competition''; and

(2) in subparagraph (F)—

(A) by inserting ''or Defense Agency'' after ''military department'';

(B) by striking ''of such date'' and inserting ''of the actions intended to be taken during the preliminary planning process'';

(C) by inserting ''of such actions'' after ''public notice'';

(D) by inserting after ''website'' the following: ''and through other means as determined necessary''; and

(E) by striking ''Such date is the first day of preliminary planning for a public-private competition for'' and inserting ''The date of such announcement shall be used for''.

SEC. 938. CONVERSION OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

Section 2463 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (E), and (F), respectively;

(B) by striking subparagraph (A) and inserting the following new subparagraphs (A) and (B):

''(A) is a critical function that—

''(i) is necessary to maintain sufficient Government expertise and technical capabilities; or

''(ii) entails operational risk associated with contractor performance;

''(B) is an acquisition workforce function;''; and

(C) by inserting after subparagraph (C), as redesignated by subparagraph (A), the following new subparagraph (D):

''(D) has been performed by Department of Defense civilian employees at any time during the previous 10-year period;'';

(2) by redesignating subsection (e) as subsection (g);

(3) by inserting after subsection (d) the following new subsections (e) and (f):

''(e) DETERMINATIONS RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—(1) Except as provided in paragraph (2), in determining whether a function should be converted to performance by Department of Defense civilian employees, the Secretary of Defense shall—

''(A) develop methodology for determining costs based on the guidance outlined in the Directive-Type Memorandum 09–007 entitled 'Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support' or any successor guidance for the determination of costs when costs are the sole basis for the determination;

''(B) take into consideration any supplemental guidance issued by the Secretary of a military department for determinations affecting functions of that military department; and

''(C) ensure that the difference in the cost of performing the function by a contractor compared to the cost of performing the function by Department of Defense civilian employees would be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function; or

''(ii) $10,000,000.

''(2) Paragraph (1) shall not apply to any function that is inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1).

''(f) NOTIFICATION RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—The Secretary of Defense shall establish procedures for the timely notification of any contractor who performs a function that the Secretary plans to convert to performance by Department of Defense civilian employees pursuant to subsection (a). The Secretary shall provide a copy of any such notification to the congressional defense committees.''; and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) by striking ''this section'' and all that follows and inserting ''this section:''; and

(B) by adding at the end the following new paragraphs:

''(1) The term 'functions closely associated with inherently governmental functions' has the meaning given that term in section 2383(b)(3) of this title.

''(2) The term 'acquisition function' has the meaning given that term under section 1721(a) of this title.

''(3) The term 'inherently governmental function' has the meaning given that term in the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U. S.C. 501 note).''.

Subtitle E—Quadrennial Roles and Missions and Related Matters

SEC. 941. CHAIRMAN OF THE JOINT CHIEFS OF STAFF ASSESSMENT OF CONTINGENCY PLANS.

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''assessment of'' and all that follows through the period and inserting: ''assessment of—

''(A) the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy; and

''(B) the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of contingency plans of each geographic combatant commander, and the effect of such deficiencies and strengths on strategic plans and on meeting national security objectives and policy.''; and

(2) in paragraph (2)—

(A) by inserting after ''National Military Strategy is significant,'' the following, ''or that critical deficiencies in force capabilities exist for a contingency plan,''; and

(B) by inserting ''or deficiency'' before the period at the end.

SEC. 942. QUADRENNIAL DEFENSE REVIEW.

Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

''(4) to make recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31.''.

Subtitle F—Other Matters

SEC. 951. ACTIVITIES TO IMPROVE MULTILATERAL, BILATERAL, AND REGIONAL COOPERATION REGARDING CYBERSECURITY.

(a) ESTABLISHMENT OF CYBERSECURITY PROGRAM.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051b the following new section:

''§ 1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security

''(a) ASSIGNMENTS AUTHORIZED; PURPOSE.—The Secretary of Defense may authorize the temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

''(b) PAYMENT OF CERTAIN EXPENSES.—To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.

''(c) PROTECTION OF DEPARTMENT CYBERSECURITY.—In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.

''(d) MULTI-YEAR AVAILABILITY OF FUNDS.—Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

''(e) INFORMATION SECURITY DEFINED.—In this section, the term 'information security' refers to—

''(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and

''(2) the security policies, security procedures, or acceptable use policies with respect to an information system.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051b the following new item:

''1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security.''.

(b) REPORT ON EXPANSION OF FELLOWSHIP OPPORTUNITIES.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the feasibility and benefits of expanding the fellowship program authorized by section 1051c of title 10, United States Code, as added by subsection (a), to include ministry of defense officials, security officials, or other civilian officials of foreign countries.

SEC. 952. REPORT ON UNITED STATES SPECIAL OPERATIONS COMMAND STRUCTURE.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a study of the United States Special Operations Command sub-unified structure.

(b) ELEMENTS.—The report required under this section shall include, at a minimum, the following:

(1) Recommendations to revise as necessary the present command structure to better support development and deployment of joint special operations forces and capabilities.

(2) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 953. STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) CAPABILITIES.—

(1) NATURE OF CAPABILITIES.—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks conducted by nation-state adversaries that are categorized as ''advanced persistent threats'';

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and

(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Providers and other companies that operate on the global Internet.

(2) SOURCE OF CAPABILITIES.—The capabilities to be acquired shall, to the maximum extent practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) INTEGRATION AND MANAGEMENT OF DISCOVERY CAPABILITIES.—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) PROVISION FOR CAPABILITY DEMONSTRATIONS.—The plan required by subsection (a) shall provide for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) REPORT.—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.

Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to—

(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budgetary effects of this Act.
Sec. 1003. Additional requirements relating to the development of the Financial Improvement and Audit Readiness Plan.
Sec. 1003A. Display of procurement of equipment for the reserve components of the Armed Forces under estimated expenditures for procurement in future-years defense programs.

Subtitle B—Counter-Drug Activities

Sec. 1004. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1005. Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
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Sec. 1007. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia.
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Subtitle C—Naval Vessels and Shipyards

Sec. 1011. Budgeting for construction of naval vessels.
Sec. 1012. Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta.
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Subtitle D—Counterterrorism

Sec. 1021. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.
Sec. 1022. Military custody for foreign al-Qaeda terrorists.
Sec. 1023. Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Procedures for status determinations.
Sec. 1025. Requirement for national security protocols governing detainee communications.
Sec. 1026. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
Sec. 1029. Requirement for consultation regarding prosecution of terrorists.
Sec. 1030. Clarification of right to plead guilty in trial of capital offense by military commission.
Sec. 1031. Counterterrorism operational briefing requirement.
Sec. 1032. National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates.
Sec. 1033. Extension of authority to make rewards for combating terrorism.
Sec. 1034. Amendments relating to the Military Commissions Act of 2009.

Subtitle E—Nuclear Forces

Sec. 1041. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
Sec. 1042. Plan on implementation of the New START Treaty.
Sec. 1043. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.
Sec. 1044. Sense of Congress on nuclear force reductions.
Sec. 1045. Nuclear force reductions.
Sec. 1046. Nuclear employment strategy of the United States.
Sec. 1047. Comptroller General report on nuclear weapon capabilities and force structure requirements.
Sec. 1048. Report on feasibility of joint replacement fuze program.

Subtitle F—Financial Management

Sec. 1051. Modification of authorities on certification and credential standards for financial management positions in the Department of Defense.

Sec. 1052. Reliability of Department of Defense financial statements.

Sec. 1053. Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense.

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Subtitle G—Repeal and Modification of Reporting Requirements

Sec. 1061. Repeal of reporting requirements under title 10, United States Code.

Sec. 1062. Repeal of reporting requirements under annual defense authorization acts.

Sec. 1063. Repeal of reporting requirements under other laws.

Sec. 1064. Modification of reporting requirements under title 10, United States Code.

Sec. 1065. Modification of reporting requirements under other titles of the United States Code.

Sec. 1066. Modification of reporting requirements under annual defense authorization acts.

Sec. 1067. Modification of reporting requirements under other laws.

Subtitle H—Studies and Reports

Sec. 1068. Transmission of reports in electronic format.

Sec. 1069. Modifications to annual aircraft procurement plan.

Sec. 1070. Change of deadline for annual report to Congress on National Guard and reserve component equipment.

Sec. 1071. Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons.

Sec. 1072. Implementation plan for whole-of-government vision prescribed in the National Security Strategy.

Sec. 1073. Reports on resolution restrictions on the commercial sale or dissemination of eletro-optical imagery collected by satellites.

Sec. 1074. Report on integration of unmanned aerial systems into the national airspace system.

Sec. 1075. Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Sec. 1076. Comptroller General review of medical research and development relating to improved combat casualty care.

Sec. 1077. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.

Sec. 1078. Comptroller General of the United States reports on the major automated information system programs of the Department of Defense.

Sec. 1079. Report on Defense Department analytic capabilities regarding foreign ballistic missile threats.

Sec. 1080. Report on approval and implementation of Air Sea Battle Concept.

Sec. 1080A. Report on costs of units of the reserve components and the active components of the Armed Forces.

Subtitle I—Miscellaneous Authorities and Limitations

Sec. 1081. Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense.

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Sec. 1084. Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities.

Sec. 1085. Use of State Partnership Program funds for certain purposes.

Subtitle J—Other Matters

Sec. 1086. Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage.

Sec. 1087. Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate.

Sec. 1088. Sense of Congress on application of moratorium on earmarks to this Act.

Sec. 1089. Technical amendment.

Sec. 1090. Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Sec. 1091. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information.

Sec. 1092. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance.

Sec. 1093. Number of Navy carrier air wings and carrier air wing headquarters.

Sec. 1094. Display of annual budget requirements for organizational clothing and individual equipment.

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Sec. 1096. Grants to certain regulated companies for specified energy property not subject to normalization rules.

Sec. 1097. Unmanned aerial systems and national airspace.

Sec. 1098. Modification of dates of Comptroller General of the United States review of executive agreement on joint medical facility demonstration project, North Chicago and Great Lakes, Illinois.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(e) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—

(1) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the $7,629,716,000 requested for such activities in the President's budget request for that fiscal year, the Secretary of Defense may transfer, from amounts made available for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy an amount up to $125,000,000 to be available only for the weapons activities of the National Nuclear Security Administration.

(2) NOTICE TO CONGRESS.—In the event of a transfer under paragraph (1), the Secretary of Defense shall promptly notify Congress of the transfer and shall include in such notice the Department of Defense account or accounts from which the funds are transferred.

(3) TRANSFER AUTHORITY.—The transfer authority provided under this subsection is in addition to any other transfer authority provided under this Act.

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

SEC. 1003. ADDITIONAL REQUIREMENTS RELATING TO THE DEVELOPMENT OF THE FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.

(a) PLANNING REQUIREMENT.—

(1) IN GENERAL.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to support the goal established by the Secretary of Defense that the statement of budgetary resources is validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall include process and control improvements and business systems modernization efforts necessary for the Department of Defense to consistently prepare timely, reliable, and complete financial management information.

(2) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in paragraph (1) shall update the plan required by such paragraph and explain how the Department has progressed toward meeting the milestones established in the plan.

(b) INCLUSION OF SUBORDINATE ACTIVITIES FOR INTERIM MILESTONES.—For each interim

milestone established pursuant to section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4306; 10 U.S.C. 2222 note), the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall include a detailed description of the subordinate activities necessary to accomplish each interim milestone, including—

(1) a justification of the time required for each activity;

(2) metrics identifying the progress made within each activity; and

(3) mitigating strategies for milestone timeframe slippages.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress a report relating to the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted in accordance with section 1003 of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 121 Stat. 4306; 10 U.S.C. 2222 note).

(2) MATTERS COVERED.—The report shall include a corrective action plan for any identified weaknesses or deficiencies in the execution of the Financial Improvement and Audit Readiness Plan. The corrective action plan shall—

(A) identify near- and long-term measures for resolving any such weaknesses or deficiencies;

(B) assign responsibilities within the Department of Defense to implement such measures;

(C) specify implementation steps for such measures; and

(D) provide timeframes for implementation of such measures.

SEC. 1003A. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

Subtitle B—Counter-Drug Activities

SEC. 1004. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2011'' and inserting ''2012''.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).

SEC. 1005. THREE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) THREE-YEAR EXTENSION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking ''During fiscal years 2002 through 2011'' and inserting ''During fiscal years 2012 through 2014''.

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''tribal,'' after ''local,''; and

(ii) in paragraph (2), by striking ''State or local'' both places it appears and insert ''State, local, or tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''State or local'' and inserting ''State, local, or tribal'';

(ii) in paragraph (4), by striking ''State, or local'' and inserting ''State, local, or tribal''; and

(iii) in paragraph (5), by striking ''State and local'' and inserting ''State, local, and tribal''.

(2) TRIBAL GOVERNMENT DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(i) DEFINITIONS RELATING TO TRIBAL GOVERNMENTS.—In this section:

''(1) The term 'Indian tribe' means a federally recognized Indian tribe.

''(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18, United States Code, or held in trust by the United States for the benefit of the Indian tribe.

''(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.''.

SEC. 1006. TWO-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4337), is further amended by striking ''2012'' and inserting ''2013''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking ''$75,000,000'' and inserting ''$100,000,000''; and

(2) by striking ''2012'' and inserting ''2013''.

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

''(23) Government of Benin.
''(24) Government of Cape Verde.
''(25) Government of The Gambia.
''(26) Government of Ghana.
''(27) Government of Guinea.
''(28) Government of Ivory Coast.
''(29) Government of Jamaica.
''(30) Government of Liberia.
''(31) Government of Mauritania.
''(32) Government of Nicaragua.
''(33) Government of Nigeria.
''(34) Government of Sierra Leone.
''(35) Government of Togo.''.

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346), is amended—

(1) in subsection (a), by striking ''2011'' and inserting ''2012''; and

(2) in subsection (c), by striking ''2011'' and inserting ''2012''.

SEC. 1008. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by the section 1013 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4347), is further amended by striking ''February 15, 2011'' and inserting ''February 15, 2012''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.

(a) ANNUAL PLAN.—Section 231 of title 10, United States Code, is amended to read as follows:

''§231. Budgeting for construction of naval vessels: annual plan and certification

''(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for a fiscal year—

''(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

''(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

''(2) Each such naval vessel construction plan shall include the following:

''(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

''(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will

result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

''231. Budgeting for construction of naval vessels: annual plan and certification''.

SEC. 1012. SENSE OF CONGRESS ON NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.

It is the sense of Congress that the Secretary of the Navy is encouraged to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

SEC. 1013. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

SEC. 1014. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SEC. 1015. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

SEC. 1016. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2374) is amended by striking ''shall require'' and all that follows and inserting ''may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer.''.

SEC. 1017. ASSESSMENT OF STATIONING OF ADDITIONAL DDG–51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG–7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG–7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

Subtitle D—Counterterrorism

SEC. 1021. AFFIRMATION OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.

(b) COVERED PERSONS.—A covered person under this section is any person as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(c) DISPOSITION UNDER LAW OF WAR.—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111–84)).

(3) Transfer for trial by an alternative court or competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity.

(d) CONSTRUCTION.—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) AUTHORITIES.—Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

(f) REQUIREMENT FOR BRIEFINGS OF CONGRESS.—The Secretary of Defense shall regularly brief Congress regarding the application of the authority described in this section, including the organizations, entities, and individuals considered to be ''covered persons'' for purposes of subsection (b)(2).

SEC. 1022. MILITARY CUSTODY FOR FOREIGN AL-QAEDA TERRORISTS.

(a) CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.—

(1) IN GENERAL.—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107–40) in military custody pending disposition under the law of war.

(2) COVERED PERSONS.—The requirement in paragraph (1) shall apply to any person whose detention is authorized under section 1021 who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) DISPOSITION UNDER LAW OF WAR.—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c), except that no transfer otherwise described in paragraph (4) of that section

shall be made unless consistent with the requirements of section 1028.

(4) WAIVER FOR NATIONAL SECURITY.—The President may waive the requirement of paragraph (1) if the President submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) APPLICABILITY TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.—

(1) UNITED STATES CITIZENS.—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(2) LAWFUL RESIDENT ALIENS.—The requirement to detain a person in military custody under this section does not extend to a lawful resident alien of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.

(c) IMPLEMENTATION PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall issue, and submit to Congress, procedures for implementing this section.

(2) ELEMENTS.—The procedures for implementing this section shall include, but not be limited to, procedures as follows:

(A) Procedures designating the persons authorized to make determinations under subsection (a)(2) and the process by which such determinations are to be made.

(B) Procedures providing that the requirement for military custody under subsection (a)(1) does not require the interruption of ongoing surveillance or intelligence gathering with regard to persons not already in the custody or control of the United States.

(C) Procedures providing that a determination under subsection (a)(2) is not required to be implemented until after the conclusion of an interrogation which is ongoing at the time the determination is made and does not require the interruption of any such ongoing interrogation.

(D) Procedures providing that the requirement for military custody under subsection (a)(1) does not apply when intelligence, law enforcement, or other Government officials of the United States are granted access to an individual who remains in the custody of a third country.

(E) Procedures providing that a certification of national security interests under subsection (a)(4) may be granted for the purpose of transferring a covered person from a third country if such a transfer is in the interest of the United States and could not otherwise be accomplished.

(d) AUTHORITIES.—Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that effective date.

SEC. 1023. PROCEDURES FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROCEDURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

(b) COVERED MATTERS.—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee's law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation;

(3) clarify that the periodic review process applies to any individual who is detained as an unprivileged enemy belligerent at United States Naval Station, Guantanamo Bay, Cuba, at any time; and

(4) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners if transferred or released;

(C) the likelihood of family, tribal, or government rehabilitation or support for the detainee if transferred or released;

(D) the likelihood the detainee may be subject to trial by military commission; and

(E) any law enforcement interest in the detainee.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1024. PROCEDURES FOR STATUS DETERMINATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the procedures for determining the status of persons detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) for purposes of section 1021.

(b) ELEMENTS OF PROCEDURES.—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) APPLICABILITY.—The Secretary of Defense is not required to apply the procedures required by this section in the case of a person for whom habeas corpus review is available in a Federal court.

(d) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1025. REQUIREMENT FOR NATIONAL SECURITY PROTOCOLS GOVERNING DETAINEE COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a national security protocol governing communications to and from individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), and related issues.

(b) CONTENTS.—The protocol developed pursuant to subsection (a) shall include Department of Defense policies and procedures regarding each of the following:

(1) Detainee access to military or civilian legal representation, or both, including any limitations on such access and the manner in which any applicable legal privileges will be balanced with national security considerations.

(2) Detainee communications with persons other than Federal Government personnel and members of the Armed Forces, including meetings, mail, phone calls, and video teleconferences, including—

(A) any limitations on categories of information that may be discussed or materials that may be shared; and

(B) the process by which such communications or materials are to be monitored or reviewed.

(3) The extent to which detainees may receive visits by persons other than military or civilian representatives.

(4) The measures planned to be taken to implement and enforce the provisions of the protocol.

(c) UPDATES.—The Secretary of Defense shall notify the congressional defense committees of any significant change to the policies and procedures described in the protocol submitted pursuant to subsection (a) not later than 30 days after such change is made.

(d) FORM OF PROTOCOL.—The protocol submitted pursuant to subsection (a) may be submitted in classified form.

SEC. 1026. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

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

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' has the meaning given that term in section 1028(e)(2).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4353) is amended by striking subsections (a), (b), and (c).

SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2012 may be

used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

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

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

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

(d) NATIONAL SECURITY WAIVER.—

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

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

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

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

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

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

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

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

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

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

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

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

(e) DEFINITIONS.—In this section:

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

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

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

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

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

(B) is—

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

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

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

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is repealed.

SEC. 1029. REQUIREMENT FOR CONSULTATION REGARDING PROSECUTION OF TERRORISTS.

(a) IN GENERAL.—Before seeking an indictment of, or otherwise charging, an individual described in subsection (b) in a Federal court, the Attorney General shall consult with the Director of National Intelligence and the Secretary of Defense about—

(1) whether the more appropriate forum for prosecution would be a Federal court or a military commission; and

(2) whether the individual should be held in civilian custody or military custody pending prosecution.

(b) APPLICABILITY.—The consultation requirement in subsection (a) applies to—

(1) a person who is subject to the requirements of section 1022, in accordance with a determination made pursuant to subsection (a)(2) of such section; and

(2) any other person who is held in military detention outside of the United States pursuant to the authority affirmed by section 1021.

SEC. 1030. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: '', or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title''; and

(2) in subparagraph (D), by inserting ''on the sentence'' after ''vote was taken''.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended—

(1) in the first sentence of subsection (b)—

(A) by inserting after ''military judge'' the following: '', including a charge or specification that has been referred capital,'';

(B) by inserting ''by the military judge'' after ''may be entered''; and

(C) by inserting ''by the members'' after ''vote''; and

(2) by adding at the end the following new subsection:

''(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

''(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.''.

SEC. 1031. COUNTERTERRORISM OPERATIONAL BRIEFING REQUIREMENT.

(a) BRIEFINGS REQUIRED.—Beginning not later than March 1, 2012, the Secretary of Defense

shall provide to the congressional defense committees quarterly briefings outlining Department of Defense counterterrorism operations and related activities involving special operations forces.

(b) ELEMENTS.—Each briefing under subsection (a) shall include each of the following:

(1) A global update on activity within each geographic combatant command.

(2) An overview of authorities and legal issues including limitations.

(3) An outline of interagency activities and initiatives.

(4) Any other matters the Secretary considers appropriate.

SEC. 1032. NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.

(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

(b) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its violent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

(C) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

(E) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (C), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(C), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term ''specified geographic area'' means any country, subnational territory, or region—

(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.

SEC. 1033. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

Section 127b of title 10, United States Code, is amended—

(1) in subsection (c)(3)(C), by striking ''September 30, 2011'' and inserting ''September 30, 2013''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''December'' and inserting ''February''; and

(B) in paragraph (2)—

(i) in subparagraph (C)(ii), by inserting ''and the recipient's geographic location'' after ''reward''; and

(ii) by adding at the end the following new subparagraphs:

''(E) A description of the status of program implementation in each geographic combatant command.

''(F) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

''(G) An assessment of the effectiveness of the program in meeting its objectives.''.

SEC. 1034. AMENDMENTS RELATING TO THE MILITARY COMMISSIONS ACT OF 2009.

(a) REFERENCE TO HOW CHARGES ARE MADE.—Section 949a(b)(2)(C) of title 10, United States Code, is amended by striking ''preferred'' in clauses (i) and (ii) and inserting ''sworn''.

(b) JUDGES OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 949b(b) of such title is amended—

(1) in paragraph (1)(A), by striking ''a military appellate judge or other duly appointed judge under this chapter on'' and inserting ''a judge on'';

(2) in paragraph (2), by striking ''a military appellate judge on'' and inserting ''a judge on''; and

(3) in paragraph (3)(B), by striking ''an appellate military judge or a duly appointed appellate judge on'' and inserting ''a judge on''.

(c) PANELS OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 950f(a) of such title is amended by striking ''appellate military judges'' in the second sentence and inserting ''judges on the Court''.

(d) REVIEW OF FINAL JUDGMENTS BY UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

(1) CLARIFICATION OF MATTER SUBJECT TO REVIEW.—Subsection (a) of section 950g of such title is amended by inserting ''as affirmed or set aside as incorrect in law by'' after ''where applicable,''.

(2) CLARIFICATION ON TIME FOR SEEKING REVIEW.—Subsection (c) of such section is amended—

(A) in the matter preceding paragraph (1), by striking ''by the accused'' and all that follows through ''which—'' and inserting ''in the Court of Appeals—'';

(B) in paragraph (1)—

(i) by inserting ''not later than 20 days after the date on which'' after ''(1)''; and

(ii) by striking ''on the accused or on defense counsel'' and inserting ''on the parties''; and

(C) in paragraph (2)—

(i) by inserting ''if'' after ''(2)''; and

(ii) by inserting before the period the following: '', not later than 20 days after the date on which such notice is submitted''.

Subtitle E—Nuclear Forces

SEC. 1041. BIENNIAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding after section 490 the following new section:

''§ 490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

''(a) BIENNIAL ASSESSMENTS.—(1) For each even-numbered year, each covered official shall assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

''(2) The systems described in this paragraph are the following:

''(A) Each type of delivery platform for nuclear weapons.

''(B) The nuclear command and control system.

''(b) BIENNIAL REPORT.—(1) Not later than December 1 of each even-numbered year, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

''(2) Each report under paragraph (1) shall include the following:

''(A) The results of the assessment.

''(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

''(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

''(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

''(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

''(c) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year following a year for which a report under subsection (b) is submitted, the Secretary of Defense shall submit to the President a report containing—

''(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

''(B) any comments that the Secretary considers appropriate with respect to each such report;

''(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

''(D) any other information that the Secretary considers appropriate.

''(2) Not later than March 15 of each year during which a report under paragraph (1) is submitted, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

''(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

''(d) COVERED OFFICIAL DEFINED.—In this section, the term 'covered official' means—

''(1) the Commander of the United States Strategic Command;

''(2) the Director of the Strategic Systems Program of the Navy; and

''(3) the Commander of the Global Strike Command of the Air Force.''.

(b) INITIAL ASSESSMENT AND REPORTS.— Not later than 30 days after the date of enactment of this Act, each covered official, as such term is defined in subsection (d) of section 490a of title 10, United States Code, as added by subsection (a), shall conduct an initial assessment as described by subsection (a) of such section and submit an initial report as described by subsection (b) of such section. The requirements of subsection (c) of such section shall apply with respect to the report submitted under this subsection.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490 the following new item:

''490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.''.

SEC. 1042. PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan.

(d) FORM.—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1043. ANNUAL REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.—

(1) IN GENERAL.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2019, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to sustain and modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery systems for nuclear weapons.

(D) A detailed description of the plan to sustain and modernize the nuclear weapons command and control system.

(E) A detailed description of any plans to retire, dismantle, or eliminate any nuclear warheads or bombs, nuclear weapons delivery systems, or any platforms (including silos and submarines) which carry such nuclear warheads, bombs, or delivery systems.

(F) A detailed estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report.

(G) A detailed description of the steps taken to implement the plan submitted in the previous year, including difficulties encountered in implementing the plan in the previous year.

(b) FORM.—The reports under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may include a classified annex.

SEC. 1044. SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.

It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

SEC. 1045. NUCLEAR FORCE REDUCTIONS.

(a) IMPLEMENTATION OF NEW START TREATY.—

(1) SENSE OF CONGRESS.—It is the Sense of Congress that—

(A) the United States is committed to maintaining a safe, secure, reliable, and credible nuclear deterrent;

(B) the United States should undertake and support an enduring stockpile stewardship program and maintain and modernize nuclear weapons production capabilities and capacities to ensure the safety, security, reliability, and credibility of the United States nuclear deterrent and to meet requirements for hedging against possible international developments or technical problems;

(C) the United States should maintain nuclear weapons laboratories and plants and preserve the intellectual infrastructure, including competencies and skill sets; and

(D) the United States should provide the necessary resources to achieve these goals, using as a starting point the levels set forth in the President's 10-year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(2) REPORT.—If the President determines that an appropriations Act is enacted that fails to meet the resource requirements set forth in the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), or, if at any time, determines that more resources are required to carry out such plan than were estimated, the President shall submit to Congress, within 60 days of making such a determination, a report detailing—

(A) a plan to address the resource shortfall;

(B) if more resources are required to carry out the plan than were estimated, the level of funding needed, and a detailed explanation of the purpose or purposes for which the additional resources will be used;

(C) any effects on the safety, security, reliability, or credibility of United States nuclear forces due to the shortfall or the identified additional resources required; and

(D) an explanation of whether any planned reductions in United States nuclear forces are still in the national interest of the United States in view of the resource shortfall or the identification of additional required resources.

(b) ANNUAL REPORT ON THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a safe, secure, reliable, and credible nuclear deterrent; and

(B) such investments could enable additional future reductions in the hedge stockpile.

(2) REPORT REQUIRED.—Not later than March 1, 2012, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the nuclear weapons stockpile of the United States that includes the following:

(A) An accounting of the weapons in the stockpile as of the end of the fiscal year preceding the submission of the report that includes all weapons in the active and inactive stockpiles, both deployed and non-deployed, and all categories and readiness states of such weapons.

(B) The planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for the fiscal year following the fiscal year in which the report is submitted.

(c) NET ASSESSMENT OF NUCLEAR FORCE LEVELS REQUIRED WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.—

(1) IN GENERAL.—If, during any year beginning after the date of the enactment of this Act, the President makes a proposal described in subsection (b)—

(A) the Commander of United States Strategic Command shall conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries that possess nuclear weapons to determine whether the nuclear forces of the United States are anticipated to be capable of meeting the objectives of the United States with respect to nuclear deterrence, extended deterrence, assurance of allies, and defense;

(B) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives the assessment described in subparagraph (A), unchanged, together with the explanatory views of the Secretary, as the Secretary deems appropriate; and

(C) the Administrator of the National Nuclear Security Administration shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the current capacities of the United States nuclear weapons infrastructure to respond to a strategic development or technical problem in the United States nuclear weapons stockpile.

(2) PROPOSAL DESCRIBED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a proposal described in this paragraph is a proposal to reduce the number of nuclear weapons in the active or inactive stockpiles of the United States to a level that is lower than the level on the date of the enactment of this Act.

(B) EXCEPTIONS.—A proposal described in this paragraph does not include—

(i) reductions that are a direct result of activities associated with routine stockpile stewardship, including stockpile surveillance, logistics, or maintenance; or

(ii) nuclear weapons retired or awaiting dismantlement on the date of the enactment of this Act.

(3) TERMINATION.—The requirement in paragraph (1) shall terminate on December 31, 2017.

SEC. 1046. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States; and

(2) the oversight responsibility of Congress includes oversight of the nuclear employment strategy of the United States and that therefore the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives, and such professional staff as they designate, should have access to the nuclear employment strategy of the United States.

(b) REPORTS ON MODIFICATION OF STRATEGY.—

(1) IN GENERAL.—Chapter 23 title 10, United States Code, is amended by adding at the end the following new section:

"§491. Nuclear employment strategy of the United States: reports on modification of strategy

''On the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

''(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

''(2) An assessment of effects of such modification for the nuclear posture of the United States.

''(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

''491. Nuclear employment strategy of the United States: reports on modification of strategy.''.

SEC. 1047. COMPTROLLER GENERAL REPORT ON NUCLEAR WEAPON CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, cover the following:

(1) An update to the September 1991 report of the Comptroller General (GAO/NSIAD-91-319FS) titled ''Strategic Weapons: Nuclear Weapons Targeting Process'' that addresses—

(A) the relationship between the strategic nuclear targeting process and the determination of requirements for nuclear weapons and related delivery systems;

(B) the level of civilian oversight;

(C) the categories and types of targets; and

(D) any other matters addressed in such report or are otherwise considered appropriate by the Comptroller General.

(2) The process and rigor used to determine the effectiveness of nuclear weapons capabilities, force structures, employment policies, and targeting requirements in achieving the goals of deterrence, extended deterrence, assurance, and defense.

(3) An assessment of the requirements of the Department of Defense for strategic nuclear bomber aircraft and intercontinental ballistic missiles, including assessments of the extent to which the Secretary of Defense has—

(A) determined the force structure and capability requirements for nuclear-capable strategic bomber aircraft, bomber-delivered nuclear weapons, and intercontinental ballistic missiles;

(B) synchronized the requirements described in subparagraph (A) with plans to extend the service life of nuclear gravity bombs, nuclear-armed cruise missiles, and intercontinental ballistic missile warheads; and

(C) evaluated long-term intercontinental ballistic missile alert posture requirements and basing options.

(c) REPORTS.—

(1) IN GENERAL.—The Comptroller General shall submit to the congressional defense committees one or more reports on the study conducted under subsection (a).

(2) FORM.—Any report submitted under this subsection may be submitted in classified form, but if so submitted, an unclassified version shall also be submitted with such submission or at a later date.

(d) COOPERATION.—The Secretary of Defense and Secretary of Energy shall provide the Comptroller General full cooperation and access to appropriate officials and information for the purposes of conducting this study under subsection (a).

SEC. 1048. REPORT ON FEASIBILITY OF JOINT REPLACEMENT FUZE PROGRAM.

Not later than December 31, 2012, the Secretary of the Navy and the Secretary of the Air Force shall jointly submit to the congressional defense committees a report on the feasibility of the joint replacement fuze program for nuclear warheads of the Navy and the Air Force. The report shall include an assessment of the feasibility of including various options in the joint fuze and how the inclusion of such options will affect safety, security, reliability, and adaptability, as well as the program schedule and budget.

Subtitle F—Financial Management

SEC. 1051. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1599d of title 10, United States Code, is amended to read as follows:

"§1599d. Financial management positions: authority to prescribe professional certification and credential standards

''(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

''(b) WAIVER.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

''(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary's discretion—

''(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

''(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

''(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

''(d) DISCHARGE OF AUTHORITY.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

''(e) REPORTS.—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

''(f) FINANCIAL MANAGEMENT POSITION DEFINED.—In this section, the term 'financial management position' means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related work.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item:

''1599d. Financial management positions: authority to prescribe professional certification and credential standards.''.

SEC. 1052. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

Section 1008(c) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1206; 10 U.S.C. 113 note) is amended by striking ''Not later than October 31'' and inserting ''Not later than the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements''.

SEC. 1053. INCLUSION OF PLAN ON THE FINANCIAL MANAGEMENT WORKFORCE IN THE STRATEGIC WORKFORCE PLAN OF THE DEPARTMENT OF DEFENSE.

Section 115b of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) FINANCIAL MANAGEMENT WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the financial management workforce of the Department of Defense, including both military and civilian personnel of that workforce.

''(2) For purposes of paragraph (1), each plan shall include, with respect to the financial management workforce of the Department—

''(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

''(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the financial management field and to implement the requirements of section 1599d of this title; and

''(D) a plan for funding needed improvements in the financial management workforce of the Department through the period of the current future-years defense program under section 221 of this title, including a description of any continuing shortfalls in funding available for that workforce.''.

SEC. 1054. TRACKING IMPLEMENTATION OF DEPARTMENT OF DEFENSE EFFICIENCIES.

(a) ANNUAL ASSESSMENTS.—For each of fiscal years 2012 through 2016, the Comptroller General of the United States shall carry out an assessment of the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the initiative led by the Secretary of Defense to identify at least $100,000,000,000 in efficiencies during fiscal years 2012 through 2016.

(b) ANNUAL REPORT.—Not later than October 30 of each of 2012 through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment carried out under subsection (a) for the fiscal year ending on September 30 of that year. Each such report shall include the recommendations of the Comptroller General with respect to the matter covered by the assessment.

Subtitle G—Repeal and Modification of Reporting Requirements

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 226 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 226.

(4)(A) Section 427 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(5) Section 437 is amended by striking subsection (c).

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.

(10)(A) Section 490 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 490.

(11) Section 983(e)(1) is amended—

(A) by striking the comma after ''Secretary of Education'' and inserting ''and''; and

(B) by striking '', and to Congress''.

(12) Section 2010 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(14) Section 2350a(g) is amended by striking paragraph (3).

(15) Section 2410m is amended by striking subsection (c).

(16) Section 2485(a) is amended—

(A) by striking ''(1)''; and

(B) by striking paragraph (2).

(17) Section 2493 is amended by striking subsection (g).

(18) Section 2515 is amended by striking subsection (d).

(19)(A) Section 2582 is repealed.

(B) The table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(20) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(21) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking ''(1)'' before ''The Secretary of a military department''; and

(ii) by striking paragraphs (2) and (3);

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(22)(A) Section 2706 is repealed.

(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(23)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(24) Section 2825(c)(1) is amended—

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

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

(C) by striking subparagraphs (C) and (D).

(25) Section 2836 is amended—

(A) in subsection (b)—

(i) by striking ''(1)'' before ''The Secretary of a military department''; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(26) Section 5143 is amended by striking subsection (e).

(27)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of chapter 633 is amended by striking the item relating to section 7296.

(28) Section 12302(b) is amended by striking the last sentence.

(29)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

(30) Section 12302(b) is amended by striking the last sentence.

SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 219 (123 Stat. 2228) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended by striking subsection (c).

(b) FISCAL YEAR 2009.—Section 1504 of The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) FISCAL YEAR 2008.—Section 885(a)(2) (10 U.S.C. 2304 note) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking the last sentence.

(d) FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095c note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed.

(e) FISCAL YEAR 2006.—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(f) FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) FISCAL YEAR 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

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

(h) FISCAL YEAR 2002.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(i) FISCAL YEAR 2001.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A–326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A–327) is repealed.

(j) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.

(3) Section 1035 (113 Stat. 753), as amended by section 1211 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–325), is repealed.

(k) FISCAL YEAR 1998.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(2) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(l) FISCAL YEAR 1997.—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2455) is repealed.

(m) FISCAL YEARS 1992 AND 1993.—Section 2868 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

(n) FISCAL YEAR 1991.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) TITLE 37.—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TITLE 38.—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (1).

(c) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (c).

SEC. 1064. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

''(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary may submit the report required by subsection (a) by including the materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.''.

(3) Section 127b(f) is amended by striking ''December 1'' and inserting ''February 1''.

(4)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking ''QUARTERLY REPORT.—'' and inserting ''BIANNUAL REPORT.—'';

(II) by striking ''a quarterly report'' and inserting ''a biannual report''; and

(III) by striking ''fiscal-year quarter'' and inserting ''two fiscal-year quarters''; and

(ii) in subsection (c)—

(I) by striking ''(1)'';

(II) by striking ''a quarter of a fiscal year after the first quarter of that fiscal year'' and inserting ''the second two fiscal-year quarters of a fiscal year'';

(III) by striking ''the first quarter of that fiscal year'' and inserting ''the first two fiscal-year quarters of that fiscal year''; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

''§228. Biannual reports on allocation of funds within operation and maintenance budget subactivities''.

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

''228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.''.

(5) Subsection (f) of section 408 is amended to read as follows:

''(f) CONGRESSIONAL OVERSIGHT.—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.''.

(6) Section 2482(d)(1) is amended by inserting ''in the United States'' after ''commissary store''.

(7) Section 2608(e)(1) is amended—

(A) by striking ''each quarter'' and inserting ''the second quarter and the fourth quarter''; and

(B) by striking ''the preceding quarter'' and inserting ''the preceding two quarters''.

(8) Section 2645(d) is amended by striking ''$1,000,000'' and inserting ''$10,000,000''.

(9) Section 2803(b) is amended by striking ''21-day period'' and inserting ''seven-day period''.

(10) Section 9514(c) is amended by striking ''$1,000,000'' and inserting ''$10,000,000''.

(11) Section 10543(c)(3) is amended by striking ''15 days'' and inserting ''90 days''.

SEC. 1065. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) TITLE 32.—Section 908(a) of title 32, United States Code, is amended by striking ''After the end of each fiscal year,'' and inserting ''After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,''.

(b) TITLE 37.—Section 316a(f) of title 37, United States Code, is amended by striking ''January 1, 2010'' and inserting ''April 1, 2012''.

SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—

(A) in subsection (a), by striking ''annually thereafter'' and inserting ''by June 30 each year thereafter''; and

(B) in subsection (d), by striking ''December 31, 2013'' and inserting ''June 30, 2014''.

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—

(i) by striking ''beginning with March 1, 2008,''; and

(ii) by inserting ''a report containing'' after ''to Congress''; and

(B) in subsection (e)—

(i) in paragraph (1), by striking ''Not later than'' and all that follows through ''the information'' and inserting ''The Secretary shall include in each report under subsection (d) the information''; and

(ii) in paragraph (2), by striking ''under this subsection'' and inserting ''under subsection (d)''.

(3) Section 1674(c) (122 Stat. 483) is amended—

(A) by striking ''After submission'' and all the follows through ''that patients,'' and inserting ''Patients,''; and

(B) by striking ''have not been moved or disestablished until'' and inserting ''may not be moved or disestablished until the Secretary of Defense has certified to the congressional defense committees that''.

(c) FISCAL YEAR 2007.—Subsection (a) of section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is amended to read as follows:

''(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.''.

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

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

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

''(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).''.

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).

SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) SMALL BUSINESS ACT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting ''and including an accounting of funds, initiatives, and outcomes under the Commercialization Pilot Program'' after ''and (o)(15),''; and

(2) in subsection (y), by striking paragraph (5).

(b) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking ''of each year'' and inserting ''of each even-numbered year''.

Subtitle H—Studies and Reports

SEC. 1068. TRANSMISSION OF REPORTS IN ELECTRONIC FORMAT.

Section 122a(a) of title 10, United States Code, is amended by striking ''made available'' and all that follows through the period and inserting the following new paragraphs:

''(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

''(2) to the maximum extent practicable, transmitted in an electronic format.''.

SEC. 1069. MODIFICATIONS TO ANNUAL AIRCRAFT PROCUREMENT PLAN.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''The Secretary'' and inserting ''Not later than 45 days after the date on which

the President submits to Congress the budget for a fiscal year''; and

(ii) by striking ''include with the defense budget materials for each fiscal year'' and insert ''submit to the congressional defense committees''; and

(B) in paragraph (1), by inserting '', the Department of the Army,'' after ''Navy'';

(2) in subsection (b)—

(A) in paragraph (4), by striking ''Strategic'' and inserting ''Intertheater'';

(B) by redesignating paragraph (8) as paragraph (11); and

(C) by inserting after paragraph (7) the following new paragraphs:

''(8) Remotely piloted aircraft.

''(9) Rotary-wing aircraft.

''(10) Operational support and executive lift aircraft.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''national security strategy of the United States'' and inserting ''national military strategy of the United States''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting '', the Department of the Army,'' after ''Navy'';

(ii) in subparagraph (B), by striking ''national security strategy of the United States'' and inserting ''national military strategy of the United States'';

(iii) in subparagraph (C)—

(I) by inserting ''investment'' before ''funding'';

(II) by striking ''the program'' and inserting ''each aircraft program'';

(III) by inserting before the period at the end the following: '', set forth in aggregate for the Department of Defense and in aggregate for each military department'';

(iv) by redesignating subparagraph (D) as subparagraph (F);

(v) by inserting after subparagraph (C) the following new subparagraphs:

''(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

''(E) For each of the cost estimates required by subparagraphs (C) and (D)—

''(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

''(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

''(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.''.

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting '', the Department of the Army,'' after ''Navy'';

(C) by adding at the end the following new paragraphs:

''(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

''(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.'';

(4) in subsection (d), by inserting '', the Department of the Army,'' after ''Navy'';

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection (e):

''(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

''(A) The total number of aircraft in the inventory.

''(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

''(i) Primary aircraft.

''(ii) Backup aircraft.

''(iii) Attrition and reconstitution reserve aircraft.

''(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

''(i) Bailment aircraft.

''(ii) Drone aircraft.

''(iii) Aircraft for sale or other transfer to foreign governments.

''(iv) Leased or loaned aircraft.

''(v) Aircraft for maintenance training.

''(vi) Aircraft for reclamation.

''(vii) Aircraft in storage.

''(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

''(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.''; and

(7) in subsection (f), as redesignated by paragraph 5, by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) SECTION HEADING.—The heading for such section is amended to read as follows:

''§231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification''.

(c) CLERICAL AMENDMENT.—The item relating to section 231a in the table of sections at the beginning of chapter 9 of title 10, United States Code, is amended to read as follows:

''231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.''.

SEC. 1070. CHANGE OF DEADLINE FOR ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

Section 10541(a) of title 10, United States Code, is amended by striking ''February 15'' and inserting ''March 15''.

SEC. 1071. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''and the Permanent'' and inserting ''the Permanent''; and

(2) by inserting before ''a report'' the following: '', the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives''.

SEC. 1072. IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.

(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The implementation plan shall include—

(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes, programs, and any other efforts to achieve each component of the whole-of-government vision prescribed in the National Security Strategy;

(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement each component of the whole-of-government vision prescribed in the National Security Strategy;

(3) an outline of specific actions desired or required to be taken by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

(4) any progress made and challenges or obstacles encountered since May 2010 in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

(b) ANNUAL UPDATES.—Not later than December 1 of each subsequent year that the National Security Strategy of May 2010 remains the policy of the President, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

(1) any progress made and challenges or obstacles encountered in implementing each component of the whole-of-government vision prescribed in the National Security Strategy since the submission of the implementation plan or most recent update; and

(2) any modifications to the implementation plan.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

(2) The term ''Executive agency'' has the meaning given that term by section 105 of title 5, United States Code.

SEC. 1073. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELETRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.

(a) SECRETARY OF COMMERCE REPORT.—

(1) REPORT REQUIRED.—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or

administrative action as the Secretary considers appropriate in light of the results of the review.

(2) CONSIDERATIONS.—In conducting the review required for purposes of the report under paragraph (1), the Secretary shall take into consideration the following:

(A) Increases in sales of commercial satellite imagery that would result from a relaxation of resolution restrictions, and the ensuing benefit to the United States Government, commerce, and academia from an expanding market in satellite imagery.

(B) Current and anticipated deployments of satellites built in foreign countries that can or will be able to collect imagery at a resolution greater than .5 meter resolution, and the sale or dissemination of such imagery.

(C) The lead-time involved in securing financing, designing, building, and launching the new satellite imagery collection capabilities that would be required to enable United States commercial satellite companies to match current and anticipated foreign satellite imagery collection capabilities.

(D) Inconsistencies between the current resolution restrictions on the sale or dissemination of imagery collected by United States commercial companies, the availability of higher resolution imagery from foreign sources, and the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related information in the event of the relaxation of such resolution restrictions.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

SEC. 1074. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SEC. 1075. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SEC. 1076. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SEC. 1077. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

SEC. 1078. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''major automated information system program'' has the meaning given that term in section 2445a of title 10, United States Code.

SEC. 1079. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A description of the approved Air Sea Battle Concept.

(2) An identification and assessment of—

(A) the materiel solutions required to employ the concept in support of approved operational plans and contingency plans; and

(B) the risks to approved operational plans and contingency plans resulting from unfulfilled materiel solutions identified pursuant to subparagraph (A).

(3) A summary of the implementation plan, including—

(A) an assessment of the risks to implementation of the approved concept within the current and programmed force structure, capabilities, and capacity;

(B) a description of the criteria that will be used to measure progress toward full implementation of the concept; and

(C) a timeline for implementation of the concept.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record deliver or fail to deliver the materiel solutions identified pursuant to paragraph (2)(A).

(5) An identification, in order of priority, of the five most critical materiel solutions identified pursuant to paragraph (2)(A) requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A list of any new organization required to implement the concept, including an explanation of the function of each organization and why such functions cannot be assigned to existing organizations.

(8) A description and assessment of the estimated incremental increases in costs, including the cost of any new organization identified pursuant to paragraph (7), and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(9) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(10) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SEC. 1080A. REPORT ON COSTS OF UNITS OF THE RESERVE COMPONENTS AND THE ACTIVE COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an analysis of the costs of a sample of deployable units of the active components of the Armed Forces and the costs of a sample of similar deployable units of the reserve components of the Armed Forces.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the active components and reserve components shall be treated as similar if such units have the same table of organization and equipment or, as applicable, the same size, structure, personnel, or deployed mission.

(b) ASSESSMENT OF RESERVE COMPONENT FORCE STRUCTURE AND END STRENGTHS IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) the following:

(1) An assessment of the advisability of retaining, decreasing, or increasing the number and capability mix of units and end strengths of the reserve components of the Armed Forces within the total force structure of the Armed Forces.

(2) The current and most likely anticipated demands for military capabilities in support of the National Military Strategy, including the capability and deployment timeline requirements of the contingency plans of the combatant commands.

(3) Authorities available to access the reserve components of the Armed Forces for Federal missions.

(4) Personnel, equipment, and training readiness, and the cost to sustain, mobilize, achieve required pre-deployment readiness levels, and deploy active component units and reserve component units.

(5) Such other matters as the Secretary considers appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the Comptroller General's evaluation of the report of the Secretary under subsection (a).

Subtitle I—Miscellaneous Authorities and Limitations

SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary of Defense to assign civilian employees under the program under subsection (a) terminates at the close of September 30, 2014.

(2) CONTINUATION OF ASSIGNMENTS.—Any assignment of a civilian employee under subsection (a) before the date specified in paragraph (1) may continue after that date, but only using funds available for fiscal year 2012, 2013, or 2014.

(c) ANNUAL REPORT.—Not later than December 30 each year through 2014, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on activities under the program under subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A list of the defense ministries to which civilian employees were assigned under the program.

(2) A statement of the number of such employees so assigned.

(3) A statement of the duration of the various assignments of such employees.

(4) A brief description of the activities carried out such by such employees pursuant to such assignments.

(5) A description of the criteria used to select the defense ministries identified in paragraph (1) and the civilian employees so assigned.

(6) A statement of the cost of each such assignment.

(7) Recommendations, if any, about changes to the authority, including an assessment of whether expanding the program authority to include assignments to bilateral, regional, or multilateral international security organizations would advance the national security interests of the United States.

(d) COMPTROLLER GENERAL REPORT.—Not later than December 30, 2013, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report setting forth an assessment of the effectiveness of the advisory services provided by civilian employees assigned under the program under subsection (a) as of the date of the report in meeting the purposes of the program.

SEC. 1082. EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR DATA FILES OF THE MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) EXEMPTION.—

(1) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2254 the following new section:

"§ 2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act

''(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES FROM DISCLOSURE UNDER FOIA.—

''(1) The Secretary of Defense may exempt information contained in any data file of the military flight operations quality assurance system of a military department from disclosure under section 552(b)(3) of title 5, upon a written determination that—

''(A) the information is sensitive information concerning military aircraft, units, or aircrew; and

''(B) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

''(2) In this section, the term 'data file' means a file of the military flight operations quality assurance (in this section referred to as 'MFOQA') system that contains information acquired or generated by the MFOQA system, including—

''(A) any data base containing raw MFOQA data; and

''(B) any analysis or report generated by the MFOQA system or which is derived from MFOQA data.

''(3) Information that is exempt under paragraph (1) from disclosure under section 552(b)(3) of title 5 shall be exempt from such disclosure even if such information is contained in a data file that is not exempt in its entirety from such disclosure.

''(4) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section and which specifically cites and repeals or modifies those provisions.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall ensure consistent application of the authority in subsection (a) across the military departments.

''(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management of the Department.

''(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2254 the following new item:

''2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.''.

(b) APPLICABILITY.—Section 2254a of title 10, United States Code, as added by subsection (a), shall apply to any information entered into any data file of the military flight operations quality assurance system before, on, or after the date of the enactment of this Act.

SEC. 1083. LIMITATION ON PROCUREMENT AND FIELDING OF LIGHT ATTACK ARMED RECONNAISSANCE AIRCRAFT.

(a) REPORT ON LIGHT ATTACK AND ARMED RECONNAISSANCE MISSIONS.—

(1) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report containing the findings of a review carried out by the Secretary of the capability of the elements of the Department of Defense (including any office, agency, activity, or command described in section 111(b) of title 10, United States Code) that are responsible for conducting light attack and armed reconnaissance missions or fulfilling requests of partner nations for training in the conduct of such missions.

(2) MATTERS INCLUDED.—In conducting the review under paragraph (1), the Secretary shall—

(A) identify any gaps in the ability of the Department to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations for training in the conduct of such missions;

(B) identify any unnecessary duplication of efforts between the elements of the Department to procure or field aircraft to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations to train in the conduct of such missions, including any planned—

(i) developmental efforts;

(ii) operational evaluations; or

(iii) acquisition of such aircraft through procurement or lease; and

(C) include findings and recommendations the Secretary considers appropriate to address any gaps identified under subparagraph (A) or unnecessary duplication of efforts identified under subparagraph (B).

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 may be obligated or expended for the procurement or fielding of light attack armed reconnaissance aircraft until the date that is 30 days after the date on which the Secretary submits the report required by subsection (a).

SEC. 1084. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing beyond low rate initial production at a prototype integration facility of any of the following components of the Army Research, Development, and Engineering Command:

(1) The Armament Research, Development, and Engineering Center.

(2) The Aviation and Missile Research, Development, and Engineering Center.

(3) The Communications-Electronics Research, Development, and Engineering Center.

(4) The Tank Automotive Research, Development, and Engineering Center.

(b) WAIVER.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) LOW-RATE INITIAL PRODUCTION.—For purposes of this section, the term ''low-rate initial production'' shall be determined in accordance with section 2400 of title 10, United States Code.

SEC. 1085. USE OF STATE PARTNERSHIP PROGRAM FUNDS FOR CERTAIN PURPOSES.

Subject to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note), of the funds made available to the National Guard, the Secretary of Defense may use up to $3,000,000 to pay for travel and per diem costs associated with the participation of United States and foreign civilian and non-defense agency personnel in conducting activities under the State Partnership Program of the National Guard.

Subtitle J—Other Matters

SEC. 1086. REDESIGNATION OF PSYCHOLOGICAL OPERATIONS AS MILITARY INFORMATION SUPPORT OPERATIONS IN TITLE 10, UNITED STATES CODE, TO CONFORM TO DEPARTMENT OF DEFENSE USAGE.

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6) and inserting the following new paragraph:

''(6) Military information support operations.''.

(2) Section 2011(d)(1) is amended by striking ''psychological operations'' and inserting ''military information support operations''.

SEC. 1087. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(a) TERMINATION.—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking ''by and with the advice and consent of the Senate,''.

(b) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''.

SEC. 1088. SENSE OF CONGRESS ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.

It is the sense of Congress that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

SEC. 1089. TECHNICAL AMENDMENT.

Section 382 of title 10, United States Code, is amended by striking ''biological or chemical'' each place it appears in subsections (a) and (b).

SEC. 1090. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130d the following new section:

''§ 130e. Treatment under Freedom of Information Act of critical infrastructure security information

''(a) EXEMPTION.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure pursuant to section 552(b)(3) of title 5, upon a written determination that—

''(1) the information is Department of Defense critical infrastructure security information; and

''(2) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

''(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—Department of Defense critical infrastructure security information covered by a written determination under subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense.

''(c) DEFINITION.—In this section, the term 'Department of Defense critical infrastructure security information' means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

''(d) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management.

''(e) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''130e. Treatment under Freedom of Information Act of certain critical infrastructure security information.''.

SEC. 1092. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) IN GENERAL.—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'';

(B) in paragraph (2), by inserting ''and stockpiled conventional munitions assistance'' after ''Humanitarian demining assistance''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(ii) in subparagraph (A), by inserting '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''and stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(B) in paragraph (2), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance''; and

(B) in paragraph (2)(B)—

(i) by inserting ''or stockpiled conventional munitions activities'' after ''humanitarian demining activities''; and

(ii) by inserting '', or stockpiled conventional munitions, as applicable,'' after ''explosive remnants of war''; and

(4) in subsection (d)—

(A) by inserting ''or stockpiled conventional munitions assistance'' after ''humanitarian demining assistance'' each place it appears; and

(B) in paragraph (2), by inserting '', and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance'' after ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following new subsection (e):

''(e) DEFINITIONS.—In this section:

''(1) The term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

''(2) The term 'stockpiled conventional munitions assistance', as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 407 and inserting the following new item:

''407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.''.

SEC. 1093. NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS.

The Secretary of the Navy shall ensure that the Navy maintains—

(1) a minimum of 10 carrier air wings; and

(2) for each such carrier air wing, a dedicated and fully staffed headquarters.

SEC. 1094. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

(c) DEFINITION.—In this section, the term ''organizational clothing and individual equipment'' means an item of organizational clothing or equipment prescribed for wear or use with the uniform.

SEC. 1095. NATIONAL ROCKET PROPULSION STRATEGY.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(A) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(B) a description of the plans of the President, the Secretary of Defense, the intelligence community, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(C) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, targets, and satellite and human spaceflight launch vehicles;

(D) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(E) any other relevant information the President considers necessary.

(2) LONG-TERM ICBM PLAN.—On the date on which the President submits to Congress the budget for fiscal year 2013 under section 1105 of title 31, United States Code, the President shall transmit to the appropriate congressional committees a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 1096. GRANTS TO CERTAIN REGULATED COMPANIES FOR SPECIFIED ENERGY PROPERTY NOT SUBJECT TO NORMALIZATION RULES.

(a) IN GENERAL.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting ''(other than subsection (d)(2) thereof)'' after ''section 50 of the Internal Revenue Code of 1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 1097. UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity;

(2) take into consideration the location of ground infrastructure and research needs; and

(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

(d) TEST RANGE OPERATION.— A project at a test range shall be operational not later than 180 days after the date on which the project is established.

(e) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator's findings and conclusions concerning the projects that includes a description and assessment of the progress being made

in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

(f) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(g) DEFINITION.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''test range'' means a defined geographic area where research and development are conducted.

SEC. 1098. MODIFICATION OF DATES OF COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2568) is amended by striking ''and annually thereafter'' and inserting ''not later than two years after the execution of the executive agreement, and not later than September 30, 2015''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Amendments to Department of Defense personnel authorities.
Sec. 1102. Provisions relating to the Department of Defense performance management system.
Sec. 1103. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.
Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1105. Waiver of certain pay limitations.
Sec. 1106. Services of post-combat case coordinators.
Sec. 1107. Authority to waive maximum-age limit for certain appointments.
Sec. 1108. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.
Sec. 1109. Federal internship programs.
Sec. 1110. Extension and expansion of experimental personnel program for scientific and technical personnel.
Sec. 1111. Authority of the Secretaries of the military departments to employ up to 10 persons without pay.
Sec. 1112. Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Subtitle B—Other Matters

Sec. 1121. Modification of beneficiary designation authorities for death gratuity payable upon death of a United States Government employee in service with the Armed Forces.
Sec. 1122. Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program.
Sec. 1123. Extension of continued health benefits.
Sec. 1124. Disclosure of senior mentors.
Sec. 1125. Termination of Joint Safety Climate Assessment System.

Subtitle A—Personnel

SEC. 1101. AMENDMENTS TO DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) CAREER PATHS.—Section 9902(a)(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

''(D) Development of attractive career paths.''.

(b) APPOINTMENT FLEXIBILITIES.—Section 9902(b) of title 5, United States Code, is amended by adding at the end the following:

''(5) The Secretary shall develop a training program for Department of Defense human resource professionals to implement the requirements of this subsection.

''(6) The Secretary shall develop indicators of effectiveness to determine whether appointment flexibilities under this subsection have achieved the objectives set forth in paragraph (1).''.

(c) ADDITIONAL REQUIREMENTS.—Section 9902(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) provide mentors to advise individuals on their career paths and opportunities to advance and excel within their fields;

''(7) develop appropriate procedures for warnings during performance evaluations for employees who fail to meet performance standards;''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The heading for chapter 99 of title 5, United States Code, is amended to read as follows:

''CHAPTER 99—DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES''.

(2) CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 99 and inserting the following:

''99. DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES 9901''.

SEC. 1102. PROVISIONS RELATING TO THE DEPARTMENT OF DEFENSE PERFORMANCE MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended by adding at the end the following:

''(h) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the implementation of any performance management and workforce incentive system under subsection (a) or any procedures relating to personnel appointment flexibilities under subsection (b) (whichever is earlier), and whenever any significant action is taken under any of the preceding provisions of this section (but at least biennially) thereafter, the Secretary shall—

''(A) conduct appropriately designed and statistically valid internal assessments or employee surveys to assess employee perceptions of any program, system, procedures, or other aspect of personnel management, as established or modified under authority of this section; and

''(B) submit to the appropriate committees of Congress and the Comptroller General, a report describing the results of the assessments or surveys conducted under subparagraph (A) (including the methodology used), together with any other information which the Secretary considers appropriate.

''(2) REVIEW.—After receiving any report under paragraph (1), the Comptroller General—

''(A) shall review the assessments or surveys described in such report to determine if they were appropriately designed and statistically valid;

''(B) shall conduct a review of the extent to which the program, system, procedures, or other aspect of program management concerned (as described in paragraph (1)(A)) is fair, credible, transparent, and otherwise in conformance with the requirements of this section; and

''(C) within 6 months after receiving such report, shall submit to the appropriate committees of Congress—

''(i) an independent evaluation of the results of the assessments or surveys reviewed under subparagraph (A), and

''(ii) the findings of the Comptroller General based on the review under subparagraph (B), together with any recommendations the Comptroller General considers appropriate.

''(3) DEFINITION.—For purposes of this subsection, the term 'appropriate committees of Congress' means—

''(A) the Committees on Armed Services of the Senate and the House of Representatives;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(C) the Committee on Oversight and Government Reform of the House of Representatives.''.

(b) REPORTS.—(1) The Secretary of Defense shall submit to the covered committees—

(A) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

(i) a plan for the personnel management system, as authorized by section 9902(a) of title 5, United States Code (as amended by section 1101(a)); and

(ii) progress reports on the design and implementation of the personnel management system (as described in subparagraph (A)); and

(B) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

(i) a plan for the appointment procedures, as authorized by section 9902(b) of such title 5 (as amended by section 1101(b)); and

(ii) progress reports on the design and implementation of the appointment procedures (as described in subparagraph (A)).

(2) Implementation of a plan described in paragraph (1)(B) may not commence before the 90th day after the date on which such plan is submitted under this subsection to the covered committees.

(3) For the purposes of this subsection, the term ''covered committees'' means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(c) REPEAL OF SUPERSEDED PROVISIONS.—The following sections are repealed:

(1) Section 1106(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 357), as amended by section 1113(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2503).

(2) Section 1113(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2502).

SEC. 1103. REPEAL OF SUNSET PROVISION RELATING TO DIRECT HIRE AUTHORITY AT DEMONSTRATION LABORATORIES.

Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. chapter 81 note) is amended by striking subsection (e).

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2012, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4382), is further amended by striking ''through 2011'' and inserting ''through 2012''.

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

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

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

''(A) payments authorized under this section; and

''(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.''; and

(2) in paragraph (3), by adding at the end the following: ''In computing an employee's total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.''.

SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

''§ 7906. Services of post-combat case coordinators

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

''(1) the terms 'employee', 'agency', 'injury', 'war-risk hazard', and 'hostile force or individual' have the meanings given those terms in section 8101; and

''(2) the term 'qualified employee' means an employee as described in subsection (b).

''(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

''(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

''(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

''(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

''(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

''(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

''(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

''(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

''(B) for suicidal or homicidal thoughts or behaviors.

''(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

''(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

''(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

''7906. Services of post-combat case coordinators.''.

SEC. 1107. AUTHORITY TO WAIVE MAXIMUM-AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency, in consultation with the Director of the Office of Personnel Management, may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

''(B) For purposes of this paragraph—

''(i) the term 'agency' means the Department of Defense or a military department; and

''(ii) the term 'head of the agency' means—

''(I) in the case of the Department of Defense, the Secretary of Defense; and

''(II) in the case of a military department, the Secretary of such military department.''.

SEC. 1108. SENSE OF CONGRESS RELATING TO PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT CERTAIN REMOTE MILITARY INSTALLATIONS.

It is the sense of Congress that the Secretary of Defense and the Director of the Office of Personnel Management should develop procedures for determining locality pay for employees of the Department of Defense in circumstances that may be unique to such employees, such as the assignment of employees to a military installation so remote from the nearest established communities or suitable places of residence as to handicap significantly the recruitment or retention of well qualified individuals, due to the difference between the cost of living at the post of assignment and the cost of living in the locality or localities where such employees generally reside.

SEC. 1109. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

''§ 3111a. Federal internship programs

''(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

''(b) ONLINE INFORMATION.—

''(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

''(A) the name and contact information of the internship coordinator for each agency; and

''(B) information regarding application procedures and deadlines for each internship program.

''(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

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

''(1) the term 'internship program' means—

''(A) a volunteer service program under section 3111(b);

''(B) an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585);

''(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); or

''(D) a program that—

''(i) is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); and

''(ii) is authorized under another statutory provision of law;

''(2) the term 'intern' means an individual participating in an internship program; and

''(3) the term 'agency' means an Executive agency.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

''3111a. Federal internship programs.''.

(c) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out the amendment made by subsection (a).

SEC. 1110. EXTENSION AND EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended in subsection (e)(1) by striking ''2014'' and inserting ''2016''.

(b) EXPANSION OF AVAILABILITY OF PERSONNEL MANAGEMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

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

(2) in subparagraph (D), by inserting ''and'' at the end; and

(3) by adding at the end the following new subparagraph:

''(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation;''.

SEC. 1111. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting ''and the Secretaries of the military departments'' after ''the Secretary of Defense''; and

(2) by inserting ''each'' after ''may''.

SEC. 1112. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616), is amended by striking ''fiscal years 2009, 2010, and 2011'' and inserting ''fiscal years 2009 through 2013''.

Subtitle B—Other Matters

SEC. 1121. MODIFICATION OF BENEFICIARY DESIGNATION AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.—

(1) IN GENERAL.—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting ''A person covered by this section may designate another person to receive an amount payable under this section.''; and

(B) in the second sentence, by striking ''up to the maximum of 50 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date

of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.—Section 8102a(d) of such title is further amended by adding at the end the following:

''(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.''.

SEC. 1122. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) AUTHORITY FOR WAIVER.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment otherwise required would be against equity and good conscience because of the circumstances of that individual's reemployment after receiving a voluntary separation incentive payment.

(d) TREATMENT OF PRIOR REPAYMENTS.—The Secretary of Defense may, pursuant to a determination under subsection (c) specific to an individual, provide for reimbursement to that individual for any amount the individual has previously repaid to the United States for a voluntary separation incentive payment covered by this section. The reimbursement shall be paid either from the appropriations into which the repayment was deposited, if such appropriations remain available, or from appropriations currently available for the purposes of the appropriation into which the repayment was deposited.

(e) EXPIRATION OF AUTHORITY.—The authority to grant a waiver under this section shall expire on December 31, 2012.

SEC. 1123. EXTENSION OF CONTINUED HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking ''December 31, 2011'' each place it appears and inserting ''December 31, 2016''; and

(2) in clause (ii), by striking ''February 1, 2012'' and inserting ''February 1, 2017''.

SEC. 1124. DISCLOSURE OF SENIOR MENTORS.

(a) REQUIREMENT TO DISCLOSE NAMES OF SENIOR MENTORS.—The Secretary of Defense shall disclose the names of senior mentors serving in the Department of Defense by publishing a list of the names on the publicly available website of the Department of Defense. The list shall be updated at least quarterly.

(b) SENIOR MENTOR DEFINED.—In this section, the term ''senior mentor'' has the meaning provided in the memorandum from the Secretary of Defense relating to policy on senior mentors, dated April 1, 2010.

SEC. 1125. TERMINATION OF JOINT SAFETY CLIMATE ASSESSMENT SYSTEM.

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the Joint Safety Climate Assessment System of the Department of Defense is terminated.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Commanders' Emergency Response Program in Afghanistan.
Sec. 1202. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1205. Two-year extension of authorization for non-conventional assisted recovery capabilities.
Sec. 1206. Support of foreign forces participating in operations to disarm the Lord's Resistance Army.
Sec. 1207. Global Security Contingency Fund.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1212. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1213. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1214. Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan.
Sec. 1215. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1216. One-year extension of authority to use funds for reintegration activities in Afghanistan.
Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1218. Two-year extension of certain reports on Afghanistan.
Sec. 1219. Limitation on availability of amounts for reintegration activities in Afghanistan.
Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.
Sec. 1221. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

Subtitle C—Reports and Other Matters

Sec. 1231. Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.
Sec. 1232. Review and report on Iran's and China's conventional and anti-access capabilities.
Sec. 1233. Report on energy security of the NATO alliance.
Sec. 1234. Comptroller General of the United States report on the National Guard State Partnership Program.
Sec. 1235. Man-portable air-defense systems originating from Libya.
Sec. 1236. Report on military and security developments involving the Democratic People's Republic of Korea.
Sec. 1237. Sense of Congress on non-strategic nuclear weapons and extended deterrence policy.
Sec. 1238. Annual report on military and security developments involving the People's Republic of China.
Sec. 1239. Report on expansion of participation in Euro-NATO Joint Jet Pilot Training program.
Sec. 1240. Report on Russian nuclear forces.
Sec. 1241. Report on progress of the African Union in operationalizing the African Standby Force.
Sec. 1242. Defense cooperation with Republic of Georgia.
Sec. 1243. Prohibition on procurements from Communist Chinese military companies.
Sec. 1244. Sharing of classified United States ballistic missile defense information with the Russian Federation.
Sec. 1245. Imposition of sanctions with respect to the financial sector of Iran.

Subtitle A—Assistance and Training

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) AUTHORITY FOR FISCAL YEAR 2012.—During fiscal year 2012, from funds made available to the Department of Defense for operation and maintenance, not to exceed $400,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS AND BRIEFINGS.—

(1) QUARTERLY REPORTS.—Not later than 45 days after the end of each fiscal year quarter of fiscal year 2012, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).

(2) FORM.—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.

(3) BRIEFINGS.—Not later than 15 days after the submission of each report required under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program in Afghanistan.

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section

or any other provision of law making funding available for the Commanders' Emergency Response Program in Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) RESTRICTION ON AMOUNT OF PAYMENTS.—Funds made available under this section for the Commanders' Emergency Response Program in Afghanistan may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds $20,000,000.

(f) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization to provide funds for the Commanders' Emergency Response Program in Afghanistan in fiscal year 2012. Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to provide such funds, and may be used for such purpose until expended in addition to the funds specified in subsection (a).

(g) NOTIFICATION.—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program in Afghanistan for a project in Afghanistan with a total anticipated cost of $5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program in Afghanistan that has been or is anticipated to be contributed to the completion of the project.

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

(h) COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN DEFINED.—In this section, the term ''Commanders' Emergency Response Program in Afghanistan'' means the program that—

(1) authorizes United States military commanders in Afghanistan to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

(2) provides an immediate and direct benefit to the people of Afghanistan.

(i) CONFORMING AMENDMENT.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is hereby repealed.

SEC. 1202. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1203(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4386), is further amended—

(1) in paragraph (1), by striking ''Iraq or''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''Iraq or''; and

(B) in subparagraph (C), by striking ''Iraq, Afghanistan, or'' and inserting ''Afghanistan or''.

(b) EXPIRATION.—Subsection (e) of such section, as amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4623), is further amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4385), is further amended by striking ''$45,000,000'' and inserting ''$50,000,000''.

(b) CLARIFICATION OF LIMITATION ON FUNDING.—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended—

(1) by striking ''each fiscal year'' and inserting ''any fiscal year''; and

(2) by striking ''pursuant to title XV of this Act'' and inserting ''for that fiscal year''.

(c) EXTENSION.—Subsection (h) of such section, as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''2013'' and inserting ''2015''.

(d) BRIEFING AND REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and a report that outlines future authorities the Secretary of Defense determines may be necessary to adequately conduct counterterrorism, unconventional warfare, and irregular warfare missions by special operations forces.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATION.—

(1) IN GENERAL.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recently amended by section 1207(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended in paragraph (5) by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 and 2013''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) REPORT.—Subsection (f) of such section is amended to read as follows:

''(f) REPORT.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, transmit to the congressional committees specified in subsection (e)(3) a report on the implementation of this section for such fiscal year.

''(2) MATTERS TO BE INCLUDED.—Each report under paragraph (1) shall include the following:

''(A) For each program to build the capacity of a foreign country's national military forces or maritime security forces to conduct counterterrorism operations that was carried out during the fiscal year covered by such report the following:

''(i) A description of the nature and the extent of the potential or actual terrorist threat that the program is intended to address.

''(ii) A description of the program, including the objectives of the program and the types of recipient nation units receiving assistance under the program.

''(iii) A description of the extent to which the program is implemented by United States Government personnel or contractors.

''(iv) A description of the participation, if any, of the foreign country in the formulation of the program.

''(v) A description of the arrangements, if any, for the sustainment of the program and of the source of funds to support sustainment of the program.

''(vi) An assessment of the effectiveness of the program in building the capacity of the foreign country to conduct counterterrorism operations during the fiscal year covered by such report, and a description of the metrics used to evaluate the effectiveness of the program.

''(B) A description of the procedures and guidance for monitoring and evaluating the results of programs under this section.''.

(c) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4389), is further amended—

(1) by striking ''September 30, 2012'' and inserting ''September 30, 2013''; and

(2) by striking ''fiscal years 2006 through 2012'' and inserting ''fiscal years 2006 through 2013''.

SEC. 1205. TWO-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Subsection (a) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 13 110–417; 122 Stat. 4578) is amended by striking ''Operation and Maintenance, Navy'' and inserting ''Operation and Maintenance, Defense-wide''.

(b) AUTHORIZED ACTIVITIES.—Subsection (c) of such section is amended—

(1) by inserting ''entities conducting activities relating to operational preparation of the environment, including'' after ''include the provision of support to''; and

(2) by striking ''or individuals'' and inserting ''or individuals,''.

(c) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Subsection (d) of such section is amended—

(1) by striking ''Upon'' and inserting the following:

''(1) NOTICE.—The Secretary of Defense shall notify the congressional defense committees not later than 30 days prior to'';

(2) by striking '', the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities'' and inserting a period; and

(3) by adding at the end the following:

''(2) CONTENT.—Each notification required under paragraph (1) shall include the following information:

''(A) The amount of funds made available for support of non-conventional assisted recovery activities.

''(B) A description of the non-conventional assisted recovery activities.

''(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.''.

(d) QUARTERLY REPORT.—Subsection (e) of such section is amended to read as follows:

''(e) QUARTERLY REPORT.—

''(1) REPORT.—The Secretary of Defense shall submit to the relevant congressional defense committees a report on support for non-conventional assisted recovery activities under subsection (a) of this section. Such report shall be

included as a part of the classified quarterly report on similar activities.

''(2) CONTENTS.—The report shall, with respect to the covered period, include the following information:

''(A) The amount of funds obligated for support of non-conventional assisted recovery activities.

''(B) A description of the non-conventional assisted recovery activities.

''(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.

''(D) The total amount of funds obligated for support of non-conventional assisted recovery activities, including budget details.

''(E) The total amount of funds obligated for support of non-conventional assisted recovery activities in prior fiscal years.

''(F) The intended duration of support for support of non-conventional assisted recovery activities.

''(G) A description of support or training provided to the recipients of support.

''(H) A value assessment of the support provided.

''(3) COVERED PERIOD.—In this subsection, the term 'covered period' means the period with respect to which the classified quarterly report on similar activities applies.''.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—Subsection (f) of such section is amended by inserting ''or support'' after ''conduct''.

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—Subsection (g)(2) of such section is amended by striking ''defense articles or defense services'' and inserting ''defense articles, defense services, or defense technologies''.

(g) PERIOD OF AUTHORITY.—Subsection (h) of such section is amended by striking ''2011'' and inserting ''2013''.

SEC. 1206. SUPPORT OF FOREIGN FORCES PARTICIPATING IN OPERATIONS TO DISARM THE LORD'S RESISTANCE ARMY.

(a) AUTHORITY.—Pursuant to the policy established by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172; 124 Stat. 1209), the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army as follows:

(1) The national military forces of Uganda.

(2) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(b) PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor).

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for the Department of Defense for each of fiscal years 2012 and 2013 for operation and maintenance, not more than $35,000,000 may be utilized in each such fiscal year to provide support under subsection (a).

(2) AVAILABILITY OF FUNDS ACROSS FISCAL YEARS.—Amounts available under this subsection for a fiscal year for support under the authority in subsection (a) may be used for support under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any provision of law.

(2) ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority in subsection (a) to provide support to any foreign country that is otherwise prohibited from receiving such type of support under any other provision of law.

(e) NOTICE TO CONGRESS ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not provide support under subsection (a) for the national military forces of a country determined to be eligible for such support under that subsection until the Secretary notifies the appropriate committees of Congress of the eligibility of the country for such support.

(f) NOTICE TO CONGRESS ON SUPPORT TO BE PROVIDED.—Not less than 15 days before the date on which funds are obligated to provide support under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the following:

(1) The type of support to be provided.

(2) The national military forces to be supported.

(3) The objectives of such support.

(4) The estimated cost of such support.

(5) The intended duration of such support.

(g) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''logistic support, supplies, and services'' has the meaning given that term in section 2350(1) of title 10, United States Code.

(h) EXPIRATION.—The authority provided under this section may not be exercised after September 30, 2013.

SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States an account to be known as the ''Global Security Contingency Fund'' (in this section referred to as the ''Fund'').

(b) AUTHORITY.—Notwithstanding any other provision of law (other than the provisions of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and the section 620J of such Act relating to limitations on assistance to security forces (22 U.S.C. 2378d)), amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) To enhance the capabilities of a country's national military forces, and other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country in cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within the country concerned.

(d) FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.—

(1) SECURITY PROGRAMS.—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(2) JUSTICE SECTOR AND STABILIZATION PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(e) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds available to carry out this section.

(f) TRANSFER AUTHORITY.—

(1) DEPARTMENT OF DEFENSE FUNDS.—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) LIMITATION.—The total amount of funds transferred to the Fund in any fiscal year from the Department of Defense may not exceed $200,000,000.

(3) TRANSFERS TO OTHER ACCOUNTS.—Funds available to carry out assistance authorized by this section may be transferred to an agency or account determined most appropriate to facilitate the provision of assistance authorized by this section.

(4) RELATION TO OTHER TRANSFER AUTHORITIES.—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of Defense.

(g) ALLOCATION OF CONTRIBUTIONS TO ASSISTANCE.—The contribution of the Secretary of State to an activity under the authority in subsection (b) shall be not less than 20 percent of the total amount required for such activity. The contribution of the Secretary of Defense to such activity shall be not more than 80 percent of the total amount required.

(h) AUTHORITY TO ACCEPT GIFTS.—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until September 30, 2015, except that amounts appropriated or transferred to the Fund before that date shall remain available for obligation and expenditure after that date for activities under programs commenced under subsection (b) before that date.

(j) ADMINISTRATIVE EXPENSES.—Amounts in the Fund may be used for necessary administrative expenses in connection with the provision of assistance under this section.

(k) DETAIL OF PERSONNEL.—The head of an agency of the United States Government may detail personnel to the Department of State to carry out the purposes of this section, with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel.

(l) NOTICES TO CONGRESS.—

(1) IN GENERAL.—Not less than 15 days before initiating an activity under a program of assistance under subsection (b), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the specified congressional committees a notification that includes the following:

(A) A detailed justification for the program.

(B) The budget, execution plan and timeline, and anticipated completion date for the activity.

(C) A list of other security-related assistance or justice sector and stabilization assistance that the United States is currently providing the country concerned and that is related to or supported by the activity.

(D) Such other information relating to the program or activity as the Secretary of State or Secretary of Defense considers appropriate.

(2) EXERCISE OF TRANSFER AUTHORITY.—No transfer of funds into the Fund under subsection (f) or any other authority may occur until 15 days after the specified congressional committees are notified of the transfer.

(3) GUIDANCE AND PROCESSES FOR EXERCISE OF AUTHORITY.—The Secretary of State, with the concurrence of the Secretary of Defense, shall notify the specified congressional committees 15 days after the date on which all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational.

(m) ANNUAL REPORTS.—Not later than October 30, 2012, and annually thereafter until the expiration of the authority in subsection (b) pursuant to subsection (q), the Secretary of State and the Secretary of Defense jointly shall submit to the specified congressional committees a report on the following:

(1) The obligation of funds from, and transfer of funds into, the Fund during the preceding fiscal year.

(2) The status of programs and activities authorized under this section during the preceding fiscal year.

(n) TRANSITIONAL AUTHORITIES.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide the types of assistance described in subsection (c), and assistance for minor military construction, during fiscal year 2012 as follows:

(A) To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al-Qaeda, al-Qaeda affiliates, and al Shabaab.

(B) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations described in subparagraph (A).

(C) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counter-terrorism operations against al-Qaeda in the Arabian Peninsula and its affiliates.

(2) LIMITATIONS.—

(A) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in this subsection to provide any type of assistance that is otherwise prohibited by any provision of law.

(B) ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority in this subsection to provide a type of assistance to a foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(C) YEMEN.—The authority specified in paragraph (1)(C), and the authority to provide assistance pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 2456), may not be used for Yemen until 30 days after the date on which the Secretary of Defense and the Secretary of State jointly certify in writing to the specified congressional committees that the use of such authority is important to the national security interests of the United States. The certification shall include the following:

(i) The reasons for the certification.

(ii) A justification for the provision of assistance.

(iii) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance so provided will be utilized in manner consistent with subsection (c)(2).

(3) NOTICE TO CONGRESS.—Not less than 15 days before funds are obligated to provide assistance under this subsection, the Secretary of Defense shall submit to the specified congressional committees a notice setting forth the following:

(A) The type of assistance to be provided.

(B) The national military forces to be supported.

(C) The objectives of such assistance.

(D) The estimated cost of such assistance.

(E) The intended duration of such assistance.

(4) TERMINATION.—

(A) IN GENERAL.—Assistance authorized by this subsection may be provided until the earlier of—

(i) the date on which the Secretary of State determines that all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational; or

(ii) September 30, 2012.

(B) COMPLETION OF ONGOING ACTIVITIES AFTER TERMINATION.—An assistance activity authorized by this subsection that begins before the date of termination provided in subparagraph (A) may be completed after that date, but only using funds available before that date.

(o) FUNDING.—

(1) FISCAL YEAR 2012.—The total amount available to the Department of Defense and the Department of State to provide assistance under this section during fiscal year 2012 may not exceed $350,000,000, of which—

(A) $75,000,000 may be used for assistance authorized by subparagraphs (A) and (B) of subsection (n)(1); and

(B) $75,000,000 may be used for assistance authorized by subparagraph (C) of subsection (n)(1).

(2) FISCAL YEARS 2013 AND AFTER.—The total amount available to the Department of Defense and the Department of State to provide assistance under this section during a fiscal year after fiscal year 2012 may not exceed $300,000,000.

(p) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(q) EXPIRATION.—The authority under this section may not be exercised after September 30, 2015. An activity under a program authorized by subsection (b) commenced before that date may be completed after that date, but only using funds available for fiscal years 2012 through 2015.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) EXTENSION.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as amended by section 1218 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4394), is further amended by striking ''fiscal year 2011'' each place it appears and inserting ''fiscal year 2012''.

(b) AMOUNT OF FUNDS AVAILABLE.—Subsection (d) of such section is amended by striking ''$400,000,000'' and inserting ''$450,000,000''.

SEC. 1212. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532), as amended by section 1214 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section, as so amended, is further amended by striking ''and every 90 days thereafter through March 31, 2012'' and inserting ''every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented''.

SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519) and section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4391), is further amended by striking ''by section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''for fiscal year 2012 for overseas contingency operations''.

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking ''fiscal year 2010 or 2011'' and inserting ''fiscal year 2012''; and

(2) by striking ''$1,600,000,000'' and inserting ''$1,690,000,000''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after ''Budget''.

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 1214. LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN IRAQ AND AFGHANISTAN.

(a) NO PERMANENT MILITARY BASES IN IRAQ.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(b) NO PERMANENT MILITARY BASES IN AFGHANISTAN.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1215. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) AUTHORITY.—The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

(1) Operations and activities of the Office of Security Cooperation in Iraq.

(2) Operations and activities of security assistance teams in Iraq.

(b) TYPES OF SUPPORT.—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and construction and renovation of facilities.

(c) LIMITATION ON AMOUNT.—The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed $524,000,000.

(d) SOURCE OF FUNDS.—Funds for purposes of subsection (a) for fiscal year 2012 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) COVERAGE OF COSTS OF OSCI IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), charges sufficient to recover the costs of operations and activities of security assistance teams in Iraq in connection with such sale.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the activities of the Office of Security Cooperation in Iraq. The report shall include the following:

(1) A description, in unclassified form (but with a classified annex if appropriate), of any capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance.

(2) A description of the manner in which the programs of the Office of Security Cooperation in Iraq, in conjunction with other United States programs such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps described in paragraph (1) if the Government of Iraq requests assistance in addressing such capability gaps.

SEC. 1216. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392) is amended—

(1) in subsection (a), by striking ''for fiscal year 2011'' and inserting ''in each of fiscal years 2011 and 2012''; and

(2) in subsection (e), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) FUNDING.—Subsection (f) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—

(A) by striking ''The'' and inserting ''Subject to paragraph (2), the''; and

(B) by striking ''fiscal year 2011'' and inserting ''fiscal year 2012'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) LIMITATION.—The Secretary of Defense may use not more than 85 percent of the amount specified in paragraph (1) to carry out the program authorized under subsection (a) until the Secretary of Defense, in consultation with the Secretary of State, submits to the appropriate congressional committees a plan for the allocation and use of funds under the program for fiscal year 2012.''; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking ''until September 30, 2012.'' and inserting ''as follows:

''(A) In the case of funds for fiscal year 2011, until September 30, 2012.

''(B) In the case of funds for fiscal year 2012, until September 30, 2013.''.

(b) NOTICE TO CONGRESS.—Subsection (g) of such section is amended by striking ''30 days'' and inserting ''15 days''.

SEC. 1218. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''2012'' and inserting ''2014''.

(b) REPORT ON UNITED STATES PLAN FOR SUSTAINING AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 390), as amended by section 1232 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4395), is further amended by striking ''2012'' and inserting ''2014''.

SEC. 1219. LIMITATION ON AVAILABILITY OF AMOUNTS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Not more than 50 percent of the amount available for fiscal year 2012 for reintegration activities in Afghanistan under the authority of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as amended by section 1216 of this Act, may be used to provide assistance to the Government of Afghanistan until the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Government of Afghanistan and the Taliban.

SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) IN GENERAL.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as amended by section 1220 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking ''September 30, 2011'' both places it appears and inserting ''September 30, 2012''.

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—

(1) LIMITATION ON FUNDS; REPORT REQUIRED.—

(A) IN GENERAL.—Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the ''Fund'') for fiscal year 2012, not more than 40 percent of such amounts may be obligated or expended until such time as the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on—

(i) a strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund; and

(ii) a strategy to enhance Pakistani efforts to counter improvised explosive devices (IEDs).

(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hamper the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.

(vi) A discussion of whether the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter IEDs, including efforts to attack IED networks, monitor known precursors used in IEDs, and develop a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(vii) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in clause (ii), to address the gaps in capabilities listed in clause (iii), and to track the progress of the Government of Pakistan in implementing the strategy to counter IEDs described in clause (vi).

(2) ANNUAL UPDATE REQUIRED.—For any fiscal year in which amounts in the Fund are requested to be made available to the Secretary of Defense, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, an update of the report required under paragraph (1).

(3) FORM.—The report required under paragraph (1) and the update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—Section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2522) is amended—

(A) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(B) by adding at the end the following:

''(2) MATTERS TO BE INCLUDED.—The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

''(A) A discussion of progress in achieving United States strategic objectives in Pakistan during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

''(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to

each report required to be submitted under section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 for any fiscal year after fiscal year 2011.

SEC. 1221. BENCHMARKS TO EVALUATE THE PROGRESS BEING MADE TOWARD THE TRANSITION OF SECURITY RESPONSIBILITIES FOR AFGHANISTAN TO THE GOVERNMENT OF AFGHANISTAN.

(a) OPTIONS FOR EXPANSION OF CAPACITY OF AFGHAN NATIONAL SECURITY FORCES.—The President shall, acting through the Secretary of Defense, establish and update as appropriate, and submit to Congress, options to accelerate the expansion of the capacity of Afghan National Security Forces with the goal of—

(1) enabling the Government of the Islamic Republic of Afghanistan, consistent with the Framework for Inteqal, to assume lead responsibility for security in all areas of Afghanistan, to maintain security in those areas, and to sustain the Afghan National Security Forces;

(2) achieving United States national security objectives to disrupt, dismantle, and defeat al-Qaeda and its extremist allies in Afghanistan, and preventing the establishment of safe havens for those entities; and

(3) enabling the United States to move to an enduring partnership with the Government of the Islamic Republic of Afghanistan, fully consistent with the Declaration by the North Atlantic Treaty Organization and the Government of the Islamic Republic of Afghanistan on an Enduring Partnership as issued at the Lisbon conference on November 20, 2010.

(b) BENCHMARKS.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward meeting the goals set forth in paragraphs (1) through (3) of subsection (a).

(c) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) with each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390).

Subtitle C—Reports and Other Matters

SEC. 1231. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the outcomes of operations conducted by the Government of Pakistan in support of Operation Enduring Freedom for which reimbursement was requested during the 24-month period ending on the date of the enactment of this Act, and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations, if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan taking into account the transition plan for Afghanistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1232. REVIEW AND REPORT ON IRAN'S AND CHINA'S CONVENTIONAL AND ANTI-ACCESS CAPABILITIES.

(a) REVIEW.—The Comptroller General of the United States shall conduct an independent review of the following:

(1) Any gaps between Iran's conventional and anti-access capabilities and United States' capabilities to overcome them.

(2) Any gaps between China's anti-access capabilities and United States' capabilities to overcome them.

(b) REPORT.—Not later than January 31, 2013, the Comptroller General shall submit to the congressional defense committees a report that contains the review conducted under subsection (a).

(c) ADDITIONAL TO OTHER REPORTS, ETC.—The review conducted under subsection (a) and the report required under subsection (b) are in addition to the report required under section 1238 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4402) and the strategy and briefings required under section 1243 of such Act (Public Law 111–383; 124 Stat. 4405).

(d) DEFINITION.—In this section, the term ''anti-access'' has the meaning given the term in section 1238(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4403).

SEC. 1233. REPORT ON ENERGY SECURITY OF THE NATO ALLIANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Adopted in Lisbon in November 2010, the new North Atlantic Treaty Organization (NATO) Strategic Concept declares that ''[a]ll countries are increasingly reliant on the vital communication, transport and transit routes on which international trade, energy security and prosperity depend. They require greater international efforts to ensure their resilience against attack or disruption. Some NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs. As a larger share of world consumption is transported across the globe, energy supplies are increasingly exposed to disruption.''.

(2) The new NATO Strategic Concept further declares that, ''to deter and defend against any threat to the safety and security of our populations'', the NATO alliance will, ''develop the capacity to contribute to energy security, including protection of critical energy infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning.''.

(b) REPORT.—

(1) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit to the appropriate committees of Congress a detailed report on efforts by the Department of Defense, including within NATO, to address the energy security of the NATO alliance.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the dependence of NATO members on a single oil or natural gas supplier or distribution network.

(B) A description of the threats to the energy security of the NATO alliance, including from each of following:

(i) Shortages of supply of oil or natural gas or spikes in prices of oil or natural gas.

(ii) Disruptions within the energy distribution infrastructure or transit lines supplying NATO member countries.

(C) A description of options for responding to or mitigating the energy security risks to NATO member countries and to United States Armed Forces based in Europe posed by the threats described under subparagraph (B).

(D) Recommendations, if any, for actions to be undertaken to improve the energy security of the NATO alliance.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) REPORT REQUIRED.—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

SEC. 1235. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb–6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1236. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) REPORT.—Not later than November 1, 2012, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Democratic People's Republic of Korea (in this section referred to as ''North Korea''). The report shall address the current and probable future course of military-technological development of the North Korean military, the tenets and probable development of North Korean security strategy and military strategy, and military organizations and operational concepts, through the next 20 years.

(b) MATTERS TO BE INCLUDED.—A report required under subsection (a) shall include at least the following elements:

(1) An assessment of the security situation on the Korean peninsula.

(2) The goals and factors shaping North Korean security strategy and military strategy.

(3) Trends in North Korean security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (2).

(4) An assessment of North Korea's regional security objectives, including those that would affect South Korea, Japan, the People's Republic of China, and Russia.

(5) A detailed assessment of the sizes, locations, and capabilities of North Korean strategic, special operations, land, sea, and air forces.

(6) Developments in North Korean military doctrine and training.

(7) An assessment of the proliferation activities of North Korea, as either a supplier or a consumer of materials or technologies relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Other military and security developments involving North Korea that the Secretary of Defense considers relevant to United States national security.

(c) DEFINITION.—In this section the term ''specified congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1237. SENSE OF CONGRESS ON NON-STRATEGIC NUCLEAR WEAPONS AND EXTENDED DETERRENCE POLICY.

(a) REGARDING NON-STRATEGIC NUCLEAR WEAPONS.—It is the sense of Congress that—

(1) if the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear weapons and increased transparency of such weapons; and

(2) for purposes of such negotiations—

(A) non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia; and

(B) geographical relocation and consolidated or centralized storage of non-strategic nuclear weapons by Russia should not be considered a reduction or elimination of such weapons.

(b) REGARDING EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the sense of Congress that—

(1) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of the North Atlantic Treaty Organization (NATO) is an important component of ensuring and linking the national security of the United States and its European allies;

(2) nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(3) the presence of United States nuclear weapons in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

SEC. 1238. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) MATTERS TO BE INCLUDED.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(1) in paragraph (7)—

(A) by adding at the end before the period the following: ''or otherwise undermine the Department of Defense's capability to conduct information assurance''; and

(B) by adding at the end the following: ''Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.''; and

(2) in paragraph (9), by adding at the end the following: ''Such analyses shall include an assessment of the nature of China's cyber activities directed against the Department of Defense

and an assessment of the damage inflicted on the Department of Defense by reason thereof. Such cyber activities shall include activities originating or suspected of originating from China and shall include government and non-government activities believed to be sanctioned or supported by the Government of China.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

SEC. 1239. REPORT ON EXPANSION OF PARTICIPATION IN EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) REPORT REQUIRED.— Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the desirability and feasibility of expanding participation in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program to include additional countries.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the ENJJPT program as it relates to United States national security.

(2) An assessment of the current participation in the ENJJPT program and whether it fully meets the needs of the program and United States and NATO objectives.

(3) An analysis of whether participation of additional countries in the ENJJPT program would benefit the program and United States national security.

(4) A recommendation of additional countries, if any, that could participate in the ENJJPT program, including NATO member nations not currently participating in the program, major non-NATO allies, Partnership for Peace nations, and other countries.

(5) The restrictions or limitations that currently prevent additional countries from participating in the ENJJPT program.

(6) An assessment of the costs and benefits to the United States, including potential benefits to United States security interests of improved training opportunities for other countries, of a United States-sponsored scholarship program to assist certain countries to meet the cost-sharing obligations of participation in the ENJJPT program, and whether authorities currently exist to institute such a scholarship program.

SEC. 1240. REPORT ON RUSSIAN NUCLEAR FORCES.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the nuclear forces of the Russian Federation and the New START Treaty.

(b) MATTERS INCLUDED.—The report under section (a) shall include an assessment of the following:

(1) The assessed number of nuclear forces by category of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022, including potential shifts of such numbers during such periods.

(2) Options with respect to the size and composition of Russian nuclear forces that Russia is considering, including decreases below the New START levels and plans for maintaining New START levels, including options related to developing and deploying a new heavy intercontinental ballistic missile and multiple independently targetable reentry vehicle capability.

(3) Factors that are likely to influence the number and composition of Russian nuclear forces.

(4) Effects of shifts in the number and composition of Russian nuclear forces on strategic stability.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) NEW START TREATY.—The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STANDBY FORCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.

(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.

(5) An assessment of inter-organizational coordination on assistance to the African Union and the African Standby Force between multilateral donors, including the United Nations, the European Union, and the North Atlantic Treaty Organization.

(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

SEC. 1242. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, with the concurrence of the Secretary of State, develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its non-use-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the letters of offer and acceptance by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1243. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) WAIVER AUTHORIZED.—Subsection (c) of section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3461; 10 U.S.C. 2302 note) is amended to read as follows:

''(c) WAIVER AUTHORIZED.—The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines that such a waiver is necessary for national security purposes and the Secretary submits to the congressional defense committees a report described in subsection (d) not less than 15 days before issuing the waiver under this subsection.''.

(b) REPORT.—Such section is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) REPORT.—The report referred to in subsection (c) is a report that identifies the specific reasons for the waiver issued under subsection (c) and includes recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to contracts and subcontracts of the Department of Defense entered into on or after the date of the enactment of this Act.

SEC. 1244. SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION.

(a) NOTIFICATION.—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

(b) ELEMENTS OF NOTIFICATION.—Each notification provided pursuant to subsection (a) shall include the following:

(1) A detailed description of the classified United States ballistic missile defense information to be provided.

(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation with the United States on its defensive systems.

(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act and that the decision to provide the information was made pursuant to a national disclosure policy review.

(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were required in order to provide the information to the Russian Federation and why such exceptions were required.

(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term ''classified United States ballistic missile defense information'' means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act.

SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, ''The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.''.

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, ''Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.''.

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as a primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country, including a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 60-day period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is in the national security interest of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the ''Chemical Weapons Convention'');

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran's conventional, nuclear, chemical, or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act

(50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(h) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of cooperative threat reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on availability of funds for cooperative biological engagement program.
Sec. 1304. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2012 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $63,221,000.

(2) For chemical weapons destruction, $9,804,000.

(3) For global nuclear security, $121,143,000.

(4) For cooperative biological engagement, $259,470,000.

(5) For proliferation prevention, $28,080,000.

(6) For threat reduction engagement, $2,500,000.

(7) For activities designated as Other Assessments/Administrative Costs, $24,001,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE BIOLOGICAL ENGAGEMENT PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 1302(a)(4) or otherwise made available for fiscal year 2012 for cooperative biological engagement, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees the following:

(1) A detailed analysis of the effect of the cooperative biological engagement program.

(2) Either—

(A) written certification that the efforts of the cooperative biological engagement program—

(i) result in changed practices or are otherwise effective; and

(ii) lead to threat reduction; or

(B) a detailed list of policy and program recommendations considered necessary by the Secretary to modify, expand, or curtail the cooperative biological engagement program in order to achieve the objectives described by subparagraph (A).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1304. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs
Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.
Subtitle B—National Defense Stockpile
Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.
Subtitle C—Other Matters
Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1422. Authority for transfer of funds to Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

(b) AUTHORIZED PROCUREMENT.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to purchase an offshore petroleum distribution system, and the associated tender for that system, that are under charter by the Military Sealift Command as of January 1, 2011.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to $50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4412), is further amended by striking ''$730,000,000 by the end of fiscal year 2013'' in paragraph (5) and inserting ''$830,000,000 by the end of fiscal year 2016''.

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of $67,700,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, $135,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Defense Health Program.
Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Joint Improvised Explosive Device Defeat Fund.
Sec. 1532. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1533. Availability of funds in Afghanistan Security Forces Fund.
Sec. 1534. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
Sec. 1535. Limitation on availability of funds for Trans Regional Web Initiative.
Sec. 1536. Report on lessons learned from Department of Defense participation on interagency teams for counter-terrorism operations in Afghanistan and Iraq.

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

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

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

SEC. 1532. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1533. AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

(c) MANAGEMENT AND OVERSIGHT OF CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the Secretary's determination regarding whether the Department of Defense has sufficient management and oversight mechanisms in place with respect to contracts to be entered into during fiscal year 2012 using funds in the Afghanistan Security Forces Fund. If the Secretary determines that sufficient management and oversight mechanisms are not already in place, the Secretary shall include in the report a plan for improving such management and oversight mechanisms.

SEC. 1534. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) EXTENSION.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426) is amended—

(1) in paragraph (6)—

(A) by striking ''October 31, 2011,'' and inserting ''October 31, 2011, and October 31, 2012''; and

(B) by striking ''fiscal year 2011'' and inserting ''the preceding fiscal year''; and

(2) in paragraph (7), by striking ''September 30,2011'' and inserting ''September 30, 2012''.

(b) AUTHORIZED PROJECTS.—Paragraph (3) of such subsection is amended to read as follows:

''(3) SCOPE OF PROJECTS.—The projects carried out under paragraph (1) may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan. To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should focus on improving the commercial viability of other reconstruction or development activities in Afghanistan conducted by the United States.''.

(c) FUNDING LIMITATION.—Paragraph (4) of such subsection is amended—

(1) by inserting before the period at the end of the second sentence the following: ''for fiscal year 2012, except that not more than 50 percent of such amount may be obligated until the plan required by subsection (b) is submitted to the appropriate congressional committees''; and

(2) by adding at the end the following new sentence: ''The funds shall be available for projects under paragraph (1) that begin in one fiscal year and end in the following fiscal year.''.

SEC. 1535. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Secretary of Defense certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that such program—

(1) appropriately defines its target audience;

(2) is determined to be the most effective method to reach such target audience;

(3) is the most cost-effective means of reaching such target audience; and

(4) includes measurement mechanisms to ensure such target audience is being reached.

SEC. 1536. REPORT ON LESSONS LEARNED FROM DEPARTMENT OF DEFENSE PARTICIPATION ON INTERAGENCY TEAMS FOR COUNTERTERRORISM OPERATIONS IN AFGHANISTAN AND IRAQ.

(a) ASSESSMENT AND REPORT REQUIRED.—The Secretary of Defense shall direct a federally funded research and development center to conduct an assessment on lessons learned from the use of interagency teams for counterterrorism operations in Afghanistan and Iraq. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the assessment, together with the comments of the Secretary regarding the assessment and each of the elements of the assessment specified in subsection (b).

(b) ELEMENTS.—The assessment and report required by subsection (a) shall include the following:

(1) An assessment of the value of interagency teams in counterterrorism operations.

(2) An explanation of how and why the requirements for effective interagency teams differ from teams composed entirely of Department of Defense personnel.

(3) A description of the best practices of such interagency teams and efforts to codify such best practices.

(4) A description of the challenges in forming and operating effective interagency teams.

(5) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.

(6) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.

(7) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form to the extent possible, but may include a classified annex.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2012''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.
Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.
Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.
Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2111. Tour normalization.
Sec. 2112. Technical amendments to correct certain project specifications.
Sec. 2113. Reduction of Army military construction authorization.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
	JB Elmendorf-Richardson.	$103,600,000
Alabama	Fort Rucker	$11,600,000
California	Fort Irwin	$23,000,000
	Presidio Monterey	$3,000,000
Colorado	Fort Carson	$238,600,000
Georgia	Fort Benning	$66,700,000
	Fort Gordon	$1,450,000
	Fort Stewart	$2,600,000
Hawaii	Fort Shafter	$17,500,000
	Schofield Barracks	$105,000,000
Kansas	Forbes Air Field	$5,300,000
	Fort Riley	$83,400,000
Kentucky	Fort Campbell	$247,500,000
	Fort Knox	$55,000,000
Louisiana	Fort Polk	$70,100,000
Maryland	Aberdeen Proving Ground.	$78,500,000
	Fort Meade	$79,000,000
Missouri	Fort Leonard Wood	$49,000,000
North Carolina.	Fort Bragg	$186,000,000
New York	Fort Drum	$13,300,000
Oklahoma	Fort Sill	$184,600,000
	McAlester	$8,000,000
South Carolina.	Fort Jackson	$63,900,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Texas	*Fort Bliss*	*$122,500,000*
	Fort Hood	*$132,000,000*
	JB San Antonio	*$10,400,000*
	Red River Army Depot	*$44,000,000*
Utah	*Dugway Proving Ground.*	*$32,000,000*
Virginia	*Fort Belvoir*	*$77,000,000*
	JB Langley Eustis	*$26,000,000*
Washington	*JB Lewis McChord*	*$296,300,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Bagram Air Base*	*$80,000,000*
Germany	*Grafenwoehr*	*$38,000,000*
	Landstuhl	*$63,000,000*
	Oberdachstetten	*$12,200,000*
	Stuttgart	*$12,200,000*
	Vilseck	*$20,000,000*
Korea, Republic of.	*Camp Carroll*	*$41,000,000*

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Camp Henry	*$48,000,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	*Grafenwoehr*	*Family Housing New Construction (26 units)*	*$13,000,000*
	Illesheim	*Family Housing Replacement Construction (80 units)*	*$41,000,000*
	Vilseck	*Family Housing New Construction (22 units)*	*$12,000,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,897,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $103,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of the Army shall not enter into an award for a Road and Infrastructure Improvements project at Fort Belvoir, Virginia, until the Secretary certifies to the congressional defense committees that sufficient private funding has been raised and a construction award has been made to concurrently construct the ''Baseline Museum'' phase of the National Museum of the United States Army.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2629) for Joint Base Lewis-McChord, Washington, for construction of an access road adjoining McChord Air Force Base and Fort Lewis, the Secretary of the Army may construct a secure elevated roadway over the existing railroad and public road in lieu of an on-grade road and access control point.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4438) for Wiesbaden Air Base, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of $115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—The Secretary may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	*Fort Polk*	*Child Care Facility*	*$6,100,000*
Missouri	*Fort Leonard Wood*	*Multipurpose Machine Gun Range*	*$4,150,000*

SEC. 2110. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	$1,400,000
Hawaii	Schofield Barracks	Brigade Complex	$65,000,000
	Schofield Barracks	Battalion Complex	$69,000,000
	Schofield Barracks	Battalion Complex	$27,000,000
	Schofield Barracks	Infrastructure Expansion	$76,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	$9,900,000
Virginia	Fort Eustis	Vehicle Paint Facility	$3,900,000

SEC. 2111. TOUR NORMALIZATION.

None of the funds authorized to be appropriated under this Act may be obligated or expended for additional tour normalization until—

(1) the Director of Cost Assessment and Program Evaluation conducts an analysis of alternatives to tour normalization that identifies alternative courses of action and their associated life cycle costs, potential benefits, advantages, and disadvantages;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for completing all phases of tour normalization that includes a detailed description of all costs and a schedule for the construction of necessary facilities and infrastructure; and

(3) legislation enacted after the date of the enactment of this Act authorizes the obligation of funds for such purpose.

SEC. 2112. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.

The table in section 3002 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4503) is amended—

(1) in the item for the Army relating to ''Entry Control Point and Access Roads'' that appears immediately below the item relating to ''Vet Clinic & Kennel'' at Bagram Air Force Base, by striking ''Delaram Ii'' in the State/Country and Installation column and inserting ''Delaram II''; and

(2) in the item for the Army that appears immediately below the item relating to ''Electrical Utility Systems, Ph.2'' at the Shank installation, by striking ''Expand Extended Cooperation Programme I and Extended Cooperation Programme 2'' in the Project Title column and inserting ''Expand Entry Control Point 1 and Entry Control Point 2''.

SEC. 2113. REDUCTION OF ARMY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Army for fiscal years prior to fiscal year 2012 are hereby reduced by $100,000,000.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Extension of authorization of certain fiscal year 2008 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2207. Guam realignment.
Sec. 2208. Reduction of Navy military construction authorization.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$162,785,000
California	Barstow	$8,590,000
	Bridgeport	$16,138,000
	Camp Pendleton	$335,080,000
	Coronado	$108,435,000
	Point Mugu	$15,377,000
	Twentynine Palms	$67,109,000
Florida	Jacksonville	$36,552,000
	Mayport	$14,998,000
	Whiting Field	$20,620,000
Georgia	Kings Bay	$86,063,000
Hawaii	Barking Sands	$9,679,000
	Joint Base Pearl Harbor-Hickam	$7,492,000
	Kaneohe Bay	$57,704,000
Illinois	Great Lakes	$91,042,000
Maryland	Indian Head	$67,779,000
	Patuxent River	$45,844,000
North Carolina	Camp Lejeune	$200,482,000
	Cherry Point Marine Corps Air Station	$17,760,000
	New River	$78,930,000
South Carolina	Beaufort	$21,096,000
Virginia	Norfolk	$108,228,000
	Portsmouth	$74,864,000
	Quantico	$183,690,000
Washington	Bremerton	$13,341,000
	Kitsap	$758,842,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	$55,010,000
Diego Garcia.	Diego Garcia	$35,444,000
Djibouti	Camp Lemonier	$89,499,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,199,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,773,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for

military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 511) is amended to read as follows:

Navy: Worldwide Unspecified

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified	Various	Wharf Utilities Upgrade	$8,900,000
Worldwide Unspecified	Various	Host Nation Infrastructure	$2,700,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat 4670), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendelton	Operations Access Points, Red Beach	$11,970,000
	Marine Corps Air Station, Miramar	Emergency Response Station	$6,530,000
District of Columbia	Washington Navy Yard	Child Development Center	$9,340,000

SEC. 2207. GUAM REALIGNMENT.

(a) RESTRICTION ON USE OF FUNDS.—Except as provided in subsection (c), notwithstanding any other provision of law, none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps, in consultation with the Commander of the United States Pacific Command, provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma;

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces; and

(5) the Secretary of Defense—

(A) submits to the congressional defense committees the report on the assessment of the United States force posture in East Asia and the Pacific region required under section 346 of this Act; or

(B) certifies to the congressional defense committees that the deadline established under such section for the submission of such report has not been met.

(b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) AUTHORIZATION REQUIRED.—Notwithstanding any other provision of law, if the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, such grant, transfer cooperative agreement, or supplemental funding shall be specifically authorized by law.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term ''public infrastructure'' means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(c) EXCEPTION TO RESTRICTION ON USE OF FUNDS.—The Secretary of Defense may use funds described in subsection (a) to carry out additional analysis under the National Environmental Policy Act of 1969 to include the following actions:

(1) A re-evaluation of live-fire training range complex alternatives, based upon the application of probabilistic modeling; and

(2) The ongoing analysis on the impacts of the realignment and build-up on Guam as described in subsection (a) on coral reefs in Apra Harbor, Guam.

SEC. 2208. REDUCTION OF NAVY MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Navy for fiscal years prior to fiscal year 2012 are hereby reduced by $25,000,000.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authorization to carry out certain fiscal year 2010 project.
Sec. 2306. Extension of authorization of certain fiscal year 2009 project.
Sec. 2307. Reduction of Air Force military construction authorization.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson AFB	$45,000,000
	JB Elmendorf-Richardson.	$97,000,000
Arizona	Davis-Monthan AFB	$33,000,000
	Luke AFB	$24,000,000
California	Travis AFB	$22,000,000
	Vandenberg AFB	$14,200,000
Colorado	U.S. Air Force Academy	$13,400,000
Delaware	Dover AFB	$2,800,000
Kansas	Fort Riley	$7,600,000
Louisiana	Barksdale AFB	$23,500,000
Missouri	Whiteman AFB	$4,800,000
North Carolina.	Pope AFB	$6,000,000
North Dakota.	Minot AFB	$67,800,000
Nebraska	Offutt AFB	$564,000,000
New Mexico.	Cannon AFB	$22,598,000
	Holloman AFB	$29,200,000
	Kirtland AFB	$25,000,000
Nevada	Nellis AFB	$35,850,000
Texas	Joint Base San Antonio	$110,000,000
Utah	Hill AFB	$16,500,000
Virginia	JB Langley Eustis	$50,000,000
Washington.	Fairchild AFB	$27,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule AB	$28,000,000
Guam	Joint Region Marianas	$83,600,000
Germany	Ramstein AB	$34,697,000
Italy	Sigonella	$15,000,000

Air Force: Outside the United States*—*Continued

Country	Installation or Location	Amount
Korea, Republic Of.	Osan AB	$23,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,208,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,546,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—The authorization set forth in the table in subsection (b), as provided for by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888) under the heading ''MILITARY CONSTRUCTION, AIR FORCE'', shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2009 Project Authorization

Location	Installation or Location	Project	Amount
Germany	Spangdahlem Air Base	Child Development Center	$11,400,000

SEC. 2307. REDUCTION OF AIR FORCE MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Air Force for fiscal years prior to fiscal year 2012 are hereby reduced by $32,000,000.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle C—Other Matters

Sec. 2421. Reduction of Defense Agencies military construction authorization.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Anchorage	$18,400,000
	Eielson AFB	$14,800,000
Alabama	Redstone Arsenal	$58,800,000
Arizona	Davis-Monthan AFB	$23,000,000
California	Camp Pendleton	$12,141,000
	Coronado	$42,000,000
	Defense Distribution Depot-Tracy.	$15,500,000

Defense Agencies: Inside the United States*—*Continued

State	Installation or Location	Amount
	San Clemente	$21,800,000
Colorado	Buckley AFB	$140,932,000
District of Columbia.	Bolling AFB	$16,736,000
Florida	Eglin AFB	$51,600,000
	Eglin AUX 9	$9,500,000
	MacDill AFB	$15,200,000
	Whiting Field	$3,800,000
Georgia	Fort Benning	$37,205,000
	Fort Gordon	$17,705,000
	Fort Stewart	$72,300,000
Hawaii	Joint Base Pearl Harbor-Hickam.	$14,400,000
Illinois	Great Lakes	$16,900,000
Kentucky	Fort Campbell	$138,500,000
	Fort Knox	$38,845,000
Louisiana	Barksdale AFB	$6,200,000
Massachusetts.	Hanscom AFB	$34,040,000
	Westover ARB	$23,300,000
Maryland	Bethesda Naval Hospital.	$18,000,000
	Fort Meade	$29,640,000
	Joint Base Andrews	$265,700,000
Missouri	Arnold	$9,253,000
Mississippi	Columbus AFB	$2,600,000
	Gulfport	$34,700,000
North Carolina.	Camp Lejeune	$6,670,000
	Fort Bragg	$206,274,000
	New River	$22,687,000
	Pope AFB	$5,400,000
New Mexico.	Cannon AFB	$132,997,000
New York	Fort Drum	$20,400,000
Ohio	Columbus	$10,000,000
Oklahoma	Altus AFB	$8,200,000
Pennsylvania.	DEF Distribution Depot New Cumberland	$43,000,000
	Philadelphia	$8,000,000
South Carolina.	Joint Base Charleston	$24,868,000
Texas	Joint Base San Antonio	$194,300,000
Virginia	Charlottesville	$10,805,000
	Dahlgren	$1,988,000
	Dam Neck	$23,116,000
	Fort Belvoir	$54,625,000
	Joint Expeditionary Base Little Creek - Story	$37,000,000
	Pentagon	$8,742,000
	Quantico	$46,727,000
Washington.	JB Lewis McChord	$35,000,000

Defense Agencies: Inside the United States*—*Continued

State	Installation or Location	Amount
	Whidbey Island	$25,000,000
West Virginia.	Camp Dawson	$2,200,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	$11,672,000
	Baumholder	$59,419,000
	Grafenwoehr	$6,529,000
	Rhine Ordnance Barracks.	$750,000,000
	Spangdalem Air Base	$129,043,000
	Stuttgart-Patch Barracks.	$2,434,000
Italy	Vicenza	$41,864,000
Japan	Yokota Air Base	$61,842,000
United Kingdom.	Menwith Hill Station	$68,601,000
	Royal Air Force Alconbury.	$35,030,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

Country	Installation or Location	Amount
Alabama	Maxwell AFB	$2,482,000
Arizona	Davis-Monthan AFB	$4,650,000
California	Presidio of Monterey	$5,000,000

***Energy Conservation Projects: Inside the United States**—Continued*

Country	Installation or Location	Amount
	San Joaquin/Tracy Site	$2,860,000
Colorado	Fort Carson	$4,277,000
Florida	Tyndall AFB	$3,255,000
Georgia	MCLB Albany	$3,504,000
Kentucky	Fort Knox	$2,750,000
Massachusetts	Hanscom AFB	$3,609,000
New York	Fort Drum	$3,500,000
North Carolina	Fort Bragg	$13,400,000
North Carolina	Camp Lejeune	$6,925,000
Oklahoma	Altus AFB	$5,700,000
Tennessee	Arnold AFB	$3,300,000
Utah	Tooele Army Depot	$8,200,000
Virginia	NRO/ADF-E	$2,000,000
Wyoming	FE Warren AFB	$12,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Guam	NB Guam	$17,377,000
Italy	NAS Naples	$2,867,000
Marshall Islands	Kwajalein Atoll	$6,300,000
Various Locations	Various Locations	$20,444,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of Defense shall not enter into an award for a Replacement of the Wetzel-Smith Elementary School project at Baumholder, Germany, until the Secretary completes an assessment of United States military force structure in the European theater and certifies to the congressional defense committees that Baumholder, Germany is an enduring location.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

Subtitle C—Other Matters

SEC. 2421. REDUCTION OF DEFENSE AGENCIES MILITARY CONSTRUCTION AUTHORIZATION.

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) for fiscal years prior to fiscal year 2012 are hereby reduced by $131,400,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Extension of authorization of certain fiscal year 2008 project.
Sec. 2612. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2613. Modification of authority to carry out certain fiscal year 2008 and 2009 projects.

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$16,500,000
Arkansas	Fort Chaffee	$3,500,000
Arizona	Papago Military Reservation	$17,800,000
California	Camp Roberts	$38,160,000
	Camp San Luis Obispo	$8,000,000
Colorado	Alamosa	$6,400,000
	Aurora	$3,600,000
	Fort Carson	$43,000,000
District of Columbia	Anacostia	$5,300,000
Florida	Camp Blanding	$5,500,000
Georgia	Atlanta	$11,000,000
	Hinesville	$17,500,000
	Macon	$14,500,000
Hawaii	Kalaeloa	$33,000,000
Illinois	Normal	$10,000,000
Indiana	Camp Atterbury	$81,900,000

***Army National Guard: Inside the United States**—Continued*

State	Location	Amount
	Indianapolis	$25,700,000
Massachusetts	Natick	$9,000,000
Maryland	Dundalk	$16,000,000
	La Plata	$9,000,000
	Westminster	$10,400,000
Maine	Bangor	$15,600,000
	Brunswick	$23,000,000
Minnesota	Camp Ripley	$8,400,000
Mississippi	Camp Shelby	$64,600,000
North Carolina	Greensboro	$3,700,000
Nebraska	Grand Island	$22,000,000
	Mead	$9,100,000
New Jersey	Lakehurst	$49,000,000
New Mexico	Santa Fe	$5,200,000
Nevada	Las Vegas	$23,000,000
Oklahoma	Camp Gruber	$13,361,000
Oregon	The Dalles	$13,800,000
South Carolina	Allendale	$4,300,000
Utah	Camp Williams	$6,500,000
Virginia	Fort Pickett	$11,000,000
Wisconsin	Camp Williams	$7,000,000
West Virginia	Buckhannon	$10,000,000
Wyoming	Cheyenne	$8,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Puerto Rico	Fort Buchanan	$57,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

Country	Location	Amount
California	Fort Hunter Liggett	$5,200,000
Colorado	Fort Collins	$13,600,000
Illinois	Homewood	$16,000,000
	Rockford	$12,800,000
Indiana	Fort Benjamin Harrison	$57,000,000
Kansas	Kansas City	$13,000,000
Massachusetts	Attleboro	$22,000,000
Minnesota	Saint Joseph	$11,800,000
Missouri	Weldon Springs	$19,000,000
North Carolina	Greensboro	$19,000,000
New York	Schenectady	$20,000,000
South Carolina	Orangeburg	$12,000,000
Wisconsin	Fort McCoy	$27,300,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Pennsylvania	Pittsburgh	$13,759,000
Tennessee	Memphis	$7,949,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Beale AFB	$6,100,000
	Moffett Field	$26,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$39,521,000
Indiana	Fort Wayne IAP	$4,000,000
Massachusetts	Otis ANGB	$7,800,000
Maryland	Martin State Airport	$4,900,000

***Air National Guard**—Continued*

State	Location	Amount
Ohio	Springfield Beckley-MAP	$6,700,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March AFB	$16,393,000
South Carolina	Charleston AFB	$9,593,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (122 Stat. 527) and extended by section 2607 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4454), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center (SBCT)	$ 8,300,000

SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorizations set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (122 Stat. 4699), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Indiana	Camp Atterbury	Machine Gun Range	$ 5,800,000
Nevada	Elko	Readiness Center	$11,375,000

Army Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
New York	Staten Island	Reserve Center	$18,550,000

Navy and Marine Corps Reserve: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Delaware	Wilmington	Reserve Center	$11,530,000

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	$3,400,000

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 AND 2009 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, CARLIN, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4701) for Elko, Nevada, for construction of an Army Reserve Center, the Secretary of the Army may instead construct a Readiness Center at Carlin, Nevada.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT WADSWORTH, NEW YORK.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4703) for Staten Island, New York, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an addition/alteration at the Army Reserve Center at Fort Wadsworth, New York.

(c) AUTHORITY TO CARRY OUT READINESS CENTER PROJECT, COATESVILLE, PENNSYLVANIA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181, 122 Stat. 527) for Fallowfield Township, Pennsylvania, for construction of a Readiness Center, the Secretary of the Army may instead construct the Readiness Center at Coatesville, Pennsylvania.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authority to complete specific base closure and realignment recommendations.

Sec. 2704. Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703 and available for base realignment and closure activities as specified in the funding table in section 4601, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

SEC. 2703. AUTHORITY TO COMPLETE SPECIFIC BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

(a) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.—The Secretary of Defense shall—

(1) complete all closures and realignments recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as expeditiously as possible; and

(2) complete the closure of the Umatilla Chemical Depot, Oregon, as recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)—

(A) without regard to any condition contained in that recommendation; and

(B) not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Defense shall carry out the authority provided under subsection (a), and any related property management and disposal activities, in accordance with the procedures and authorities under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 2704. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) MODIFICATION OF SELECTION CRITERIA.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking ''notification an evaluation'' and inserting ''notification—

''(A) an evaluation''; and

(2) by adding at the end the following new subparagraph:

''(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

''(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

''(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and''.

(b) EFFECT OF SIGNIFICANT IMPACTS.—Such section is further amended by adding at the end the following new subsection:

''(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

''(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

''(2) concludes consultation with the Secretary of Transportation with regard to such impact;

''(3) analyzes the impact of the action on local businesses, neighborhoods, and local governments; and

''(4) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.
Sec. 2802. Modification of authority to carry out unspecified minor military construction projects.
Sec. 2803. Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.
Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2805. General military construction transfer authority.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.
Sec. 2812. Reporting requirements related to the granting of easements.
Sec. 2813. Limitations on use or development of property in Clear Zone Areas and clarification of authority to limit encroachments.
Sec. 2814. Department of Defense conservation and cultural activities.
Sec. 2815. Exchange of property at military installations.
Sec. 2816. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

Subtitle C—Energy Security

Sec. 2821. Consolidation of definitions used in energy security chapter.
Sec. 2822. Consideration of energy security in developing energy projects on military installations using renewable energy sources.
Sec. 2823. Establishment of interim objective for Department of Defense 2025 renewable energy goal.
Sec. 2824. Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.
Sec. 2825. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.
Sec. 2826. Submission of annual Department of Defense energy management reports.
Sec. 2827. Requirement for Department of Defense to capture and track data generated in metering Department facilities.
Sec. 2828. Metering of Navy piers to accurately measure energy consumption.
Sec. 2829. Training policy for Department of Defense energy managers.
Sec. 2830. Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification.

Subtitle D—Provisions Related to Guam Realignment

Sec. 2841. Certification of medical care coverage for H–2B temporary workforce on military construction projects on Guam.
Sec. 2842. Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.
Sec. 2854. Land exchange, Fort Bliss Texas.
Sec. 2855. Land conveyance, former Defense Depot Ogden, Utah.

Subtitle F—Other Matters

Sec. 2861. Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy.
Sec. 2862. Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center.
Sec. 2863. Prohibition on naming Department of Defense real property after a Member of Congress.
Sec. 2864. Notifications of reductions in number of members of the Armed Forces assigned to permanent duty at a military installation.
Sec. 2865. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.
Sec. 2866. Report on the Homeowners Assistance Program.
Sec. 2867. Data servers and centers.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROHIBITION ON USE OF ANY COST-PLUS SYSTEM OF CONTRACTING FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.

(a) PROHIBITION.—Section 2306 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) A contract entered into by the United States in connection with a military construction project or a military family housing project

may not use any form of cost-plus contracting. This prohibition is in addition to the prohibition specified in subsection (a) on the use of the cost-plus-a-percentage-of-cost system of contracting and applies notwithstanding a declaration of war or the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) that includes the use of the armed forces.''.

(b) APPLICATION OF AMENDMENT.—Subsection (c) of section 2306 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into by the United States in connection with a military construction project or a military family housing project after the date of the enactment of this Act.

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) SINGLE THRESHOLD FOR USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of section 2805 of title 10, United States Code, is amended—

(1) by striking ''(1) Except as provided in paragraph (2), the'' and inserting ''The''; and

(2) by striking ''not more than'' and all that follows through the end of the subsection and inserting ''not more than $750,000.''.

(b) EXTENSION OF SPECIAL LABORATORY REVITALIZATION AUTHORITY.—Subsection (d) of such section is amended—

(1) in paragraph (3), by striking ''February 1, 2010'' and inserting ''February 1, 2014''; and

(2) in paragraph (5), by striking ''September 30, 2012'' and inserting ''September 30, 2016''.

(c) CONFORMING AMENDMENTS.—

(1) CROSS REFERENCES REGARDING WORKING-CAPITAL FUNDS.—Section 2208 of such title is amended—

(A) in subsection (k)(2)(A), by striking ''section 2805(c)(1)'' and inserting ''section 2805(c)''; and

(B) in subsection (o)(2)(A), by striking ''section 2805(c)(1)'' and inserting ''section 2805(c)''.

(2) CROSS REFERENCE REGARDING COST AND SCOPE OF WORK VARIATIONS.—Section 2853(a) of such title is amended by striking ''section 2805(a)(1)'' and inserting ''section 2805(a)''.

(3) CROSS REFERENCE REGARDING NOTICE AND WAIT REQUIREMENTS FOR RESERVE PROJECTS.—Section 18233a(b)(2)(B)(ii) of such title is amended by striking ''section 2805(a)(2)'' and inserting ''section 2805(a)''.

(4) CROSS REFERENCE REGARDING USING OPERATION AND MAINTENANCE FUNDS FOR SMALL RESERVE PROJECTS.—Section 18233b of such title is amended by striking ''not more than'' and all that follows through the end of the section and inserting ''not more than the amount specified in section 2805(c) of this title.''.

SEC. 2803. PROTECTIONS FOR SUPPLIERS OF LABOR AND MATERIALS UNDER CONTRACTS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) In the case of a military construction project or a military family housing project, the contract amount thresholds specified in subchapter III of chapter 31 of title 40 (commonly referred to as the Miller Act) shall be applied by substituting '$150,000' for '$100,000' for purposes of determining when a performance bond and payment bond are required under section 3131 of such title and when alternatives to payment bonds as payment protections for suppliers of labor and materials are required under section 3132 of such title.''.

SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(B) in paragraph (2), by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(b) MODIFICATION OF QUARTERLY REPORTING REQUIREMENT.—Subsection (g) of such section is amended—

(1) by striking ''QUARTERLY REPORTS OR'' in the subsection heading;

(2) by striking ''the report for a fiscal-year quarter under subsection (d) or''; and

(3) by striking ''report or''.

(c) TECHNICAL AMENDMENTS.—Subsections (a) and (i) of such section are amended by striking ''Combined Task Force-Horn of Africa'' each place it appears and inserting ''Combined Joint Task Force-Horn of Africa''.

SEC. 2805. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorization of appropriations made available to that military department or Defense Agency in this division for fiscal year 2012 between any such authorization of appropriations for that military department or Defense Agency for that fiscal year. Amounts of authorization of appropriations so transferred shall be merged with and be available for the same purposes as the authorization of appropriations to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $400,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost of military construction projects or activities authorized by this division.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for appropriation for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify the congressional defense committees of each transfer made by that Secretary under subsection (a) that exceeds the limitations on cost variations provided in section 2853 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT PENTAGON RESERVATION.

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking ''The authority'' and inserting ''(A) Except as provided in subparagraph (B), the authority''; and

(2) by adding at the end the following new subparagraph:

''(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.''.

SEC. 2812. REPORTING REQUIREMENTS RELATED TO THE GRANTING OF EASEMENTS.

Section 2662 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking ''lease or license'' and inserting ''lease, license, or easement''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''lease or license'' and inserting ''lease, license, or easement'';

(B) in paragraph (2)(A), by striking ''lease or license'' and inserting ''lease, license, or easement''; and

(C) in paragraph (3)—

(i) in subparagraph (C), by striking ''lease or license'' and inserting ''lease, license, or easement''; and

(ii) in subparagraph (D), by striking ''lease or license'' and inserting ''lease, license, or easement''.

SEC. 2813. LIMITATIONS ON USE OR DEVELOPMENT OF PROPERTY IN CLEAR ZONE AREAS AND CLARIFICATION OF AUTHORITY TO LIMIT ENCROACHMENTS.

Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

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

(B) in paragraph (2), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.'';

(2) by amending subsection (c) to read as follows:

''(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.'';

(3) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting '', and the monitoring and enforcement of any right, title, or interest in,'' after ''resources on'';

(ii) by inserting ''and monitoring and enforcement'' after ''natural resource management''; and

(iii) by adding at the end the following: ''Any such payment by the United States—

''(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

''(B) may be placed by the eligible entity in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.''; and

(B) in paragraph (5)—

(i) inserting ''(A)'' after ''(5)'';

(ii) by inserting after the first sentence the following: ''No such requirement need be included in the agreement if the property or interest is being transferred to a State, or the agreement requires it to be subsequently transferred to a State, and the Secretary concerned determines that the laws and regulations applicable to the future use of such property or interest provide adequate assurance that the property concerned will be developed and used in a manner appropriate for purposes of this section.''; and

(iii) by adding at the end the following new subparagraph:

''(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is subsequently transferred to the United States and administrative jurisdiction over the property is under a Federal official other than a Secretary concerned, the Secretary concerned and that Federal official shall enter into a memorandum of agreement providing, to the satisfaction of the Secretary concerned, for

the management of the property or interest concerned in a manner appropriate for purposes of this section. Such memorandum of agreement shall also provide that, should it be proposed that the property or interest concerned be developed or used in a manner not appropriate for purposes of this section, including declaring the property to be excess to the agency's needs or proposing to exchange the property for other property, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly.''; and

(4) in subsection (i), by inserting after paragraph (2) the following new paragraph:

''(3) The term 'Clear Zone Area' means an area immediately beyond the end of the runway of an airfield that is needed to ensure the safe and unrestricted passage of aircraft in and over the area.''.

SEC. 2814. DEPARTMENT OF DEFENSE CONSERVATION AND CULTURAL ACTIVITIES.

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and sustainability'' after ''safety''; and

(2) by adding at the end the following new subparagraph:

''(F) The implementation of ecosystem-wide land management plans—

''(i) for a single ecosystem that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

''(ii) providing synergistic benefits unavailable if the installations acted separately.''.

SEC. 2815. EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS.

(a) EXCHANGE AUTHORITY.—Section 2869 of title 10, United States Code, is amended—

*(1) in the section heading, by striking ''**Conveyance of property at military installations to limit encroachment**'' and inserting ''**Exchange of property at military installations**''; and*

(2) in subsection (a)—

(A) in the subsection heading, by striking ''CONVEYANCE AUTHORIZED; CONSIDERATION'' and inserting ''EXCHANGE AUTHORIZED''; and

(B) in paragraph (1), by striking ''to any person who agrees, in exchange for the real property, to carry out a land acquisition'' and inserting ''to any eligible entity who agrees, in exchange for the real property, to transfer to the United States all right, title, and interest of the entity in and to a parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition''.

(b) EXTENSION OF AUTHORITY.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Exchange of property at military installations.''.

SEC. 2816. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: ''The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.''.

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order No. 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.

Subtitle C—Energy Security

SEC. 2821. CONSOLIDATION OF DEFINITIONS USED IN ENERGY SECURITY CHAPTER.

(a) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

''§ 2924. Definitions

''In this chapter:

''(1) The term 'defined fuel source' means any of the following:

''(A) Petroleum.

''(B) Natural gas.

''(C) Coal.

''(D) Coke.

''(2) The term 'energy-efficient maintenance' includes—

''(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

''(i) will achieve energy savings over the lifecycle of the equipment or system being repaired; and

''(ii) will meet the same end needs as the equipment or system being repaired; and

''(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

''(3)(A) The term 'energy security' means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.

''(B) In selecting facility energy projects that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network. In such cases, projects should be prioritized to provide power for assets critical to mission essential requirements on the installation in the event of a disruption in the commercial grid.

''(4) The term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(A) an internal combustion or heat engine using combustible fuel; and

''(B) a rechargeable energy storage system.

''(5) The term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

''(6) The term 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

''(7) The term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar, including electricity.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(2) CLERICAL AMENDMENTS.—Such chapter is further amended—

(A) in the table of subchapters at the beginning of such chapter, by striking ''2925'' and inserting ''2924''; and

(B) in the table of sections at the beginning of subchapter III of such chapter, by inserting before the item relating to section 2925 the following new item:

''2924. Definitions.''.

(b) CONFORMING AMENDMENTS STRIKING SEPARATE DEFINITIONS.—Such chapter is further amended—

(1) in section 2911—

(A) in subsection (d)—

(i) by striking ''(1)'' before ''For the purpose'';

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(B) in subsection (e), by striking paragraph (2);

(2) in section 2922e, by striking subsections (e) and (f);

(3) in section 2922g, by striking subsection (d); and

(4) in section 2925(b), by striking paragraph (4).

SEC. 2822. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.

(a) POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish a policy for military installations that includes the following:

(A) Favorable consideration for energy security in the design and development of energy projects on the military installation that will use renewable energy sources.

(B) Guidance for commanders of military installations inside the United States on planning measures to minimize the effects of a disruption of services by a utility that sells natural gas, water, or electric energy to those installations in the event that a disruption occurs.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to the congressional defense committees within 30 days after entering into any agreement for a facility energy project described in paragraph (1)(A) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit-analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term ''energy security'' has the meaning given that term in paragraph (3) of section 2924 of title 10, United States Code, as added by section 2821(a).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.''.

(c) DEVELOPMENT OF GEOTHERMAL ENERGY ON MILITARY LANDS.—Section 2917 of such title is amended—

(1) by striking ''The Secretary'' and inserting ''(a) DEVELOPMENT AUTHORIZED.—The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) CONSIDERATION OF ENERGY SECURITY.—The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.''.

(d) REPORTING REQUIREMENT.—Section 2925(a) of such title is amended—

(1) in paragraph (3), by inserting ''whether the project incorporates energy security into its design,'' after ''through the duration of each such mechanism,'';

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) Details of utility outages at military installations including the total number and locations of outages, the financial impact of the outage, and measures taken to mitigate outages in the future at the affected location and across the Department of Defense.''.

SEC. 2823. ESTABLISHMENT OF INTERIM OBJECTIVE FOR DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.

(a) INTERIM OBJECTIVE.—Section 2911(e) of title 10, United States Code, as amended by section 2821(b)(1)(B), is further amended by inserting after paragraph (1) the following new paragraph:

''(2) To help ensure that the goal specified in paragraph (1)(A) regarding the use of renewable energy by the Department of Defense is achieved, the Secretary of Defense shall establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.''.

(b) DEADLINE; CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the interim renewable energy goal established pursuant to the amendment made by subsection (a).

SEC. 2824. USE OF CENTRALIZED PURCHASING AGENTS FOR RENEWABLE ENERGY CERTIFICATES TO REDUCE COST OF FACILITY ENERGY PROJECTS USING RENEWABLE ENERGY SOURCES AND IMPROVE EFFICIENCIES.

(a) PURCHASE AND USE OF RENEWABLE ENERGY CERTIFICATES.—Section 2911(e) of title 10, United States Code, as amended by sections 2821(b)(1)(B) and 2823(a), is further amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense shall establish a policy to maximize savings for the bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

''(B) Under the policy required by subparagraph (A), the Secretary of a military department shall submit requests for the purchase of replacement renewable energy certificates to a centralized purchasing authority maintained by such department or the Defense Logistics Agency with expertise regarding—

''(i) the market for renewable energy certificates;

''(ii) the procurement of renewable energy certificates; and

''(iii) obtaining the best value for the military department by maximizing the purchase of renewable energy certificates from projects placed into service before January 1, 1999.

''(C) The centralized purchasing authority shall solicit industry for the most competitive offer for replacement renewable energy certificates, to include a combination of renewable energy certificates from new projects and projects placed into service before January 1, 1999.

''(D) Subparagraph (B) does not prohibit the Secretary of a military department from entering into an agreement outside of the centralized purchasing authority if the Secretary will obtain the best value by bundling the renewable energy certificates with the facility energy project through a power purchase agreement or other contractual mechanism at the installation.

''(E) Nothing in this paragraph shall be construed to authorize the purchase of renewable energy certificates to meet Federal goals or mandates in the absence of the development of a facility energy project using renewable energy sources.

''(F) This policy does not make the purchase of renewable energy certificates mandatory, but the policy shall apply whenever original renewable energy certificates are proposed to be swapped for replacement renewable energy certificates.''.

(b) REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, as amended by section 2822(d), is further amended—

(1) by redesignating paragraphs (4) through (11) as paragraphs (5) through (12), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.''.

SEC. 2825. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

''(2)(A) The Secretary of Defense shall prescribe a definition of the term 'energy-efficient product' for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

''(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

''(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.''.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.''.

SEC. 2826. SUBMISSION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

Section 2925(a) of title 10, United States Code, is amended by striking ''As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:'' and inserting ''Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:''.

SEC. 2827. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.

The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SEC. 2828. METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION.

(a) METERING REQUIRED.—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

(b) PROGRESS REPORTS.—In each of the Department of Defense energy management reports submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.

SEC. 2829. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers. In creating the policy, the Secretary shall consider the best practices and certifications available in either the military services or in the private sector.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

SEC. 2830. REPORT ON ENERGY-EFFICIENCY STANDARDS AND PROHIBITION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GOLD OR PLATINUM CERTIFICATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency and sustainability standards utilized by the Department of Defense for military construction and repair.

(2) CONTENTS OF REPORT.—The report shall include a cost-benefit analysis, return on investment, and long-term payback for the following design standards:

(A) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1-2011.

(B) ASHRAE building standard 90.1-2010.

(C) Leadership in Energy and Environmental Design (LEED) silver, gold, and platinum certification, as well as the LEED volume certification.

(D) Other American National Standards Institute accredited standards.

(3) ADDITIONAL CONTENTS OF REPORT.—The report shall also include a copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that include specific energy-efficient standards and sustainable design attributes for military construction based on the cost-benefit analysis, return on investment, and demonstrated payback required by subparagraphs (A), (B), (C), and (D) of paragraph (2).

(b) PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION.—

(1) PROHIBITION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2012 may be obligated or expended for achieving any LEED gold or platinum certification.

(2) WAIVER AND NOTIFICATION.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary submits a notification to the congressional defense committees at least 30 days before the obligation of funds toward achieving the LEED gold or platinum certification.

(3) CONTENTS OF NOTIFICATION.—A notification shall include the following:

(A) A cost-benefit analysis of the decision to obligate funds toward achieving the LEED gold or platinum certification.

(B) Demonstrated payback for the energy improvements or sustainable design features.

(4) EXCEPTION.—LEED gold and platinum certifications shall be permitted, and not require a waiver and notification under this subsection, if achieving such certification imposes no additional cost to the Department of Defense.

Subtitle D—Provisions Related to Guam Realignment

SEC. 2841. CERTIFICATION OF MEDICAL CARE COVERAGE FOR H–2B TEMPORARY WORKFORCE ON MILITARY CONSTRUCTION PROJECTS ON GUAM.

(a) MANAGEMENT OF WORKFORCE HEALTH CARE.—Subject to subsection (b), the Secretary of the Navy may not award any additional Navy or Marine Corps construction project or associated task order on Guam associated with the Record of Decision for the Guam and CNMI Military Relocation dated September 2010 if the aggregate of the number of employees holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b); known as ''H–2B workers'') to support such relocation exceeds 2,000 until the Secretary of the Navy certifies to the congressional defense committees that a system of health care for the H–2B workers is available.

(b) SYSTEM OF HEALTH CARE.—The health care system required to be certified in subsection (a) shall—

(1) include a comprehensive medical plan for the H–2B workers;

(2) include comprehensive planning and coordination with contractor-provided healthcare services and with Guam's civilian and military healthcare community; and

(3) access local healthcare assets to help meet the health care needs of the H–2B workers.

(c) ELEMENTS OF MEDICAL PLAN.—The comprehensive medical plan referred to in subsection (b)(1) shall—

(1) address significant health issues, injury, or series of injuries in addition to basic first responder medical services for H–2B workers;

(2) provide pre-deployment health screening at the country of origin of H–2B workers, ensuring—

(A) all major or chronic disease conditions of concern are identified;

(B) proper immunizations are administered;

(C) screening for tuberculosis and communicable diseases are conducted; and

(D) all H–2B workers are fit and healthy for work prior to deployment;

(3) provide that an arrival health screening process is developed to ensure the H–2B workers are fit to work and that the risk of spreading communicable diseases to the resident population is minimized; and

(4) provide comprehensive on-site medical services, including emergency medical care for the H–2B workers, primary health care to include care for chronic diseases, preventive services and acute care delivery, and accessible prescription services maintaining oversight, authorization access, and delivery of prescription medications to the workforce.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed as requiring the Secretary of the Navy to establish a United States Government-sponsored or funded health care system required to be certified in subsection (a) or to be responsible in any way for the administration of a health care system or plan or the provision of health care services for the H–2B workers identified in subsection (a).

SEC. 2842. REPEAL OF CONDITION ON USE OF SPECIFIC UTILITY CONVEYANCE AUTHORITY REGARDING GUAM INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM.

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4465) is amended by striking subsection (c).

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the ''Municipality'') all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this paragraph.

(2) EKLUTNA, INC..—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as ''Eklutna''), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

Section 2852 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2685) is amended by striking ''to be acquired by the United States of America'' and inserting ''to be acquired by the Military Department of Arkansas''.

SEC. 2853. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, CAMP CAITLIN AND OHANA NUI AREAS, HAWAII.

Section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2689) is amended by inserting before the period at the end the following: '', before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws''.

SEC. 2854. LAND EXCHANGE, FORT BLISS TEXAS.

(a) CONVEYANCE AUTHORIZED.—In exchange for the receipt of the real property described in subsection (b), the Secretary of the Army may convey to the Texas General Land Office (in

this section referred to as the ''TGLO'') all right, title, and interest of the United States in and to a parcel of undeveloped real property consisting of approximately 694 acres at Fort Bliss, Texas, for the purpose of facilitating commercial development of the parcel.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), TGLO shall convey to the Secretary of the Army all right, title, and interest of TGLO in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,880 acres adjacent to Fort Bliss training areas to facilitate tactical vehicle ingress and egress between the installation and the training areas and mitigate encroachment issues. If the fair market value of the real property to be acquired by the Secretary is less than the fair market value of the real property to be conveyed under subsection (a), the Secretary may require a cash equalization payment in an amount equal to the difference in value.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require TGLO to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from TGLO in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to TGLO.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, FORMER DEFENSE DEPOT OGDEN, UTAH.

(a) CONVEYANCE OF RESIDUAL INTERESTS.—To facilitate the conveyance of a parcel of real property consisting of approximately 2.73 acres at the former Defense Depot Ogden, Utah (in this subsection referred to as the ''Property''), from the Weber Basin Disabled Corporation to the Ogden City Redevelopment Authority (in this section referred to as the ''Redevelopment Authority''), the Secretary of the Army may accept a request to revert the Property from the Secretary of Health and Human Services. The Secretary of the Army may further convey, by quit claim deed, all residual right, title, and interest of the United States (including reversionary interests) in and to the Property for the purpose of permitting the Redevelopment Authority to take immediate steps to prevent the further deterioration of the building on the parcel and subsequently redevelop the parcel.

(b) CONSIDERATION.—As consideration for the conveyance of residual United States interests in the property described in subsection (a), the Redevelopment Authority shall pay an amount equal to the fair market value of the conveyed interests, as determined by the Secretary of the Army. Amounts received under this subsection shall be deposited in the Department of Defense Base Closure Account 2005. The amounts deposited shall be merged with other amounts in such fund and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary of the Army shall require the Redevelopment Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. If amounts are collected from the Redevelopment Authority in advance of the Secretary of the Army incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Redevelopment Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2861. REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) REDESIGNATION.—The Industrial College of the Armed Forces is hereby renamed the ''Dwight D. Eisenhower School for National Security and Resource Strategy''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

''(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.''.

(c) REFERENCES.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

SEC. 2862. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–118)), is further amended by striking ''Mike O'Callaghan Federal Hospital'' each place it appears and inserting ''Mike O'Callaghan Federal Medical Center''.

SEC. 2863. PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER A MEMBER OF CONGRESS.

(a) PROHIBITION.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

''(2) In this subsection:

''(A) The term 'Member of Congress' includes a Delegate or Resident Commissioner to the Congress.

''(B) The term 'real property' includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.''.

(b) APPLICATION OF AMENDMENT.—The prohibition in subsection (c) of section 2661 of title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act.

SEC. 2864. NOTIFICATIONS OF REDUCTIONS IN NUMBER OF MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY AT A MILITARY INSTALLATION.

(a) NOTICE AND WAIT LIMITATION.—Chapter 50 of title 10, United States Code, is amended by inserting after section 992 the following new section:

''§ 993. Notification of permanent reduction of sizable numbers of members of the armed forces

''(a) NOTIFICATION.—The Secretary of Defense or the Secretary of the military department concerned shall notify Congress under subsection (b) of a plan to reduce more than 1,000 members of the armed forces assigned at a military installation.

''(b) NOTICE REQUIREMENTS.—No irrevocable action may be taken to effect or implement a reduction described under subsection (a) until—

''(1) the Secretary of Defense or the Secretary of the military department concerned notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed reduction and the number of personnel assignments affected;

''(2) submits a justification for the reduction and an evaluation of the local strategic and operational impact of such reduction; and

''(3) a period of 21 days has expired following submission of the notice and evaluation required under this subsection, or if sooner, a period of 14 days has expired following the date on which an electronic version of the notice and justification has been submitted to such committees.

''(c) EXCEPTIONS.—

''(1) BASE CLOSURE PROCESS.—Subsections (a) and (b) do not apply in the case of the realignment of a military installation pursuant to a base closure law.

''(2) NATIONAL SECURITY OR EMERGENCY.—Subsections (a) and (b) do not apply if the President certifies to Congress that the reduction in military personnel at a military installation must be implemented for reasons of national security or a military emergency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''993. Notification of permanent reduction of sizable numbers of members of the armed forces.''.

SEC. 2865. INVESTMENT PLAN FOR THE MODERNIZATION OF PUBLIC SHIPYARDS UNDER JURISDICTION OF DEPARTMENT OF THE NAVY.

(a) PLAN REQUIRED.—Not later than September 1, 2012, the Secretary of the Navy shall submit to the congressional defense committees a plan to address the facilities and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the operations and support required at each public shipyard under the control of the Secretary, including the location, year constructed, the classes of ships serviced,

number of personnel assigned, and the average age of facilities at each location.

(2) A review of all workload requirements in the past 5 years, an assessment of the efficiency in the use of existing facilities to meet the workload, and an estimate of the workload planned for each public shipyard through the current future-years defense program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy of each facility—

(A) to carry out efficient depot-level ship maintenance with modern technology and equipment;

(B) to ensure workplace safety;

(C) to support nuclear-related activities (where applicable);

(D) to maintain the quality of life of the workforce; and

(E) to meet the energy savings goals of the Secretary of the Navy for military installations.

(4) An assessment of the existing condition of each facility at each public shipyard to include a review of existing and projected deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(5) A description and cost estimate for each project to improve, repair, renovate, or modernize facilities or infrastructure.

(6) A description of the facility improvements or new construction projects at each public shipyard that would improve the efficiency of the facility's operations or generate energy savings based upon a business case analysis.

(7) An investment strategy planned for each public shipyard to correct deficiencies identified in paragraph (4), including timelines to complete each project and cost estimates and timelines necessary to complete the projects identified in paragraph (6).

(8) A list of projects, costs, and timelines through the future-years defense program to meet the requirements of the minimum capital investment percentage required under section 2476 of title 10, United States Code.

SEC. 2866. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374). The report shall include the following:

(1) The estimated cost if eligibility were expanded to include permanent change of station applicants who purchased a home after July 1, 2006, and before July 1, 2008.

(2) The estimated cost if eligibility were expanded to include members of the Armed Forces under paragraph (1) and permanent change of station applicants who received permanent change of station orders after September 30, 2010, and before September 30, 2011.

(3) The estimated number of members of the Armed Forces who received permanent change of station orders after September 30, 2010, and before September 30, 2011, and who suffered a decline of at least a 10 percent in home value from the date of purchase to the date of sale.

SEC. 2867. DATA SERVERS AND CENTERS.

(a) LIMITATIONS ON OBLIGATION OF FUNDS.—

(1) LIMITATIONS.—

(A) BEFORE PERFORMANCE PLAN.—During the period beginning on the date of the enactment of this Act and ending on May 1, 2012, a department, agency, or component of the Department of Defense may not obligate funds for a data server farm or data center unless approved by the Chief Information Officer of the Department of Defense or the Chief Information Officer of a component of the Department to whom the Chief Information Officer of the Department has specifically delegated such approval authority.

(B) UNDER PERFORMANCE PLAN.—After May 1, 2012, a department, agency, or component of the Department may not obligate funds for a data center, or any information systems technology used therein, unless that obligation is in accordance with the performance plan required by subsection (b) and is approved as described in subparagraph (A).

(2) REQUIREMENTS FOR APPROVALS.—

(A) BEFORE PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(A) unless the official granting the approval determines, in writing, that existing resources of the agency, component, or element concerned cannot affordably or practically be used or modified to meet the requirements to be met through the obligation of funds.

(B) UNDER PERFORMANCE PLAN.—An approval of the obligation of funds may not be granted under paragraph (1)(B) unless the official granting the approval determines that—

(i) existing resources of the Department do not meet the operation requirements to be met through the obligation of funds; and

(ii) the proposed obligation is in accordance with the performance standards and measures established by the Chief Information Officer of the Department under subsection (b).

(3) REPORTS.—Not later than 30 days after the end of each calendar quarter, each Chief Information Officer of a component of the Department who grants an approval under paragraph (1) during such calendar quarter shall submit to the Chief Information Officer of the Department a report on the approval or approvals so granted during such calendar quarter.

(b) PERFORMANCE PLAN FOR REDUCTION OF RESOURCES REQUIRED FOR DATA SERVERS AND CENTERS.—

(1) COMPONENT PLANS.—

(A) IN GENERAL.—Not later than January 15, 2012, the Secretaries of the military departments and the heads of the Defense Agencies shall each submit to the Chief Information Officer of the Department a plan for the department or agency concerned to achieve the following:

(i) A reduction in the square feet of floor space devoted to information systems technologies, attendant support technologies, and operations within data centers.

(ii) A reduction in the use of all utilities necessary to power and cool information systems technologies and data centers.

(iii) An increase in multi-organizational utilization of data centers, information systems technologies, and associated resources.

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

(3) RESPONSIBILITY.—The Chief Information Officer of the Department shall discharge the responsibility for establishing performance standards and measures for data centers and information systems technologies for purposes of this subsection. Such responsibility may not be delegated.

(c) EXCEPTION.—The Chief Information Officer of the Department and the Chief Information Officer of the Intelligence Community may jointly exempt from the applicability of this section such intelligence components of the Department of Defense (and the programs and activities thereof) that are funded through the National Intelligence Program (NIP) as the Chief Information Officers consider appropriate.

(d) REPORTS ON COST SAVINGS.—

(1) IN GENERAL.—Not later than March 1 of each fiscal year, and ending in fiscal year 2016, the Chief Information Officer of the Department shall submit to the appropriate committees of Congress a report on the cost savings, cost reductions, cost avoidances, and performance gains achieved, and anticipated to be achieved, as of the date of such report as a result of activities undertaken under this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Limitation on availability of funds for establishment of centers of excellence on nuclear security outside of the former Soviet Union.
Sec. 3112. Aircraft procurement.
Sec. 3113. Hanford waste tank cleanup program reforms.

Sec. 3114. Recognition and status of National Atomic Testing Museum.

Subtitle C—Reports

Sec. 3121. Repeal of certain report requirements.
Sec. 3122. Progress on nuclear nonproliferation.
Sec. 3123. Reports on role of nuclear security complex sites and potential efficiencies.
Sec. 3124. Net assessment of high-performance computing capabilities of foreign countries.
Sec. 3125. Review and analysis of nuclear waste reprocessing and nuclear reactor technology.

Subtitle D—Other Matters

Sec. 3131. Sense of Congress on the use of savings from excess amounts for certain pension plan contributions.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 12–D–301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,881,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE ON NUCLEAR SECURITY OUTSIDE OF THE FORMER SOVIET UNION.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 3101 or otherwise made available for fiscal year 2012 for the National Nuclear Security Administration, not more than 25 percent may be obligated or expended to establish a center of excellence on nuclear security in a country that is not a state of the former Soviet Union until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to the appropriate congressional committees a report that includes the following:

(1) An identification of the country in which a center of excellence established under subsection (a) will be located.

(2) A description of the purpose for which the center will be established and the existing capacity of the country in which the center will be located to develop and implement best practices for training for nuclear security.

(3) The extent to which the training and relationship-building activities planned for the center could contribute to improving the historic pattern of the country in which the center will be located with respect to the proliferation of weapons of mass destruction and missiles.

(4) The agreement under which the center will operate.

(5) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3112. AIRCRAFT PROCUREMENT.

Using amounts authorized to be appropriated and made available for obligation under section 3101 for weapons activities for any fiscal year before fiscal year 2013, the Secretary of Energy may procure not more than one aircraft.

SEC. 3113. HANFORD WASTE TANK CLEANUP PROGRAM REFORMS.

Section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) is amended—

(1) in subsection (b)(2), by striking '', consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington'' and inserting ''all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant'';

(2) by amending subsection (d) to read as follows:

''(d) NOTIFICATION.—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities, and reporting relationships that involve the Office.''; and

(3) by striking subsections (e) and (f) and inserting the following new subsection:

''(e) TERMINATION.—The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.''.

SEC. 3114. RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.

Section 3137 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142) is amended—

*(1) in the section heading, by inserting ''**AND NATIONAL ATOMIC TESTING MUSEUM**'' after ''ATOMIC MUSEUM''; and*

(2) by adding at the end the following new subsection:

''(d) RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.—The museum operated by the Nevada Test Site Historical Foundation and located in Las Vegas, Nevada—

''(1) is recognized as the official atomic testing museum of the United States; and

''(2) shall be known as the 'National Atomic Testing Museum'.''.

Subtitle C—Reports

SEC. 3121. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPEAL OF REPORT REQUIREMENT FOR NUCLEAR CITIES INITIATIVE PROGRAM.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1366) is repealed.

(b) REMOVAL OF REPORT REQUIREMENT FOR NONPROLIFERATION INITIATIVE PROGRAM.—Paragraph (6) of section 4302(a) of the Atomic Energy Defense Act (50 U.S.C. 2562(a)) is amended to read as follows:

''(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.''.

SEC. 3122. PROGRESS ON NUCLEAR NONPROLIFERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the spread of nuclear and radiological weapons, or weapons-usable material, technology, equipment, information, and expertise, poses a short- and long-term threat to the security of the United States; and

(2) the nonproliferation efforts of the United States should prioritize the programs which most directly address such threat.

(b) ANNUAL REPORT.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy shall submit to the appropriate congressional committees a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize the risk of nuclear terrorism and the proliferation of such weapons.

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

(A) Progress and challenges in implementing the strategic plans described in paragraph (1), including—

(i) preventing nuclear terrorism by securing and removing highly-enriched uranium and plutonium worldwide;

(ii) converting reactors from highly-enriched uranium to low-enriched uranium in the Russian Federation and other countries;

(iii) providing radiation detection capability at ports and borders;

(iv) securing and removing radiological materials worldwide;

(v) developing and improving technology to—

(I) detect the proliferation and detonation of nuclear weapons;

(II) verify foreign commitments to treaties and agreements with respect to nuclear weapons; and

(III) detect the diversion of nuclear materials, including safeguard technology;

(vi) preventing and countering the proliferation and use of nuclear weapons (including materials, technology, and expertise related to such weapons), including through safeguards, export controls, international regimes, treaties, and agreements;

(vii) disposing of surplus material of both the United States and Russia; and

(viii) preventing the proliferation of nuclear weapons expertise.

(B) An estimate of the budget requirements of the National Nuclear Security Administration, including the costs associated with the implementation of the strategic plans described in paragraph (1) over the 5-year period following the date of the report.

(C) A discussion of the coordination of the programs of the National Nuclear Security Administration with other offices of the Department of Energy and with other agencies and offices of the Federal Government with respect to implementing the strategic plans described in paragraph (1).

(c) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy, in coordination with the Office of Intelligence and Counterintelligence of the Department of Energy, shall submit to the appropriate congressional committees an assessment containing the following:

(1) An assessment of the risk that non-nuclear weapons states may acquire nuclear enrichment or reprocessing technology.

(2) A list, by country and site, reflecting the total amount of known highly-enriched uranium around the world, and an assessment of the vulnerability of such uranium to theft or diversion.

(d) FORM.—

(1) IN GENERAL.—Except as provided by paragraph (2), each report and assessment under this section shall be submitted in unclassified form, but may include a classified annex.

(2) LIST.—Each list under subsection (c)(2) may be in classified form if the Secretary determines it necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3123. REPORTS ON ROLE OF NUCLEAR SECURITY COMPLEX SITES AND POTENTIAL EFFICIENCIES.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION REPORT.—

(1) REPORT REQUIRED.—Not later than March 1, 2013, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) assessing the role of the nuclear security complex sites in supporting—

(i) a safe, secure, and reliable nuclear deterrent;

(ii) reductions in the nuclear stockpile; and

(iii) the nuclear nonproliferation efforts of the United States; and

(B) identifying any opportunities for efficiencies and cost savings within the nuclear security complex.

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

(A) An assessment of the role of the nuclear security complex sites, including the national security laboratories, in—

(i) maintaining a safe, secure, and reliable nuclear deterrent;

(ii) supporting reductions in the nuclear stockpile; and

(iii) supporting the nuclear nonproliferation efforts of the United States, including improving verification and detection technology.

(B) An identification of any opportunities for efficiencies within the nuclear security complex and an assessment of how those efficiencies could contribute to cost savings and strengthening safety and security.

(C) An assessment of duplicative functions within the nuclear security complex and a description of which duplicative functions remain necessary and why.

(D) If the Administrator determines it appropriate, an analysis of the potential for shared use or development of high explosives research and development capacity, supercomputing platforms, and infrastructure maintained for Work for Others programs.

(E) A description of the long-term strategic plan for the nuclear security complex.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the report under subsection (a)(1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report submitted by the Administrator for Nuclear Security under subsection (a).

(c) FORM.—The reports required by subsections (a) and (b) shall be submitted in unclassified form, but may include a classified annex.

(d) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term ''nuclear security complex'' means the facilities and laboratories specified in section 4102(g) of the Atomic Energy Defense Act (50 U.S.C. 2512(g)).

SEC. 3124. NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, the Administrator for Nuclear Security, and the Secretary of Commerce, shall conduct a net assessment of the high-performance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Director of National Intelligence considers appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—The Director of National Intelligence shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Director considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

SEC. 3125. REVIEW AND ANALYSIS OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.

(a) STUDY REQUIRED.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Secretary of Defense, as needed, shall conduct a study on waste reprocessing and Generation IV nuclear reactor technology.

(b) ELEMENTS.—The study required under subsection (a) shall include—

(1) a review of previous studies conducted by the Department of Energy and the National Academy of Sciences related to the subject of nuclear waste reprocessing and the use of mixed oxide fuel in nuclear reactors, including Generation IV reactors, as a point of reference;

(2) a determination of the waste streams resulting from reprocessing and the use of mixed oxide fuel;

(3) an analysis of the nuclear proliferation risks of reprocessing and using mixed oxide fuel in nuclear reactors, including effects on the nuclear nonproliferation efforts of the United States;

(4) a comparison of the costs and proliferation risks of nuclear waste reprocessing technologies used in other countries and a comparison to the costs and risks of direct disposal of nuclear waste; and

(5) an analysis, in coordination with the Secretary of Defense, of the feasibility of deploying proven Generation IV reactors or other nuclear technology that could use mixed oxide fuel at military installations.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report on the study required under subsection (a).

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

Subtitle D—Other Matters

SEC. 3131. SENSE OF CONGRESS ON THE USE OF SAVINGS FROM EXCESS AMOUNTS FOR CERTAIN PENSION PLAN CONTRIBUTIONS.

It is the sense of Congress that—

(1) the employee pension plans maintained by the management and operating contractors managing the national laboratories, plants, and other facilities of the National Nuclear Security Administration and the Office of Environmental Management of the Department of Energy should be fully funded to ensure that pension commitments made to the highly skilled scientists, engineers, and other employees of the nuclear enterprise are kept; and

(2) if economic conditions improve, or efficiencies are identified, so that amounts appropriated for contributions to those pension plans exceed the amounts required by law for those contributions, the Administrator for Nuclear Security or the Assistant Secretary of Energy for Environmental Management should promptly obligate or expend the excess amounts on high priority mission activities of the National Nuclear Security Administration or the Office of Environmental Management, as the case may be.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2012, $29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2012 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012.

Sec. 3502. Use of National Defense Reserve Fleet and Ready Reserve Force vessels.

Sec. 3503. Recruitment authority.
Sec. 3504. Ship scrapping reporting requirement.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2012.

Funds are hereby authorized to be appropriated for fiscal year 2012, to be available without fiscal year limitation if so provided in the appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $93,068,000, of which—

(A) $64,183,000 shall remain available until expended for Academy operations; and

(B) $28,885,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $17,100,000, of which—

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

(B) $3,600,000 shall remain available until expended for direct payments to such academies; and

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

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $18,500,000, to remain available until expended.

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

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $14,260,000, of which $3,740,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)) is amended—

(1) in subsection (b), by striking ''or'' after the semicolon at the end of paragraph (4), striking the period at the end of paragraph (5) and inserting ''; or'', and adding at the end the following new paragraph:

''(6) for civil contingency operations and Maritime Administration promotional and media events, in accordance with subsection (f).''; and

(2) by adding at the end the following new subsection:

''(f) USE OF NDRF VESSELS FOR CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—With the concurrence of the Secretary of Defense, the Secretary of Transportation may allow the use of vessels in the National Defense Reserve Fleet (NDRF) for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events relating to demonstration projects and research and development supporting the Administration's mission, if the Secretary of Transportation determines such use is in the best interest of the Government after considering the following factors:

''(1) AVAILABILITY.—The availability of NDRF or Ready Reserve Force (RRF) resources and the impact of such use on NDRF and RRF mission support to the defense and homeland security requirements of the Government.

''(2) INTERFERENCE.—Whether the such use of vessels will support the mission of the Maritime Administration and not significantly interfere with NDRF vessel maintenance, repair, safety, readiness, and resource availability.

''(3) SAFETY.—Whether safety precautions will be taken, including indemnification of liability when applicable.

''(4) COST.—Whether any costs incurred by such use will be funded as a reimbursable transaction between Federal agencies, as applicable.

''(5) OTHER MATTERS.—Any other matters the Maritime Administrator considers appropriate.''.

SEC. 3503. RECRUITMENT AUTHORITY.

Section 51301 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following new subsection:

''(b) RECRUITMENT.—The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.''.

SEC. 3504. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by section 3505(a) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3551), is amended to read as follows:

''(f) BRIEFINGS.—The Maritime Administrator shall, upon request, provide briefings to the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in recycling vessels, problems encountered with recycling vessels, issues relating to vessel recycling, and other issues relating to vessel recycling and disposal.''.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT	14,572	14,572
003	AERIAL COMMON SENSOR (ACS) (MIP)	539,574	0
	Early to Need		[–433,574]
	Program Decrease		[–106,000]
004	MQ–1 UAV	658,798	0
	Transfer to OCO		[–550,798]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	Unjustified production ramp		[–108,000]
005	RQ–11 (RAVEN)	70,762	70,762
	ROTARY		
007	HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
009	AH–64 APACHE BLOCK IIIA REMAN	411,005	368,505
	Army offered program reduction		[–42,500]
010	Advance Procurement (CY)	192,764	192,764
011	Advance Procurement (CY)	104,263	104,263
012	UH–60 BLACKHAWK M MODEL (MYP)	1,325,666	1,317,666
	Unjustified program management growth		[–8,000]
013	Advance Procurement (CY)	199,781	199,781
014	CH–47 HELICOPTER	1,305,360	1,239,360
	Army requested transfer to APA Line 15 for correct execution		[–66,000]
015	Advance Procurement (CY)	54,956	120,956
	Army requested transfer from APA Line 14 for correct execution		[66,000]
	MODIFICATION OF AIRCRAFT		
019	MQ–1 PAYLOAD—UAS	136,183	0
	Transfer to OCO		[–136,183]
021	GUARDRAIL MODS (MIP)	27,575	27,575
022	MULTI SENSOR ABN RECON (MIP)	8,362	8,362
023	AH–64 MODS	331,230	331,230
024	CH–47 CARGO HELICOPTER MODS (MYP)	79,712	57,012
	Cargo and ballistic protection contract delays		[–22,700]
025	UTILITY/CARGO AIRPLANE MODS	22,107	12,107
	Contract delays		[–10,000]
027	UTILITY HELICOPTER MODS	80,745	74,745
	Contract delays		[–6,000]
028	KIOWA WARRIOR	162,052	92,552
	Cockpit and Sensor Upgrade Program ahead of need		[–69,500]
030	NETWORK AND MISSION PLAN	138,832	136,432
	Aviation Data Exploitation Capability ahead of need		[–2,400]
031	COMMS, NAV SURVEILLANCE	132,855	117,855
	JTRS Integration ahead of need		[–15,000]
032	GATM ROLLUP	105,519	105,519
033	RQ–7 UAV MODS	126,239	76,239
	Administration recommendation		[–50,000]
	GROUND SUPPORT AVIONICS		
035	AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993
037	CMWS	162,811	104,251
	Production and installation contract delays		[–58,560]
	OTHER SUPPORT		
038	AVIONICS SUPPORT EQUIPMENT	4,840	4,840
039	COMMON GROUND EQUIPMENT	176,212	114,517
	Aviation Light Utility Mobile Maintenance (ALUMMC) no longer required		[–3,287]
	Aviation Sets, Kits, Outfits, Tools contract delay		[–58,408]
040	AIRCREW INTEGRATED SYSTEMS	82,883	62,746
	Air Soldier System early to need		[–20,137]
041	AIR TRAFFIC CONTROL	114,844	114,844
042	INDUSTRIAL FACILITIES	1,593	1,593
043	LAUNCHER, 2.75 ROCKET	2,878	2,878
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**7,061,381**	**5,360,334**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	662,231	662,231
002	MSE MISSILE/PAC–3	74,953	74,953
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	1,410	1,410
	ANTI-TANK/ASSAULT MISSILE SYS		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	160,767
006	TOW 2 SYSTEM SUMMARY	61,676	58,676
	Unit cost efficiencies		[–3,000]
007	Advance Procurement (CY)	19,886	19,886
009	GUIDED MLRS ROCKET (GMLRS)	314,167	314,167
010	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
011	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	31,674	31,674
	MODIFICATIONS		
012	PATRIOT MODS	66,925	66,925
013	STINGER MODS	14,495	0
	Procurement early to need		[–4,495]
	Transfer at Army request to RDTE Army PE 23801A		[–10,000]
014	ITAS/TOW MODS	13,577	13,577
015	MLRS MODS	8,236	8,236
016	HIMARS MODIFICATIONS	11,670	11,670
	SPARES AND REPAIR PARTS		
018	SPARES AND REPAIR PARTS	8,700	8,700
	SUPPORT EQUIPMENT & FACILITIES		
019	AIR DEFENSE TARGETS	3,674	3,674
020	ITEMS LESS THAN $5.0M (MISSILES)	1,459	1,459
021	PRODUCTION BASE SUPPORT	5,043	5,043
	TOTAL MISSILE PROCUREMENT, ARMY	**1,478,718**	**1,461,223**

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	632,994	606,894
	Prior year unobligated funds available		[–26,100]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
005	STRYKER (MOD)	52,797	51,497
	Excess program management		[–1,300]
006	FIST VEHICLE (MOD)	43,962	35,082
	Funding ahead of need		[–8,880]
007	BRADLEY PROGRAM (MOD)	250,710	250,710
008	HOWITZER, MED SP FT 155MM M109A6 (MOD)	46,876	46,876
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	7,452
	Excess contractor engineering		[–3,000]
010	ASSAULT BREACHER VEHICLE	99,904	97,004
	Unjustified growth in matrix support and engineering change proposals		[–2,900]
011	M88 FOV MODS	32,483	32,483
013	M1 ABRAMS TANK (MOD)	160,578	131,178
	Unjustified technical support costs		[–29,400]
014	ABRAMS UPGRADE PROGRAM	181,329	436,329
	Program increase to add 49 tanks to bridge production gap		[255,000]
	SUPPORT EQUIPMENT & FACILITIES		
015	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,073	1,073
	WEAPONS & OTHER COMBAT VEHICLES		
017	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	16,046	0
	Transfer at Army's request to RDTE, Army PE 64601A		[–16,046]
019	MACHINE GUN, CAL .50 M2 ROLL	65,102	0
	Transfer at Army request to WTCV line 34		[–34,000]
	Transfer to OCO		[–31,102]
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN	28,796	13,930
	Army revised lower quantity		[–13,166]
	Transfer at Army request to RDTE Army PE 64601A		[–1,700]
023	MORTAR SYSTEMS	12,477	10,177
	Excess production engineering		[–2,300]
025	XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
027	M4 CARBINE	35,015	35,015
028	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	6,707
031	HOWITZER LT WT 155MM (T)	13,066	13,066
	MOD OF WEAPONS AND OTHER COMBAT VEH		
033	M4 CARBINE MODS	25,092	25,092
034	M2 50 CAL MACHINE GUN MODS	14,856	48,856
	Transfer at Army request from WTCV line 19		[34,000]
035	M249 SAW MACHINE GUN MODS	8,480	8,480
036	M240 MEDIUM MACHINE GUN MODS	15,718	15,718
037	SNIPER RIFLES MODIFICATIONS	1,994	1,994
038	M119 MODIFICATIONS	38,701	38,701
039	M16 RIFLE MODS	3,476	3,476
041	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,973	2,973
	SUPPORT EQUIPMENT & FACILITIES		
043	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
044	INDUSTRIAL PREPAREDNESS	424	424
045	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,453	2,453
	SPARES		
046	SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
	TOTAL PROCUREMENT OF W&TCV, ARMY	**1,933,512**	**2,052,618**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	210,758	210,758
002	CTG, 7.62MM, ALL TYPES	83,730	83,730
004	CTG, HANDGUN, ALL TYPES	9,064	7,064
	Funding ahead of need		[–2,000]
005	CTG, .50 CAL, ALL TYPES	131,775	131,775
007	CTG, 25MM, ALL TYPES	14,894	13,694
	Prior year funds available		[–1,200]
008	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T	3,399	0
	Funding ahead of need		[–3,399]
009	CTG, 30MM, ALL TYPES	118,966	105,966
	Program growth adjustment		[–13,000]
010	CTG, 40MM, ALL TYPES	84,799	82,599
	Excess production engineering		[–2,200]
	MORTAR AMMUNITION		
012	60MM MORTAR, ALL TYPES	31,287	31,287
013	81MM MORTAR, ALL TYPES	12,187	12,187
014	120MM MORTAR, ALL TYPES	108,416	106,916
	Excess production engineering		[–1,500]
	TANK AMMUNITION		
015	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	105,704	65,205
	Pricing adjustment		[–40,000]
	Unjustified request		[–499]
	ARTILLERY AMMUNITION		
017	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	103,227	103,227
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
020	PROJ 155MM EXTENDED RANGE XM982	69,074	58,074
	Program restructure		[–11,000]
021	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	48,205	46,705
	Pricing adjustment		[–1,500]
	MINES		
023	MINES & CLEARING CHARGES, ALL TYPES	2,518	2,518
	NETWORKED MUNITIONS		
025	SPIDER NETWORK MUNITIONS, ALL TYPES	43,123	43,123
	ROCKETS		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
	Excess production engineering		[–1,400]
028	ROCKET, HYDRA 70, ALL TYPES	127,265	123,865
	Excess production engineering		[–3,400]
	OTHER AMMUNITION		
029	DEMOLITION MUNITIONS, ALL TYPES	53,685	38,685
	Program growth adjustment		[–15,000]
030	GRENADES, ALL TYPES	42,558	42,558
031	SIGNALS, ALL TYPES	26,173	26,173
032	SIMULATORS, ALL TYPES	14,108	14,108
033	ALL OTHER (AMMO)	50	50
	MISCELLANEOUS		
034	AMMO COMPONENTS, ALL TYPES	18,296	18,296
035	NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
036	CAD/PAD ALL TYPES	5,449	5,449
037	ITEMS LESS THAN $5 MILLION	11,009	11,009
038	AMMUNITION PECULIAR EQUIPMENT	24,200	24,200
039	FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711
040	CLOSEOUT LIABILITIES	103	0
	Prior year funds available		[–103]
	PRODUCTION BASE SUPPORT		
041	PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
042	LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
043	MAINTENANCE OF INACTIVE FACILITIES	5,533	5,533
044	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	177,789
	Contract award delay		[–12,000]
045	ARMS INITIATIVE	3,273	3,273
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,992,625**	**1,884,424**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	13,496	596
	Early to need		[–12,900]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	432,936	422,936
	Unjustified program management cost growth		[–10,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	21,930	21,930
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	597,794
	Exceeds annual manufacturing capability		[–27,000]
	Excessive program management and engineering change orders		[–2,500]
008	PLS ESP	251,667	251,667
010	MINE PROTECTION VEHICLE FAMILY	56,671	56,671
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	0
	Prior year unobligated funds available		[–1,461]
013	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
014	HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
	Funding provided in approved prior year reprogramming action		[–157,318]
015	TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	39,908
016	MODIFICATION OF IN SVC EQUIP	362,672	344,772
	Excessive program support costs		[–14,000]
	HMMWV installation early to need		[–3,900]
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	142,862	127,862
	Excessive program support costs		[–15,000]
020	AMC CRITICAL ITEMS, OPA1	20,156	0
	Unjustified request		[–20,156]
	NON-TACTICAL VEHICLES		
021	HEAVY ARMORED SEDAN	1,161	1,161
022	PASSENGER CARRYING VEHICLES	3,222	3,222
023	NONTACTICAL VEHICLES, OTHER	19,869	19,869
	COMM—JOINT COMMUNICATIONS		
024	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
025	WIN-T—GROUND FORCES TACTICAL NETWORK	974,186	865,186
	Increment 2 contract delay		[–109,000]
026	JCSE EQUIPMENT (USREDCOM)	4,826	4,826
	COMM—SATELLITE COMMUNICATIONS		
028	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
029	SHF TERM	8,910	8,249
	Full funding for engineering change proposals in prior years		[–661]
031	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	26,368
	Fielding cost growth		[–3,200]
032	SMART-T (SPACE)	49,704	49,704
033	SCAMP (SPACE)	2,415	2,415
034	GLOBAL BRDCST SVC—GBS	73,374	64,774
	Excessive unit cost growth		[–8,600]

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Line	Item	FY 2012 Request	Conference Agreement
035	MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
	COMM—COMBAT SUPPORT COMM		
036	MOD-IN-SERVICE PROFILER	969	969
	COMM—C3 SYSTEM		
037	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
	COMM—COMBAT COMMUNICATIONS		
038	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
039	JOINT TACTICAL RADIO SYSTEM	775,832	427,099
	Airborne, Maritime, Fixed Station program delay		[–106,000]
	Army requested transfer to RDTE Navy line 100		[–51,000]
	Ground Mobile Radio program restructure		[–153,833]
	Program Decrease - Maritime/Fixed Station		[–37,900]
040	RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
041	SINCGARS FAMILY	4,992	500
	Prior year unobligated funds available		[–4,492]
043	TRACTOR DESK	10,827	10,827
045	SPIDER APLA REMOTE CONTROL UNIT	36,224	36,224
047	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
049	GUNSHOT DETECTION SYSTEM (GDS)	3,939	1,000
	Early to need		[–2,939]
050	RADIO, IMPROVED HF (COTS) FAMILY	38,535	38,535
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	26,232	26,232
	COMM—INTELLIGENCE COMM		
053	CI AUTOMATION ARCHITECTURE	1,547	1,547
054	CIVIL AFFAIRS/INFO OPS	28,266	28,266
	INFORMATION SECURITY		
055	TSEC—ARMY KEY MGT SYS (AKMS)	12,541	12,541
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	39,349	37,022
	Army requested transfer to line 56a		[–2,327]
056A	FAMILY OF BIOMETRICS		2,327
	Army requested transfer from line 56		[2,327]
	COMM—LONG HAUL COMMUNICATIONS		
057	TERRESTRIAL TRANSMISSION	2,232	2,232
058	BASE SUPPORT COMMUNICATIONS	37,780	37,780
059	WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	187,227	131,227
	Prior year unobligated funds available		[–56,000]
061	DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	310,761	310,761
063	PENTAGON INFORMATION MGT AND TELECOM	4,992	4,992
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
066	JTT/CIBS-M	4,657	4,657
067	PROPHET GROUND	72,041	72,041
070	DCGS-A (MIP)	144,548	124,548
	Unjustified growth		[–20,000]
071	JOINT TACTICAL GROUND STATION (JTAGS)	1,199	1,199
072	TROJAN (MIP)	32,707	32,707
073	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
074	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	3,493	3,493
075	ITEMS LESS THAN $5.0M (MIP)	802	802
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	33,810	33,810
077	CREW	24,104	0
	Requirement met with prior year funds		[–24,104]
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
081	CI MODERNIZATION	1,332	1,332
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	FAAD GBS	7,958	3,958
	Violates full funding		[–4,000]
083	SENTINEL MODS	41,657	41,657
084	SENSE THROUGH THE WALL (STTW)	47,498	47,498
085	NIGHT VISION DEVICES	156,204	156,204
086	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
087	NIGHT VISION, THERMAL WPN SIGHT	186,859	186,859
088	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	10,227
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	15,774	15,774
092	GREEN LASER INTERDICTION SYSTEM	25,356	25,356
095	PROFILER	3,312	3,312
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	69,514	69,514
099	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	58,042	58,042
101	MORTAR FIRE CONTROL SYSTEM	21,022	17,022
	Unjustified request		[–4,000]
102	COUNTERFIRE RADARS	227,629	227,629
103	ARMS CONTROL ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
104	TACTICAL OPERATIONS CENTERS	54,907	54,907
105	FIRE SUPPORT C2 FAMILY	54,223	54,223
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	12,454	12,454
107	FAAD C2	5,030	5,030
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	62,710	62,710

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Line	Item	FY 2012 Request	Conference Agreement
109	KNIGHT FAMILY	51,488	46,488
	Program growth adjustment		[–5,000]
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	27,324
	Unjustified request		[–1,600]
115	MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026
	Army identified excess		[–15,000]
	Army requested transfer to OMA Budget Activity 04		[–9,251]
	Army requested transfer to OPA line 119		[–1,795]
	Army requested transfer to RDTE Army line 177		[–60,240]
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	19,113	19,113
	ELECT EQUIP—AUTOMATION		
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
	Army requested transfer from OPA line 116		[1,795]
120	ARMY TRAINING MODERNIZATION	11,192	11,192
121	AUTOMATED DATA PROCESSING EQUIP	220,250	174,772
	Army identified excess		[–10,478]
	Prior year unobligated funds available		[–35,000]
122	CSS COMMUNICATIONS	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
124	ITEMS LESS THAN $5.0M (A/V)	10,437	10,437
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	7,480	4,395
	Excessive design engineering costs		[–3,085]
	ELECT EQUIP—SUPPORT		
126	PRODUCTION BASE SUPPORT (C-E)	571	571
127	BCT NETWORK		0
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
127A	CLASSIFIED PROGRAMS	4,273	4,273
127U	UNDISTRIBUTED OPA2		0
	CHEMICAL DEFENSIVE EQUIPMENT		
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
	Accoustic hailing device contract delay		[–3,423]
130	BASE DEFENSE SYSTEMS (BDS)	41,204	41,204
131	CBRN SOLDIER PROTECTION	10,700	10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	362	362
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGING	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
	Excessive program support cost growth		[–3,700]
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	30,297	22,297
	M160 incremental funding		[–8,000]
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS	14,672	14,672
140	< $5M, COUNTERMINE EQUIPMENT	7,352	7,352
	COMBAT SERVICE SUPPORT EQUIPMENT		
142	HEATERS AND ECU'S	10,109	10,109
144	SOLDIER ENHANCEMENT	9,591	9,591
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147	GROUND SOLDIER SYSTEM	184,072	63,500
	Army requested transfer to RDTE Army line 119		[–13,100]
	Program delay		[–107,472]
148	MOUNTED SOLDIER SYSTEM	43,419	5,000
	Army offered program reduction		[–38,419]
150	FIELD FEEDING EQUIPMENT	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	68,392
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154	ITEMS LESS THAN $5M (ENG SPT)	12,482	12,482
	PETROLEUM EQUIPMENT		
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
	MEDICAL EQUIPMENT		
158	COMBAT SUPPORT MEDICAL	53,450	53,450
	MAINTENANCE EQUIPMENT		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160	ITEMS LESS THAN $5.0M (MAINT EQ)	3,852	3,852
	CONSTRUCTION EQUIPMENT		
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
	Excessive unit cost and program support cost growth		[–4,600]
163	SCRAPERS, EARTHMOVING	21,031	21,031
164	MISSION MODULES - ENGINEERING	43,432	43,432
165	COMPACTOR	2,859	2,859
168	TRACTOR, FULL TRACKED	59,534	50,434
	Unjustified program support cost growth		[–9,100]
169	PLANT, ASPHALT MIXING	8,314	614
	Prior year unobligated funds available		[–7,700]

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Line	Item	FY 2012 Request	Conference Agreement
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE - FOS	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	15,833	0
	Unexecutable acquisition strategy		[–15,833]
172	CONST EQUIP ESP	9,771	9,771
173	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,654	12,654
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
174	JOINT HIGH SPEED VESSEL (JHSV)	223,845	0
	Army requested transfer to SC,N line 17		[–187,226]
	Excess to need		[–36,619]
176	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	10,175	10,175
	GENERATORS		
177	GENERATORS AND ASSOCIATED EQUIP	31,897	31,897
	MATERIAL HANDLING EQUIPMENT		
179	FAMILY OF FORKLIFTS	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
	TRAINING EQUIPMENT		
181	COMBAT TRAINING CENTERS SUPPORT	133,178	46,117
	Army offered program reduction		[–87,061]
182	TRAINING DEVICES, NONSYSTEM	168,392	168,392
183	CLOSE COMBAT TACTICAL TRAINER	17,760	13,290
	Prior year unobligated funds available		[–4,470]
184	AVIATION COMBINED ARMS TACTICAL TRAINER	9,413	9,413
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
186	CALIBRATION SETS EQUIPMENT	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
	Prior year unobligated funds available		[–12,500]
188	TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
	OTHER SUPPORT EQUIPMENT		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
	Prior year unobligated funds available		[–49,710]
191	BASE LEVEL COMMON EQUIPMENT	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195	AMC CRITICAL ITEMS OPA3	34,500	34,500
196	TRACTOR YARD	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE	24,805	24,805
198	BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
	Program cancelation		[–123,300]
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	0
	Program cancelation		[–57,103]
200	BCT UNMANNED GROUND VEHICLE INC 2	11,924	0
	Program cancelation		[–11,924]
	OPA2		
201	INITIAL SPARES - C&E	21,647	21,647
	TOTAL OTHER PROCUREMENT, ARMY	**9,682,592**	**7,911,714**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	220,634	0
	Transfer to OCO: JIEDDO Operations		[–220,634]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**220,634**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA–18G	1,079,364	994,596
	Avionics PGSE cost growth		[–36,000]
	CFE Electronics cost growth		[–26,600]
	Engine cost growth		[–9,168]
	Other ILS cost growth		[–6,000]
	Reduce Engineering Change Orders (ECO) to fiscal year 2010 levels		[–7,000]
002	Advance Procurement (CY)	28,119	28,119
003	F/A–18E/F (FIGHTER) HORNET	2,366,752	2,240,184
	Armament cost growth		[–2,548]
	CFE Electronics cost growth		[–15,540]
	ECO excess		[–21,000]
	Engine cost growth		[–15,000]
	Government furnished equipment engine cost growth		[–4,480]
	Multi-year procurement savings		[–68,000]
004	Advance Procurement (CY)	64,962	63,262
	Airframe termination liability growth		[–1,700]
005	JOINT STRIKE FIGHTER CV	1,503,096	1,448,096
	Engineering change order carryover		[–20,000]
	Logistic support growth		[–5,000]
	Peculiar ground support equipment growth		[–30,000]
006	Advance Procurement (CY)	217,666	109,066
	Reduce advance procurement		[–108,600]
007	JSF STOVL	1,141,933	1,141,933
008	Advance Procurement (CY)	117,229	117,229
009	V–22 (MEDIUM LIFT)	2,224,817	2,199,317
	Reduce ECO		[–10,500]

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Line	Item	FY 2012 Request	Conference Agreement
	Support funding carryover		[–15,000]
010	Advance Procurement (CY)	84,008	63,768
	Advance procurement equipment cost growth		[–20,240]
011	UH–1Y/AH–1Z	700,306	652,561
	AH–1Z (new build) GFE Electronics cost growth		[–2,345]
	AH–1Z (remanufacture) airframe cost growth		[–9,400]
	Reduce ECO		[–6,000]
	Unjustified support increase		[–30,000]
012	Advance Procurement (CY)	68,310	56,750
	Excess advance procurement		[–11,560]
013	MH–60S (MYP)	408,921	400,621
	Support funding carryover		[–8,300]
014	Advance Procurement (CY)	74,040	74,040
015	MH–60R	791,025	775,525
	Reduce ECO		[–4,200]
	Support funding carryover		[–11,300]
016	Advance Procurement (CY)	209,431	209,431
017	P–8A POSEIDON	2,018,851	2,008,851
	Support funding increase		[–10,000]
018	Advance Procurement (CY)	256,594	244,894
	Excess advance procurement		[–11,700]
019	E–2D ADV HAWKEYE	914,892	886,892
	Excess funding reserve		[–20,000]
	Support funding carryover		[–8,000]
020	Advance Procurement (CY)	157,942	157,942
	TRAINER AIRCRAFT		
022	JPATS	266,906	256,906
	Excess ECO		[–10,000]
	OTHER AIRCRAFT		
024	KC–130J	87,288	87,288
026	MQ–8 UAV	191,986	191,986
027	STUASL0 UAV	12,772	0
	Low rate initial production contract award slip		[–12,772]
	MODIFICATION OF AIRCRAFT		
029	EA–6 SERIES	27,734	27,734
030	AEA SYSTEMS	34,065	31,765
	Air launched decoy jammer		[–2,300]
031	AV–8 SERIES	30,762	29,162
	Non-recurring installation funding unjustified increase		[–1,600]
032	F–18 SERIES	499,597	425,167
	ECP 904 Part 1 cost growth		[–6,930]
	ECP 904 Part 1 procurement ahead of need		[–16,500]
	Integrated Logistics Support excess to need		[–20,900]
	OSIP 001–10 ANAV installation kits cost growth		[–1,000]
	OSIP 011–84 installation funds savings		[–9,300]
	OSIP 11–99 installation funding ahead of need		[–7,000]
	Other support growth		[–12,800]
033	H–46 SERIES	27,112	24,612
	Unjustified Request		[–2,500]
034	AH–1W SERIES	15,828	15,828
035	H–53 SERIES	62,820	60,320
	DIRCM Other support excess		[–1,000]
	Kapton wiring installation kit cost growth		[–1,500]
036	SH–60 SERIES	83,394	83,394
037	H–1 SERIES	11,012	8,412
	Obsolescence install unjustified growth		[–2,600]
038	EP–3 SERIES	83,181	73,681
	Obsolescence ECP installation funding growth		[–2,700]
	OSIP 11–01 JMOD obsolescence carryover		[–5,100]
	Other support growth		[–1,700]
039	P–3 SERIES	171,466	170,466
	HFIP modification kit procurement ahead of need		[–1,000]
040	E–2 SERIES	29,215	29,215
041	TRAINER A/C SERIES	22,090	18,790
	Training equipment growth		[–3,300]
042	C–2A	16,302	16,302
043	C–130 SERIES	27,139	27,139
044	FLEET EW	2,773	1,773
	Other support growth		[–1,000]
045	CARGO/TRANSPORT A/C SERIES	16,463	16,463
046	E–6 SERIES	165,253	148,053
	Block I install cost savings		[–1,200]
	Block II FAB-T non-recurring engineering early to need		[–5,200]
	OSIP 008–10 support funding growth		[–2,000]
	OSIP 013–10 support funding growth		[–1,000]
	Service life extension program install early to need		[–7,800]
047	EXECUTIVE HELICOPTERS SERIES	58,011	77,511
	Navy requested transfer from RDT&E, Navy line 98, for VH–3/VH–60 sustainment		[24,000]
	OSIP 009–02 excess installation funding		[–4,500]
048	SPECIAL PROJECT AIRCRAFT	12,248	11,048
	Install equipment nonrecurring unjustified growth		[–1,200]
049	T–45 SERIES	57,779	45,779

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Line	Item	FY 2012 Request	Conference Agreement
	Avionics Obsolescence contract support growth		[–6,000]
	Correction of Deficiencies contract support growth		[–6,000]
050	*AIRCRAFT POWER PLANT CHANGES*	21,847	21,847
051	*JPATS SERIES*	1,524	524
	Unobligated balances		[–1,000]
052	*AVIATION LIFE SUPPORT MODS*	1,069	1,069
053	*COMMON ECM EQUIPMENT*	92,072	63,772
	DIRCM A kit savings		[–2,800]
	IDECM Block IV concurrency		[–25,500]
054	*COMMON AVIONICS CHANGES*	147,093	136,293
	CNS/ATM Other support growth		[–8,800]
	OSIP 01–02 other support growth		[–2,000]
056	*ID SYSTEMS*	37,330	32,030
	Other support growth		[–5,300]
057	*P–8 SERIES*	2,930	0
	P–8 modifications ahead of need		[–2,930]
058	*MAGTF EW FOR AVIATION*	489	489
059	*RQ–7 SERIES*	11,419	0
	TCDL contract delay		[–11,419]
060	*V–22 (TILT/ROTOR ACFT) OSPREY*	60,264	55,764
	Deficiencies modifications other support growth		[–2,500]
	Reliability modifications other support growth		[–2,000]
	AIRCRAFT SPARES AND REPAIR PARTS		
061	*SPARES AND REPAIR PARTS*	1,331,961	1,163,294
	E–2D initial spares cost growth		[–8,700]
	F/A–18E/F initial spares cost growth		[–23,967]
	F–35 initial spares execution		[–100,000]
	P–8A initial spares execution		[–36,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	*COMMON GROUND EQUIPMENT*	351,685	363,685
	Transfer from PE 64273N (RDN 98) for VH–60 trainer		[12,000]
063	*AIRCRAFT INDUSTRIAL FACILITIES*	22,358	22,358
064	*WAR CONSUMABLES*	27,300	27,300
065	*OTHER PRODUCTION CHARGES*	10,124	10,124
066	*SPECIAL SUPPORT EQUIPMENT*	24,395	21,395
	Unjustified support increase		[–3,000]
067	*FIRST DESTINATION TRANSPORTATION*	1,719	1,719
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**18,587,033**	**17,673,534**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	*TRIDENT II MODS*	1,309,102	1,299,102
	Support funding carryover		[–10,000]
	SUPPORT EQUIPMENT & FACILITIES		
002	*MISSILE INDUSTRIAL FACILITIES*	3,492	3,492
	STRATEGIC MISSILES		
003	*TOMAHAWK*	303,306	297,606
	Submarine capsules cost growth		[–5,700]
	TACTICAL MISSILES		
004	*AMRAAM*	188,494	105,119
	All Up Round Missile contract delay		[–83,375]
005	*SIDEWINDER*	47,098	42,198
	Excess Block II support		[–4,900]
006	*JSOW*	137,722	131,722
	All Up Round Missile cost growth		[–6,000]
007	*STANDARD MISSILE*	420,324	356,878
	Installation and check out funding growth		[–1,900]
	Support funding growth		[–3,500]
	Unit Cost efficiencies		[–58,046]
008	*RAM*	66,197	66,197
009	*HELLFIRE*	22,703	22,703
011	*AERIAL TARGETS*	46,359	46,359
012	*OTHER MISSILE SUPPORT*	3,561	3,561
	MODIFICATION OF MISSILES		
013	*ESSM*	48,486	48,486
014	*HARM MODS*	73,061	71,561
	Production support growth		[–1,500]
	SUPPORT EQUIPMENT & FACILITIES		
016	*WEAPONS INDUSTRIAL FACILITIES*	1,979	1,979
017	*FLEET SATELLITE COMM FOLLOW-ON*	238,215	238,215
	ORDNANCE SUPPORT EQUIPMENT		
019	*ORDNANCE SUPPORT EQUIPMENT*	52,255	52,255
	TORPEDOES AND RELATED EQUIP		
020	*ASW TARGETS*	31,803	31,803
	MOD OF TORPEDOES AND RELATED EQUIP		
021	*MK–54 TORPEDO MODS*	78,045	76,605
	MK–54 array cost growth		[–1,440]
022	*MK–48 TORPEDO ADCAP MODS*	42,493	42,493
023	*QUICKSTRIKE MINE*	5,770	5,770
023A	*UNDISTRIBUTED*		0
	SUPPORT EQUIPMENT		
024	*TORPEDO SUPPORT EQUIPMENT*	43,003	43,003

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Line	Item	FY 2012 Request	Conference Agreement
025	ASW RANGE SUPPORT	9,219	9,219
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION	3,553	3,553
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	15,037	15,037
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	37,550	37,550
029	COAST GUARD WEAPONS	17,525	9,179
	MK–110 57MM contract delay		[–8,346]
030	GUN MOUNT MODS	43,957	43,957
032	CRUISER MODERNIZATION WEAPONS	50,013	50,013
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
	SPARES AND REPAIR PARTS		
035	SPARES AND REPAIR PARTS	55,953	49,614
	CIWS replenishment spares execution		[–6,339]
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,408,478**	**3,217,432**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
002	CARRIER REPLACEMENT PROGRAM	554,798	554,798
003	VIRGINIA CLASS SUBMARINE	3,232,215	3,221,314
	Exterior Communications System other cost unjustfied growth		[–1,000]
	Propulsor cost growth		[–5,538]
	Sonar hardware pricing cost growth		[–4,363]
004	VIRGINIA CLASS SUBMARINE	1,524,761	1,461,361
	Nuclear long lead CFE advance procurement cost growth		[–63,400]
006	CVN REFUELING OVERHAULS	529,652	529,652
008	DDG 1000	453,727	453,727
009	DDG–51	1,980,709	1,980,709
010	Advance Procurement (CY)	100,723	100,723
011	LITTORAL COMBAT SHIP	1,802,093	1,755,093
	Basic construction cost growth		[–47,000]
	AMPHIBIOUS SHIPS		
013	LPD–17	1,847,444	1,837,444
	Excess ECO funding		[–10,000]
015	LHA REPLACEMENT	2,018,691	1,999,191
	MK–12 IFF pricing		[–1,000]
	RAM logistics pricing		[–5,500]
	SLQ–32(V)2 pricing		[–5,000]
	SPQ–9B radar pricing		[–1,000]
	SPS–48 radar pricing		[–2,000]
	SSDS support pricing		[–5,000]
017	JOINT HIGH SPEED VESSEL	185,106	372,332
	Transfer from OP,A line 174 per Army and Navy Memorandum of Agreement		[187,226]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
018	OCEANOGRAPHIC SHIPS	89,000	89,000
019	MOORED TRAINING SHIP	155,200	131,200
	Excess advance procurement		[–24,000]
020	OUTFITTING	292,871	270,639
	CVN–71 outfitting phasing		[–5,000]
	DDG–1001 and 1002 outfitting phasing		[–1,750]
	LCS–5 outfitting phasing		[–2,000]
	LCS–6 outfitting phasing		[–2,000]
	LCS–7 outfitting phasing		[–782]
	SSN–782 post delivery phasing		[–4,700]
	SSN–785 outfitting phasing		[–6,000]
021	SERVICE CRAFT	3,863	3,863
022	LCAC SLEP	84,076	84,076
023	COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
	TOTAL SHIPBUILDING & CONVERSION, NAVY	**14,928,921**	**14,919,114**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	64,766	63,666
	BLU–109 cost growth		[–1,100]
003	AIRBORNE ROCKETS, ALL TYPES	38,264	23,264
	MK–182 warhead exceeds production rate		[–3,500]
	MK–66 rocket motor cost growth		[–10,500]
	Support funding carryover		[–1,000]
004	MACHINE GUN AMMUNITION	17,788	17,788
005	PRACTICE BOMBS	35,289	35,289
006	CARTRIDGES & CART ACTUATED DEVICES	49,416	46,716
	Initiator and Impulse cartridge unit cost growth		[–2,700]
007	AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
008	JATOS	2,766	2,766
09	5 INCH/54 GUN AMMUNITION	19,006	10,901
	Excess prior year multi-option fuze support funding		[–7,105]
	Support funding carryover		[–1,000]
010	INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
	MK295 cartridge contract delay		[–18,208]
011	OTHER SHIP GUN AMMUNITION	21,938	19,018
	Production engineering growth		[–2,920]

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Line	Item	FY 2012 Request	Conference Agreement
012	SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
	A131 complete rounds cost growth		[–2,500]
	A576 LAP kit cost growth		[–2,080]
	Production engineering growth		[–1,200]
013	PYROTECHNIC AND DEMOLITION	10,199	10,199
014	AMMUNITION LESS THAN $5 MILLION	4,107	4,107
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	58,812	58,812
016	LINEAR CHARGES, ALL TYPES	21,434	17,660
	M913 LAP kit contract delay		[–3,774]
017	40 MM, ALL TYPES	84,864	80,664
	B542 LAP kit cost growth		[–4,200]
018	60MM, ALL TYPES	937	937
019	81MM, ALL TYPES	26,324	18,100
	M913 LAP kit contract delay		[–8,224]
020	120MM, ALL TYPES	9,387	9,387
021	CTG 25MM, ALL TYPES	3,889	3,889
022	GRENADES, ALL TYPES	13,452	13,452
023	ROCKETS, ALL TYPES	15,556	12,463
	C995 late contract award		[–3,093]
024	ARTILLERY, ALL TYPES	42,526	22,526
	TNT flake cost growth		[–20,000]
025	DEMOLITION MUNITIONS, ALL TYPES	22,786	22,786
026	FUZE, ALL TYPES	9,266	9,266
027	NON LETHALS	2,927	2,927
028	AMMO MODERNIZATION	8,557	8,557
029	ITEMS LESS THAN $5 MILLION	3,880	3,880
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**719,952**	**626,848**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	13,794	13,794
002	ALLISON 501K GAS TURBINE	8,643	8,643
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	22,982	20,582
	ECDIS-N installation funding carryover		[–1,000]
	Support funding carryover		[–1,400]
	PERISCOPES		
004	SUB PERISCOPES & IMAGING EQUIP	60,860	57,033
	ISIS capability insertion procurement ahead of need		[–3,827]
	OTHER SHIPBOARD EQUIPMENT		
005	DDG MOD	119,522	117,522
	Engineering services carryover		[–2,000]
006	FIREFIGHTING EQUIPMENT	17,637	17,637
007	COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
008	POLLUTION CONTROL EQUIPMENT	22,266	22,266
009	SUBMARINE SUPPORT EQUIPMENT	15,892	14,122
	SSTG governor procurement ahead of need		[–1,770]
010	VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	93,487
	ISEA labs growth		[–2,100]
	SCS modernization backfit funding ahead of need		[–2,106]
	Technology insertion/technology refresh growth		[–3,000]
011	SUBMARINE BATTERIES	42,296	42,296
012	STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
013	DEEP SUBMERGENCE SYSTEMS	2,600	2,600
014	CG MODERNIZATION	590,349	573,349
	Engineering services carryover		[–6,000]
	Shore Site Upgrades--Excessive Growth		[–11,000]
016	UNDERWATER EOD PROGRAMS	18,499	17,499
	Support funding carryover		[–1,000]
017	ITEMS LESS THAN $5 MILLION	113,809	93,401
	AS–39 modernization traveling crane funding previously appropriated		[–3,369]
	Auto Voltage Regulators--Ahead of Need		[–3,480]
	LCS Waterjet Impellers--No Longer Required		[–10,859]
	Machalts growth		[–2,700]
018	CHEMICAL WARFARE DETECTORS	5,508	5,508
019	SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
	REACTOR PLANT EQUIPMENT		
020	REACTOR POWER UNITS	436,838	436,838
021	REACTOR COMPONENTS	271,600	271,600
	OCEAN ENGINEERING		
022	DIVING AND SALVAGE EQUIPMENT	11,244	9,644
	Outfitting equipment package cost growth		[–1,600]
	SMALL BOATS		
023	STANDARD BOATS	39,793	33,653
	7M RIB contract delay		[–4,140]
	Medium sized force protection boats cost growth		[–2,000]
	TRAINING EQUIPMENT		
024	OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
	PRODUCTION FACILITIES EQUIPMENT		
025	OPERATING FORCES IPE	54,642	54,642
	OTHER SHIP SUPPORT		

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Line	Item	FY 2012 Request	Conference Agreement
026	NUCLEAR ALTERATIONS	144,175	144,175
027	LCS MODULES	79,583	63,448
	AN/AQS–20A--Contract Delay		[–8,920]
	Engineering change proposal growth		[–4,715]
	Production Support--Excess to Need		[–2,500]
	LOGISTIC SUPPORT		
028	LSD MIDLIFE	143,483	132,733
	Air conditioner plant upgrades installation ahead of need		[–2,000]
	RO desalinater units installation funding ahead of need		[–6,750]
	Steering control upgrade installation funding ahead of need		[–2,000]
	SHIP RADARS		
029	RADAR SUPPORT	18,818	10,618
	Excess ECO funding		[–1,800]
	Radar procurement ahead of need		[–6,400]
	SHIP SONARS		
030	SPQ–9B RADAR	24,613	18,236
	Radar procurement ahead of need		[–6,377]
031	AN/SQQ–89 SURF ASW COMBAT SYSTEM	73,829	71,771
	Sonar upgrade cost growth		[–2,058]
032	SSN ACOUSTICS	212,913	212,913
033	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	25,686
	Mission integration installation funding ahead of need		[–4,000]
034	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
035	ELECTRONIC WARFARE MILDEC	18,141	16,841
	ICADS cost growth		[–1,300]
	ASW ELECTRONIC EQUIPMENT		
036	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
037	SSTD	2,257	1,257
	Excess support funding		[–1,000]
038	FIXED SURVEILLANCE SYSTEM	60,141	60,141
039	SURTASS	29,247	25,547
	ICP installation funding ahead of need		[–1,500]
	Integrated Common Processor [ICP] Procurement--Ahead of Need		[–2,200]
040	MARITIME PATROL AND RECONNAISANCE FORCE	13,453	13,453
040A	UNDISTRIBUTED		0
	ELECTRONIC WARFARE EQUIPMENT		
041	AN/SLQ–32	43,096	39,902
	Block 1B3 Units--No Longer Required		[–3,194]
	RECONNAISSANCE EQUIPMENT		
042	SHIPBOARD IW EXPLOIT	103,645	100,745
	Paragon Systems--Change to Procurement Strategy		[–2,900]
043	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
	SUBMARINE SURVEILLANCE EQUIPMENT		
044	SUBMARINE SUPPORT EQUIPMENT PROG	100,793	89,241
	ICADF antenna installation delay		[–7,286]
	Support funding carryover		[–2,000]
	Tech and capability insertion procurement ahead of need		[–2,266]
	OTHER SHIP ELECTRONIC EQUIPMENT		
045	COOPERATIVE ENGAGEMENT CAPABILITY	23,332	19,332
	PAAA Backfit Installation Funding--No Longer Required		[–2,000]
	Signal Data Processors Backfits--Ahead of Need		[–2,000]
046	TRUSTED INFORMATION SYSTEM (TIS)	426	426
047	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
048	ATDLS	942	942
049	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
050	MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
051	SHALLOW WATER MCM	1,048	1,048
052	NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
053	AMERICAN FORCES RADIO AND TV SERVICE	4,370	4,370
054	STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
	TRAINING EQUIPMENT		
055	OTHER TRAINING EQUIPMENT	45,989	35,189
	COTS obsolescence excessive growth		[–10,800]
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	8,136	13,368
	Radar upgrade transfer from Title XV		[7,232]
	Support funding carryover		[–2,000]
057	SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
058	AUTOMATIC CARRIER LANDING SYSTEM	18,518	17,018
	ECO growth		[–1,500]
059	NATIONAL AIR SPACE SYSTEM	26,054	24,581
	Digital Airport Surveillance Radar cost growth		[–1,473]
060	FLEET AIR TRAFFIC CONTROL SYSTEMS	7,213	7,213
061	LANDING SYSTEMS	7,138	7,138
062	ID SYSTEMS	33,170	31,470
	Mark XII Mode 5—Ahead of Need		[–1,700]
063	NAVAL MISSION PLANNING SYSTEMS	8,941	8,941
	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
065	MARITIME INTERGRATED BROADCAST SYSTEM	13,529	13,529
066	TACTICAL/MOBILE C4I SYSTEMS	12,776	10,876
	Tactical/Mobile C4I Systems Increment 2.1 Ahead of Need		[–1,900]

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Line	Item	FY 2012 Request	Conference Agreement
067	DCGS-N	11,201	11,201
068	CANES	195,141	96,088
	Installation ahead of need		[–7,153]
	Support funding carryover		[–2,300]
	Transfer to PE 33138N (RDN 201) per USN request		[–12,000]
	Transfer to Ship Communications Automation (OPN 76) per USN request		[–77,600]
069	RADIAC	6,201	6,201
070	CANES-INTELL	75,084	72,313
	Installation ahead of need		[–2,771]
071	ELECTRONIC TEST EQUIPMENT	6,010	6,010
072	INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
073	EMI CONTROL INSTRUMENTATION	4,741	4,741
074	ITEMS LESS THAN $5 MILLION	51,716	42,416
	SPS–48 radar cost growth		[–2,500]
	SPS–48 radar upgrade procurement ahead of need		[–6,800]
	SHIPBOARD COMMUNICATIONS		
075	SHIPBOARD TACTICAL COMMUNICATIONS	26,197	1,494
	JTRS AMF--Program Delay		[–24,703]
076	SHIP COMMUNICATIONS AUTOMATION	177,510	255,110
	Transfer from CANES (OPN 68) per USN request		[77,600]
077	MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
078	COMMUNICATIONS ITEMS UNDER $5M	33,644	27,544
	BFTN--Installations Ahead of Need		[–2,800]
	HMS Radios--Contract Delays		[–3,300]
	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	10,357	10,357
080	SUBMARINE COMMUNICATION EQUIPMENT	75,447	74,047
	Support funding carryover		[–1,400]
	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
082	NAVY MULTIBAND TERMINAL (NMT)	109,022	107,242
	Submarine terminal cost growth		[–1,780]
	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
084	ELECTRICAL POWER SYSTEMS	1,329	1,329
085	NAVAL SHORE COMMUNICATIONS	2,418	2,418
	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	109,394
	EKMS Afloat--KMI Ahead of Need		[–2,074]
	Excess installation funding		[–3,789]
	VACM Program Delay		[–4,600]
	CRYPTOLOGIC EQUIPMENT		
087	CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
	OTHER ELECTRONIC SUPPORT		
088	COAST GUARD EQUIPMENT	6,848	6,848
	DRUG INTERDICTION SUPPORT		
089	OTHER DRUG INTERDICTION SUPPORT	2,290	2,290
	SONOBUOYS		
090	SONOBUOYS—ALL TYPES	96,314	94,814
	AN/SSQ–110 cost growth		[–1,500]
	AIRCRAFT SUPPORT EQUIPMENT		
091	WEAPONS RANGE SUPPORT EQUIPMENT	40,697	37,697
	Threat presentation program growth		[–3,000]
092	EXPEDITIONARY AIRFIELDS	8,561	8,561
093	AIRCRAFT REARMING EQUIPMENT	8,941	5,587
	Munitions trailer contract delay		[–2,354]
	Ordnance trailer contract delay		[–1,000]
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
095	METEOROLOGICAL EQUIPMENT	22,003	19,478
	Meteorological Mobile Facility (Replacement) Next Generation contract delay		[–2,525]
096	DIGITAL CAMERA RECEIVING STATION	1,595	1,595
097	AVIATION LIFE SUPPORT	66,031	60,919
	Flight deck cranial cost growth		[–5,112]
098	AIRBORNE MINE COUNTERMEASURES	49,668	33,515
	AN/AQS–20A--Contract Delay		[–6,903]
	Production line set up excess funding		[–9,250]
099	LAMPS MK III SHIPBOARD EQUIPMENT	18,471	12,908
	Modification kit procurement ahead of need		[–5,563]
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
	SHIP GUN SYSTEM EQUIPMENT		
102	NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT	4,488	4,488
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	NATO SEASPARROW	8,926	8,926
105	RAM GMLS	4,321	3,128
	Installation funding ahead of need		[–1,193]
106	SHIP SELF DEFENSE SYSTEM	60,700	54,324
	SSDS COTS Conversion Kits Ahead of Need		[–6,376]
107	AEGIS SUPPORT EQUIPMENT	43,148	43,148
108	TOMAHAWK SUPPORT EQUIPMENT	72,861	70,261
	Support funding carryover		[–2,600]

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Line	Item	FY 2012 Request	Conference Agreement
109	VERTICAL LAUNCH SYSTEMS	732	732
110	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
	FBM SUPPORT EQUIPMENT		
111	STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
	ASW SUPPORT EQUIPMENT		
112	SSN COMBAT CONTROL SYSTEMS	81,596	89,096
	Naval Intelligence Fusion Tool transfer from Title XV		[7,500]
113	SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114	SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115	ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	96,947
	Product improvement funding growth		[–1,900]
117	ITEMS LESS THAN $5 MILLION	4,073	4,073
	OTHER EXPENDABLE ORDNANCE		
118	ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119	SURFACE TRAINING DEVICE MODS	5,814	5,814
120	SUBMARINE TRAINING DEVICE MODS	36,777	36,777
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	6,271	4,771
	Non-SOCOM related contract delays		[–1,500]
122	GENERAL PURPOSE TRUCKS	3,202	3,202
123	CONSTRUCTION & MAINTENANCE EQUIP	9,850	9,850
124	FIRE FIGHTING EQUIPMENT	14,315	14,315
125	TACTICAL VEHICLES	16,502	16,502
126	AMPHIBIOUS EQUIPMENT	3,235	3,235
127	POLLUTION CONTROL EQUIPMENT	7,175	7,175
128	ITEMS UNDER $5 MILLION	20,727	10,727
	Contract Delays		[–10,000]
129	PHYSICAL SECURITY VEHICLES	1,142	1,142
	SUPPLY SUPPORT EQUIPMENT		
130	MATERIALS HANDLING EQUIPMENT	14,972	9,972
	Contract Delays		[–5,000]
131	OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453
132	FIRST DESTINATION TRANSPORTATION	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS (IT)	51,894	51,894
	TRAINING DEVICES		
134	TRAINING SUPPORT EQUIPMENT	16,353	16,353
	COMMAND SUPPORT EQUIPMENT		
135	COMMAND SUPPORT EQUIPMENT	28,693	26,321
	SPAWAR--Excess to Need		[–1,000]
	US Fleet Forces equipment growth		[–1,372]
136	EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT	7,175	4,175
	Medical and dental outfitting kit cost growth		[–3,000]
138	NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141	C4ISR EQUIPMENT	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
	CLASSIFIED PROGRAMS		
148A	CLASSIFIED PROGRAMS	14,402	14,402
	SPARES AND REPAIR PARTS		
149	SPARES AND REPAIR PARTS	208,384	208,384
	TOTAL OTHER PROCUREMENT, NAVY	**6,285,451**	**5,993,175**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	9,894	9,894
002	LAV PIP	147,051	147,051
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	11,961	11,961
004	155MM LIGHTWEIGHT TOWED HOWITZER	5,552	5,552
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	14,695	14,695
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	14,868	14,868
	OTHER SUPPORT		
007	MODIFICATION KITS	53,932	53,932
008	WEAPONS ENHANCEMENT PROGRAM	13,795	13,795
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	12,287	12,287
011	FOLLOW ON TO SMAW	46,563	46,563
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	19,606	19,606
	OTHER SUPPORT		
013	MODIFICATION KITS	4,140	4,140
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	16,755	16,755
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	24,071	24,071
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM	25,461	25,461
	COMMAND AND CONTROL SYSTEM (NON-TEL)		

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Line	Item	FY 2012 Request	Conference Agreement
018	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,926	5,926
019	AIR OPERATIONS C2 SYSTEMS	44,152	44,152
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	40,352	40,352
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	FIRE SUPPORT SYSTEM	8,793	4,470
	Excess to need		[–4,323]
022	INTELLIGENCE SUPPORT EQUIPMENT	64,276	64,276
024	RQ–11 UAV	2,104	2,104
025	DCGS-MC	10,789	10,789
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
028	NIGHT VISION EQUIPMENT	6,847	6,847
	OTHER SUPPORT (NON-TEL)		
029	COMMON COMPUTER RESOURCES	218,869	218,869
030	COMMAND POST SYSTEMS	84,856	84,856
031	RADIO SYSTEMS	89,479	79,770
	Equipment upgrade for CBNIRF (UFR)		[1,000]
	Marine Corps recommendation		[–10,709]
032	COMM SWITCHING & CONTROL SYSTEMS	16,598	16,598
033	COMM & ELEC INFRASTRUCTURE SUPPORT	47,505	47,505
	CLASSIFIED PROGRAMS		
033A	CLASSIFIED PROGRAMS	1,606	1,606
	ADMINISTRATIVE VEHICLES		
034	COMMERCIAL PASSENGER VEHICLES	894	894
035	COMMERCIAL CARGO VEHICLES	14,231	14,231
	TACTICAL VEHICLES		
037	MOTOR TRANSPORT MODIFICATIONS	8,389	8,389
038	MEDIUM TACTICAL VEHICLE REPLACEMENT	5,833	5,833
039	LOGISTICS VEHICLE SYSTEM REP	972	972
040	FAMILY OF TACTICAL TRAILERS	21,848	21,848
	OTHER SUPPORT		
042	ITEMS LESS THAN $5 MILLION	4,503	4,503
	ENGINEER AND OTHER EQUIPMENT		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT	2,599	2,599
044	BULK LIQUID EQUIPMENT	16,255	16,255
045	TACTICAL FUEL SYSTEMS	26,853	26,853
046	POWER EQUIPMENT ASSORTED	27,247	27,247
047	AMPHIBIOUS SUPPORT EQUIPMENT	5,533	5,533
048	EOD SYSTEMS	61,753	61,753
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	16,627	16,627
050	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	10,827	10,827
051	MATERIAL HANDLING EQUIP	37,055	37,055
052	FIRST DESTINATION TRANSPORTATION	1,462	1,462
	GENERAL PROPERTY		
053	FIELD MEDICAL EQUIPMENT	24,079	24,079
054	TRAINING DEVICES	10,277	10,277
055	CONTAINER FAMILY	3,123	3,123
056	FAMILY OF CONSTRUCTION EQUIPMENT	18,137	18,137
059	RAPID DEPLOYABLE KITCHEN	5,026	5,026
	OTHER SUPPORT		
060	ITEMS LESS THAN $5 MILLION	5,206	5,206
	SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	90	90
	TOTAL PROCUREMENT, MARINE CORPS	**1,391,602**	**1,377,570**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	3,340,615	3,189,615
	Reduce by one aircraft		[–151,000]
002	Advance Procurement (CY)	323,477	228,977
	Reduce advance procurement		[–94,500]
003	F–22A	104,118	104,118
	OTHER AIRLIFT		
005	C–130J	72,879	72,879
007	HC–130J	332,899	332,899
009	MC–130J	582,466	582,466
013	C–27J	479,896	479,896
	UPT TRAINERS		
015	USAFA POWERED FLIGHT PROGRAM	1,060	1,060
	HELICOPTERS		
017	COMMON VERTICAL LIFT SUPPORT	52,800	52,800
019	V22 OSPREY	339,865	339,865
020	Advance Procurement (CY)	20,000	20,000
	MISSION SUPPORT AIRCRAFT		
023	CIVIL AIR PATROL A/C	2,190	2,190
024	HH–60M	104,711	104,711
025	LIGHT ATTACK ARMED RECON ACFT	158,549	115,049
	Reduction of three aircraft		[–43,500]
	OTHER AIRCRAFT		
029	TARGET DRONES	64,268	59,268
	Slow execution		[–5,000]

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Line	Item	FY 2012 Request	Conference Agreement
030	C–37A	77,842	77,842
031	RQ–4	323,964	323,964
032	Advance Procurement (CY)	71,500	71,500
033	MC 130	108,470	108,470
034	MQ–9	813,092	0
	ASIP 2C early to need		[–29,500]
	Block 5 to Block 1 adjustment		[–64,000]
	Transfer to OCO		[–719,592]
	STRATEGIC AIRCRAFT		
035	B–2A	41,315	31,015
	Excess to need		[–10,300]
036	B–1B	198,007	198,007
037	B–52	93,897	93,897
	TACTICAL AIRCRAFT		
038	A–10	153,128	12,528
	Program reduction--Wing replacement program		[–140,600]
039	F–15	222,386	208,386
	Early to need--Mode 5 IFF		[–14,000]
040	F–16	73,346	56,746
	Mode 5 procurement ahead of need		[–16,600]
041	F–22A	232,032	232,032
	AIRLIFT AIRCRAFT		
043	C–5	11,741	11,741
045	C–5M	851,859	851,859
046	Advance Procurement (CY)	112,200	112,200
047	C–9C	9	9
048	C–17A	202,179	202,179
049	C–21	328	328
050	C–32A	12,157	1,757
	Program reduction--SLC3S--A		[–10,400]
051	C–37A	21,986	486
	Program reduction--SLC3S--A		[–21,500]
052	C–130 AMP	235,635	208,135
	Early to need--kit installs		[–27,500]
	TRAINER AIRCRAFT		
053	GLIDER MODS	123	123
054	T–6	15,086	15,086
055	T–1	238	238
056	T–38	31,032	31,032
	OTHER AIRCRAFT		
057	KC–10A (ATCA)	27,220	9,820
	Early to need--CNS/ATM		[–17,400]
058	C–12	1,777	1,777
059	MC–12W	16,767	16,767
060	C–20 MODS	241	241
061	VC–25A MOD	387	387
062	C–40	206	206
063	C–130	45,876	56,276
	Transfer per Air Force Request from RDAF–81		[10,400]
064	C–130 INTEL	3,593	3,593
065	C–130J MODS	38,174	38,174
066	C–135	62,210	62,210
067	COMPASS CALL MODS	256,624	256,624
068	RC–135	162,211	162,211
069	E–3	135,031	135,031
070	E–4	57,829	57,829
071	E–8	29,058	29,058
072	H–1	5,280	5,280
073	H–60	34,371	34,371
074	RQ–4 MODS	89,177	89,177
075	HC/MC–130 MODIFICATIONS	431	10,831
	Transfer from PE 65299F (RDAF 81) per USAF request		[10,400]
076	OTHER MODIFICATIONS	115,338	68,238
	Early to need in FAB-T		[–47,100]
077	MQ–1 MODS	158,446	158,446
078	MQ–9 MODS	181,302	149,744
	Block 5 fielding early to need		[–31,558]
079	MQ–9 UAS PAYLOADS	74,866	74,866
080	CV–22 MODS	14,715	14,715
	AIRCRAFT SPARES + REPAIR PARTS		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS	1,030,364	927,364
	Program reduction--poor execution		[–103,000]
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP	92,394	90,318
	F–15 ESTS contract delay		[–2,076]
	POST PRODUCTION SUPPORT		
083	B–1	4,743	4,743
084	B–2A	101	101
085	B–2A	49,319	49,319
087	C–5	521	521
089	KC–10A (ATCA)	5,691	5,691
090	C–17A	183,696	75,115

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Line	Item	FY 2012 Request	Conference Agreement
	Transition to post production		[–108,581]
091	C–130	25,646	25,646
093	C–135	2,434	2,434
094	F–15	2,076	2,076
095	F–16	4,537	4,537
097	OTHER AIRCRAFT	40,025	23,225
	F–16 Block 40/50 MTC		[–16,800]
	INDUSTRIAL PREPAREDNESS		
098	INDUSTRIAL RESPONSIVENESS	21,050	21,050
	WAR CONSUMABLES		
099	WAR CONSUMABLES	87,220	0
	Transfer to OCO		[–87,220]
	OTHER PRODUCTION CHARGES		
100	OTHER PRODUCTION CHARGES	1,072,858	1,072,858
	DARP		
104	U–2	48,875	48,875
	CLASSIFIED PROGRAMS		
104A	CLASSIFIED PROGRAMS	16,502	16,502
	UNDISTRIBUTED		
105	UNDISTRIBUTED		0
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**14,082,527**	**12,341,600**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	23,919	23,919
	CARTRIDGES		
002	CARTRIDGES	89,771	89,771
	BOMBS		
003	PRACTICE BOMBS	38,756	33,876
	BDU–56 C/B—Unjustified cost growth		[–4,880]
004	GENERAL PURPOSE BOMBS	168,557	133,557
	BDU–109—Incorrect cost estimate		[–35,000]
005	JOINT DIRECT ATTACK MUNITION	76,649	76,649
	FLARE, IR MJU–7B		
006	CAD/PAD	42,410	42,410
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,119	3,119
008	SPARES AND REPAIR PARTS	998	998
009	MODIFICATIONS	1,132	1,132
010	ITEMS LESS THAN $5,000,000	5,075	5,075
	FUZES		
011	FLARES	46,749	46,749
012	FUZES	34,735	34,735
	SMALL ARMS		
013	SMALL ARMS	7,195	7,195
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**539,065**	**499,185**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	67,745	67,745
	TACTICAL		
002	JASSM	236,193	236,193
003	SIDEWINDER (AIM–9X)	88,769	88,769
004	AMRAAM	309,561	202,176
	Production Backlog		[–107,385]
005	PREDATOR HELLFIRE MISSILE	46,830	46,830
006	SMALL DIAMETER BOMB	7,523	7,523
	INDUSTRIAL FACILITIES		
007	INDUSTR'L PREPAREDNS/POL PREVENTION	726	726
	CLASS IV		
008	ADVANCED CRUISE MISSILE	39	39
009	MM III MODIFICATIONS	125,953	125,953
010	AGM–65D MAVERICK	266	266
011	AGM–88A HARM	25,642	25,642
012	AIR LAUNCH CRUISE MISSILE (ALCM)	14,987	14,987
	MISSILE SPARES + REPAIR PARTS		
013	INITIAL SPARES/REPAIR PARTS	43,241	43,241
	SPACE PROGRAMS		
014	ADVANCED EHF	552,833	552,833
016	WIDEBAND GAPFILLER SATELLITES(SPACE)	468,745	875,745
	Reduction to Support Funding Growth		[–9,000]
	Transfer from PDW–20		[416,000]
018	GPS III SPACE SEGMENT	433,526	433,526
019	Advance Procurement (CY)	81,811	81,811
020	SPACEBORNE EQUIP (COMSEC)	21,568	21,568
021	GLOBAL POSITIONING (SPACE)	67,689	67,689
022	DEF METEOROLOGICAL SAT PROG(SPACE)	101,397	101,397
023	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,740,222	1,708,222
	Excess to need due to efficiencies		[–32,000]
024	SBIR HIGH (SPACE)	81,389	81,389
025	Advance Procurement (CY)	243,500	243,500
	SPECIAL PROGRAMS		
031	SPECIAL UPDATE PROGRAMS	154,727	154,727

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Line	Item	FY 2012 Request	Conference Agreement
	CLASSIFIED PROGRAMS		
031A	CLASSIFIED PROGRAMS	1,159,135	746,980
	Classified Adjustment		[–412,155]
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**6,074,017**	**5,929,477**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	5,621	5,621
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	18,411	18,411
003	CAP VEHICLES	917	917
004	ITEMS LESS THAN $5,000,000 (CARGO	18,694	18,694
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	5,982	85
	Guardian Angel Contract Delay		[–2,941]
	HMMWV--In Excess of Need		[–2,956]
006	ITEMS LESS THAN $5,000,000 (SPECIA	20,677	20,677
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,881	22,881
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAT $5,000,000	14,978	14,978
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	16,556	16,556
010	ITEMS LESS THAN $5M BASE MAINT/CONST	30,225	30,225
	COMM SECURITY EQUIPMENT(COMSEC)		
011	COMSEC EQUIPMENT	135,169	135,169
012	MODIFICATIONS (COMSEC)	1,263	1,263
	INTELLIGENCE PROGRAMS		
014	INTELLIGENCE TRAINING EQUIPMENT	2,645	2,645
015	INTELLIGENCE COMM EQUIPMENT	21,762	21,762
016	ADVANCE TECH SENSORS	899	899
017	MISSION PLANNING SYSTEMS	18,529	18,529
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	32,473	32,473
019	NATIONAL AIRSPACE SYSTEM	51,426	51,426
020	BATTLE CONTROL SYSTEM - FIXED	32,468	32,468
021	THEATER AIR CONTROL SYS IMPROVEMEN	22,813	22,813
022	WEATHER OBSERVATION FORECAST	14,619	14,619
023	STRATEGIC COMMAND AND CONTROL	39,144	38,144
	JFHQ equipment		[–1,000]
024	CHEYENNE MOUNTAIN COMPLEX	25,992	25,992
025	TAC SIGNIT SPT	217	217
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	52,263	52,263
028	AF GLOBAL COMMAND & CONTROL SYS	16,951	16,951
029	MOBILITY COMMAND AND CONTROL	26,433	17,033
	SLICC/Viper II Excess of Need		[–7,400]
	Wing LAN infrastructure—slow execution		[–2,000]
030	AIR FORCE PHYSICAL SECURITY SYSTEM	90,015	90,015
031	COMBAT TRAINING RANGES	23,955	23,955
032	C3 COUNTERMEASURES	7,518	7,518
033	GCSS-AF FOS	72,641	72,641
034	THEATER BATTLE MGT C2 SYSTEM	22,301	22,301
035	AIR & SPACE OPERATIONS CTR-WPN SYS	15,525	15,525
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS	49,377	49,377
037	BASE INFO INFRASTRUCTURE	41,239	41,239
038	AFNET	228,978	128,978
	Reduce Program Growth		[–100,000]
039	VOICE SYSTEMS	43,603	23,603
	Reduce Program Growth		[–20,000]
040	USCENTCOM- JCSE	30,983	30,983
	DISA PROGRAMS		
041	SPACE BASED IR SENSOR PGM SPACE	49,570	49,570
042	NAVSTAR GPS SPACE	2,008	2,008
043	NUDET DETECTION SYS SPACE	4,863	4,863
044	AF SATELLITE CONTROL NETWORK SPACE	61,386	61,386
045	SPACELIFT RANGE SYSTEM SPACE	125,947	125,947
046	MILSATCOM SPACE	104,720	36,570
	Early to need in FAB-T		[–68,150]
047	SPACE MODS SPACE	28,075	28,075
048	COUNTERSPACE SYSTEM	20,718	20,718
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	227,866	153,626
	JTC Training and Rehearsal Schedule Ahead of Need		[–17,140]
	JTRS AMF Milestone C Delay		[–12,600]
	JTRS Handheld / Manpack Cost Increases		[–44,500]
050	COMBAT SURVIVOR EVADER LOCATER	22,184	7,184
	CSEL Contract Delay		[–15,000]
051	RADIO EQUIPMENT	11,408	11,408
052	CCTV/AUDIOVISUAL EQUIPMENT	11,559	11,559
053	BASE COMM INFRASTRUCTURE	105,977	80,977

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Line	Item	FY 2012 Request	Conference Agreement
	Slow Execution		[–25,000]
	MODIFICATIONS		
054	COMM ELECT MODS	76,810	76,810
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	20,008	1,008
	Night Vision Cueing and Display Contract Delay		[–19,000]
056	ITEMS LESS THAN $5,000,000 (SAFETY)	25,499	12,598
	Laser Eye Protection Contract Delay		[–5,800]
	MACH Early to Need		[–7,101]
	DEPOT PLANT+MTRLS HANDLING EQ		
057	MECHANIZED MATERIAL HANDLING EQUIP	37,829	37,829
	BASE SUPPORT EQUIPMENT		
058	BASE PROCURED EQUIPMENT	16,483	16,483
059	CONTINGENCY OPERATIONS	16,754	16,754
060	PRODUCTIVITY CAPITAL INVESTMENT	3,653	903
	Unjustified Program Growth		[–2,750]
061	MOBILITY EQUIPMENT	30,345	20,345
	Power Generation--Reduce Growth		[–10,000]
062	ITEMS LESS THAN $5,000,000 (BASE S)	2,819	2,819
	SPECIAL SUPPORT PROJECTS		
064	DARP RC135	23,341	23,341
065	DCGS-AF	212,146	212,146
067	SPECIAL UPDATE PROGRAM	410,069	410,069
068	DEFENSE SPACE RECONNAISSANCE PROG.	41,066	41,066
	CLASSIFIED PROGRAMS		
068A	CLASSIFIED PROGRAMS	14,618,160	14,788,852
	Classified Adjustment		[170,692]
	SPARES AND REPAIR PARTS		
069	SPARES AND REPAIR PARTS	14,630	14,630
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,602,036**	**17,409,390**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCAA		
002	ITEMS LESS THAN $5 MILLION	1,473	1,473
	MAJOR EQUIPMENT, DCMA		
003	MAJOR EQUIPMENT	2,076	2,076
	MAJOR EQUIPMENT, DHRA		
004	PERSONNEL ADMINISTRATION	11,019	11,019
	MAJOR EQUIPMENT, DISA		
014	INFORMATION SYSTEMS SECURITY	19,952	19,952
015	GLOBAL COMMAND AND CONTROL SYSTEM	5,324	5,324
016	GLOBAL COMBAT SUPPORT SYSTEM	2,955	2,955
017	TELEPORT PROGRAM	54,743	54,743
018	ITEMS LESS THAN $5 MILLION	174,805	174,805
019	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,429	3,429
020	DEFENSE INFORMATION SYSTEM NETWORK	500,932	84,932
	Transfer to MPAF–16		[–416,000]
021	PUBLIC KEY INFRASTRUCTURE	1,788	1,788
022	CYBER SECURITY INITIATIVE	24,085	24,085
	MAJOR EQUIPMENT, DLA		
023	MAJOR EQUIPMENT	11,537	11,537
	MAJOR EQUIPMENT, DMACT		
024	MAJOR EQUIPMENT	14,542	14,542
	MAJOR EQUIPMENT, DODEA		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,444	1,444
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
026	EQUIPMENT	971	971
	MAJOR EQUIPMENT, DSS		
027	OTHER CAPITAL EQUIPMENT	974	974
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
028	VEHICLES	200	200
029	OTHER MAJOR EQUIPMENT	12,806	12,806
	MAJOR EQUIPMENT, DTSA		
030	MAJOR EQUIPMENT	447	447
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
033	THAAD	833,150	709,150
	Excess to production capacity		[–124,000]
034	AEGIS BMD	565,393	565,393
035	BMDS AN/TPY–2 RADARS	380,195	380,195
	MAJOR EQUIPMENT, NSA		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,787	5,787
	MAJOR EQUIPMENT, OSD		
045	MAJOR EQUIPMENT, OSD	47,123	47,123
046	MAJOR EQUIPMENT, INTELLIGENCE	20,176	20,176
	MAJOR EQUIPMENT, TJS		
047	MAJOR EQUIPMENT, TJS	29,729	29,729
	MAJOR EQUIPMENT, WHS		
048	MAJOR EQUIPMENT, WHS	31,974	31,974
	CLASSIFIED PROGRAMS		
048A	CLASSIFIED PROGRAMS	554,408	541,088
	Classified adjustment		[–13,320]
	AVIATION PROGRAMS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
049	ROTARY WING UPGRADES AND SUSTAINMENT	41,411	41,411
051	MH–60 MODERNIZATION PROGRAM	171,456	145,456
	Maintain fiscal year 2011 production rate due to extended modification periods		[–26,000]
052	NON-STANDARD AVIATION	272,623	217,623
	AvFID Funding ahead of need		[–45,000]
	AvFID rotary-wing simulator		[–10,000]
054	U–28	5,100	5,100
055	MH–47 CHINOOK	142,783	142,783
056	RQ–11 UNMANNED AERIAL VEHICLE	486	486
057	CV–22 MODIFICATION	118,002	118,002
058	MQ–1 UNMANNED AERIAL VEHICLE	3,025	3,025
059	MQ–9 UNMANNED AERIAL VEHICLE	3,024	3,024
060	RQ–7 UNMANNED AERIAL VEHICLE	450	450
061	STUASL0	12,276	12,276
062	AC/MC–130J	74,891	74,891
063	C–130 MODIFICATIONS	19,665	19,665
064	AIRCRAFT SUPPORT	6,207	6,207
	SHIPBUILDING		
065	UNDERWATER SYSTEMS	6,999	6,999
	AMMUNITION PROGRAMS		
067	ORDNANCE REPLENISHMENT	116,009	106,009
	Prior year funding carryover		[–10,000]
068	ORDNANCE ACQUISITION	28,281	18,281
	Aviation ammunition—prior year funding carryover		[–10,000]
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	87,489	150,289
	Program Growth		[62,800]
070	INTELLIGENCE SYSTEMS	74,702	74,702
071	SMALL ARMS AND WEAPONS	9,196	9,196
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	15,621	15,621
076	COMBATANT CRAFT SYSTEMS	6,899	66,899
	Program Growth		[60,000]
077	SPARES AND REPAIR PARTS	594	594
078	TACTICAL VEHICLES	33,915	33,915
080	MISSION TRAINING AND PREPARATION SYSTEMS	46,242	46,242
081	COMBAT MISSION REQUIREMENTS	50,000	20,000
	Reduction to growth		[–30,000]
082	MILCON COLLATERAL EQUIPMENT	18,723	18,723
085	AUTOMATION SYSTEMS	51,232	51,232
086	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,782	7,782
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE	22,960	22,960
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	362	362
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	15,758	15,758
090	TACTICAL RADIO SYSTEMS	76,459	101,459
	Program Increase		[25,000]
093	MISCELLANEOUS EQUIPMENT	1,895	1,895
094	OPERATIONAL ENHANCEMENTS	246,893	246,893
095	MILITARY INFORMATION SUPPORT OPERATIONS	4,142	4,142
	CLASSIFIED PROGRAMS		
095A	CLASSIFIED PROGRAMS	4,012	4,012
	CBDP		
096	INSTALLATION FORCE PROTECTION	15,900	15,900
097	INDIVIDUAL PROTECTION	71,376	71,376
098	DECONTAMINATION	6,466	6,466
099	JOINT BIO DEFENSE PROGRAM (MEDICAL)	11,143	4,143
	Next Generation Diagnostic System ahead of need		[–7,000]
100	COLLECTIVE PROTECTION	9,414	9,414
101	CONTAMINATION AVOIDANCE	139,948	139,948
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,365,248**	**4,821,728**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	Unjustified Requirement		[–100,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		100,000
	Program Increase		[100,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		**100,000**
	TOTAL PROCUREMENT	**111,453,792**	**103,579,366**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	FIXED WING		
002	C–12 CARGO AIRPLANE	10,500	0
	No justified requirement		[–10,500]
004	MQ–1 UAV		550,798
	Transfer from Base		[550,798]
	ROTARY		
008	AH–64 BLOCK II/WRA	35,500	0
	Program reduction		[–35,500]
012	UH–60 BLACKHAWK M MODEL (MYP)	72,000	72,000
017	KIOWA WARRIOR UPGRADE (OH–58 D)/WRA	145,500	100,800
	Limit ramp rate on replacement aircraft by reducing four aircraft		[–44,700]
	MODIFICATION OF AIRCRAFT		
019	MQ–1 PAYLOAD—UAS	10,800	146,983
	Transfer from Base		[136,183]
022	MULTI SENSOR ABN RECON (MIP)	54,500	54,500
033	RQ–7 UAV MODS	94,600	14,800
	Vader - Incompatible with Host Platform		[–79,800]
	SPARES AND REPAIR PARTS		
034	SPARE PARTS (AIR)		0
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**423,400**	**939,881**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	107,556	107,556
	ANTI-TANK/ASSAULT MISSILE SYS		
009	GUIDED MLRS ROCKET (GMLRS)	19,000	19,000
	TOTAL MISSILE PROCUREMENT, ARMY	**126,556**	**126,556**
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
019	MACHINE GUN, CAL .50 M2 ROLL		31,102
	Transfer from Base		[31,102]
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN	5,427	5,427
029	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	14,890	14,890
031	HOWITZER LT WT 155MM (T)		13,066
	Transfer from Base		[13,066]
	MOD OF WEAPONS AND OTHER COMBAT VEH		
033	M4 CARBINE MODS	16,800	16,800
034	M2 50 CAL MACHINE GUN MODS		0
	TOTAL PROCUREMENT OF W&TCV, ARMY	**37,117**	**81,285**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
004	CTG, HANDGUN, ALL TYPES	1,200	1,200
009	CTG, 30MM, ALL TYPES	4,800	4,800
010	CTG, 40MM, ALL TYPES	38,000	38,000
	MORTAR AMMUNITION		
013	81MM MORTAR, ALL TYPES	8,000	8,000
014	120MM MORTAR, ALL TYPES	49,140	49,140
	ARTILLERY AMMUNITION		
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES	10,000	10,000
	ARTILLERY FUZES		
022	ARTILLERY FUZES, ALL TYPES	5,000	5,000
	ROCKETS		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	5,000	5,000
028	ROCKET, HYDRA 70, ALL TYPES	53,841	53,841
	OTHER AMMUNITION		
029	DEMOLITION MUNITIONS, ALL TYPES	16,000	16,000
031	SIGNALS, ALL TYPES	7,000	7,000
032	SIMULATORS, ALL TYPES	8,000	8,000
	MISCELLANEOUS		
036	CAD/PAD ALL TYPES	2,000	2,000
037	ITEMS LESS THAN $5 MILLION	400	400
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**208,381**	**208,381**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	11,094	11,094
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	47,214	47,214
010	MINE PROTECTION VEHICLE FAMILY		0
015	TACTICAL WHEELED VEHICLE PROTECTION KITS		0
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS		0
	NON-TACTICAL VEHICLES		
023	NONTACTICAL VEHICLES, OTHER	3,600	3,600
	COMM—JOINT COMMUNICATIONS		
025	WIN-T—GROUND FORCES TACTICAL NETWORK	547	547
	COMM—COMBAT COMMUNICATIONS		
039	JOINT TACTICAL RADIO SYSTEM	450	0
	Handheld, Manpack, Small Form-fit radios for LEMV#2 early to need		[–450]
042	AMC CRITICAL ITEMS - OPA2	8,141	8,141
049	GUNSHOT DETECTION SYSTEM (GDS)	44,100	10,100
	Concurrent development and procurement		[–34,000]

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,443	6,443
	INFORMATION SECURITY		
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	54,730	0
	Army requested transfer to line 56a, Family of Biometrics		[–54,730]
056A	FAMILY OF BIOMETRICS		54,730
	Transfer from line 56		[54,730]
	COMM—LONG HAUL COMMUNICATIONS		
058	BASE SUPPORT COMMUNICATIONS	5,000	5,000
	COMM—BASE COMMUNICATIONS		
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	169,500	169,500
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
070	DCGS-A (MIP)	83,000	83,000
072	TROJAN (MIP)	61,100	61,100
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	54,100	54,100
079	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITES	53,000	53,000
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	48,600	24,200
	ISR Task Force identified excess		[–20,000]
	Platforms unavailable		[–4,400]
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
084	SENSE THROUGH THE WALL (STTW)	10,000	10,000
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)		0
092	GREEN LASER INTERDICTION SYSTEM		0
095	PROFILER	2,000	2,000
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	30,400	30,400
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	148,335	148,335
102	COUNTERFIRE RADARS	110,548	110,548
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
105	FIRE SUPPORT C2 FAMILY	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS	28,000	28,000
109	KNIGHT FAMILY	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	32,800	32,800
115	MANEUVER CONTROL SYSTEM (MCS)	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	18,000	18,000
	ELECT EQUIP—AUTOMATION		
121	AUTOMATED DATA PROCESSING EQUIP	10,000	10,000
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
127A	CLASSIFIED PROGRAMS	795	795
	CHEMICAL DEFENSIVE EQUIPMENT		
128	PROTECTIVE SYSTEMS	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	30,000	10,000
	Acoustic Hailing Device contract delay		[–20,000]
130	BASE DEFENSE SYSTEMS (BDS)		0
131	CBRN SOLDIER PROTECTION	1,200	1,200
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGING	15,000	15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON	26,900	26,900
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)		0
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,205	3,205
	COMBAT SERVICE SUPPORT EQUIPMENT		
149	FORCE PROVIDER	68,000	68,000
	MEDICAL EQUIPMENT		
158	COMBAT SUPPORT MEDICAL	15,011	15,011
	MAINTENANCE EQUIPMENT		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	25,129	25,129
	MATERIAL HANDLING EQUIPMENT		
180	ALL TERRAIN LIFTING ARMY SYSTEM	1,800	1,800
	OTHER SUPPORT EQUIPMENT		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	43,000	22,000
	Prior year unobligated funds available		[–21,000]
190	PHYSICAL SECURITY SYSTEMS (OPA3)	4,900	4,900
	TOTAL OTHER PROCUREMENT, ARMY	**1,398,195**	**1,298,345**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	1,368,800	1,275,800
	BAA S&T Response—unjustified request		[–76,000]
	Information Fusion—unjustified program growth		[–17,000]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	961,200	811,200
	Undistributed efficiencies reduction		[–150,000]
	FORCE TRAINING		
003	TRAIN THE FORCE	247,500	224,450
	Train the Force Response—unjustified program growth		[–18,050]
	Undistributed efficiencies reduction		[–5,000]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS		199,134
	Civilian Pay Freeze		[–1,500]
	Transfer from Base: Operations		[220,634]

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	Undistributed efficiencies reduction		[–20,000]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**2,577,500**	**2,510,584**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
011	UH–1Y/AH–1Z	30,000	24,875
	Excessive unit cost growth		[–5,125]
019	E–2D ADV HAWKEYE	163,500	0
	Combat loss funded in fiscal year 2011		[–163,500]
	OTHER AIRCRAFT		
028	OTHER SUPPORT AIRCRAFT	21,882	0
	Aircraft excess to requirement		[–21,882]
	MODIFICATION OF AIRCRAFT		
030	AEA SYSTEMS	53,100	45,600
	Intrepid Tiger		[–7,500]
031	AV–8 SERIES	53,485	53,485
032	F–18 SERIES	46,992	46,992
034	AH–1W SERIES	39,418	37,918
	ANVIS HUD install kit pricing		[–1,500]
035	H–53 SERIES	70,747	63,747
	Excess hardware support		[–2,000]
	Excess NRE for Blue Force Tracker modifications		[–5,000]
037	H–1 SERIES	6,420	0
	Top-owl modification funding		[–6,420]
038	EP–3 SERIES	20,800	20,800
043	C–130 SERIES	59,625	44,225
	LAIRCM install unit cost		[–5,200]
	Targeting Sight Systems exceed requirement		[–10,200]
045	CARGO/TRANSPORT A/C SERIES	25,880	18,280
	Excess C–20G installation NRE		[–4,000]
	UC–12W excess to need		[–3,600]
048	SPECIAL PROJECT AIRCRAFT	11,184	11,184
053	COMMON ECM EQUIPMENT	27,200	24,200
	Other support excess		[–3,000]
054	COMMON AVIONICS CHANGES	13,467	11,467
	OSIP 10–11 other support growth		[–2,000]
055	COMMON DEFENSIVE WEAPON SYSTEM	3,300	3,300
060	V–22 (TILT/ROTOR ACFT) OSPREY	30,000	25,500
	Deficiencies modifications other support growth		[–2,500]
	Reliability modifications other support growth		[–2,000]
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	39,060	34,462
	MQ–8 spares excess to requirement		[–3,631]
	Other Support Aircraft spares		[–967]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	10,800	10,800
064	WAR CONSUMABLES		0
065	OTHER PRODUCTION CHARGES	4,100	4,100
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**730,960**	**480,935**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	14,000	14,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	20,000	20,000
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	7,070	7,070
	TOTAL WEAPONS PROCUREMENT, NAVY	**41,070**	**41,070**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
003	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
004	MACHINE GUN AMMUNITION	22,400	22,400
007	AIR EXPENDABLE COUNTERMEASURES	20,000	20,000
011	OTHER SHIP GUN AMMUNITION	182	182
012	SMALL ARMS & LANDING PARTY AMMO	4,545	4,545
013	PYROTECHNIC AND DEMOLITION	1,656	1,656
014	AMMUNITION LESS THAN $5 MILLION	6,000	6,000
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	19,575	19,575
016	LINEAR CHARGES, ALL TYPES	6,691	6,691
017	40 MM, ALL TYPES	12,184	12,184
018	60MM, ALL TYPES	10,988	10,988
019	81MM, ALL TYPES	24,515	24,515
020	120MM, ALL TYPES	11,227	11,227
021	CTG 25MM, ALL TYPES	802	802
022	GRENADES, ALL TYPES	5,911	5,911
023	ROCKETS, ALL TYPES	18,871	18,871
024	ARTILLERY, ALL TYPES	57,003	57,003
025	DEMOLITION MUNITIONS, ALL TYPES	7,831	7,831
026	FUZE, ALL TYPES	5,177	5,177
027	NON LETHALS	712	712
029	ITEMS LESS THAN $5 MILLION	630	630

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**317,100**	**317,100**
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
023	STANDARD BOATS	13,729	0
	Coastal force protection boats contract delay		[–13,729]
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	7,232	0
	Radar upgrade - Transfer to Title I		[–7,232]
	OTHER SHORE ELECTRONIC EQUIPMENT		
066	TACTICAL/MOBILE C4I SYSTEMS	4,000	0
	Unjustified request for tech refresh upgrades		[–4,000]
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	47,000	47,000
095	METEOROLOGICAL EQUIPMENT	10,800	10,800
097	AVIATION LIFE SUPPORT	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT	18,226	18,226
	ASW SUPPORT EQUIPMENT		
112	SSN COMBAT CONTROL SYSTEMS	7,500	0
	Naval Intelligence Fusion Tool—Transfer to Title I		[–7,500]
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,700	15,700
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	2,628	2,628
123	CONSTRUCTION & MAINTENANCE EQUIP	13,290	13,290
124	FIRE FIGHTING EQUIPMENT	3,672	3,672
128	ITEMS UNDER $5 MILLION	1,002	1,002
	SUPPLY SUPPORT EQUIPMENT		
130	MATERIALS HANDLING EQUIPMENT	3,644	3,644
	TRAINING DEVICES		
134	TRAINING SUPPORT EQUIPMENT	5,789	0
	Funding No Longer Required		[–5,789]
	COMMAND SUPPORT EQUIPMENT		
135	COMMAND SUPPORT EQUIPMENT	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT	6,977	6,977
141	C4ISR EQUIPMENT	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT	78,241	70,641
	Intelligence Kits - Funding No Longer Required Due to Force Structure Reductions		[–7,600]
	SPARES AND REPAIR PARTS		
149	SPARES AND REPAIR PARTS	473	473
	TOTAL OTHER PROCUREMENT, NAVY	**281,975**	**236,125**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	23,962	23,962
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	16,000	16,000
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	10,488	10,488
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	27,373	27,373
	GUIDED MISSILES		
010	JAVELIN	2,527	2,527
	OTHER SUPPORT		
013	MODIFICATION KITS	59,730	59,730
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	19,040	19,040
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,331	2,331
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,090	3,090
019	AIR OPERATIONS C2 SYSTEMS	5,236	5,236
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	26,506	26,506
	INTELL/COMM EQUIPMENT (NON-TEL)		
021	FIRE SUPPORT SYSTEM	35	35
022	INTELLIGENCE SUPPORT EQUIPMENT	47,132	47,132
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
028	NIGHT VISION EQUIPMENT	9,850	9,850
	OTHER SUPPORT (NON-TEL)		
029	COMMON COMPUTER RESOURCES	18,629	18,629
030	COMMAND POST SYSTEMS	31,491	31,491
031	RADIO SYSTEMS	87,027	87,027
032	COMM SWITCHING & CONTROL SYSTEMS	54,177	124,177
	Data distribution system modules		[50,000]
	Digital technical control shelters		[20,000]
033	COMM & ELEC INFRASTRUCTURE SUPPORT	2,200	2,200
	TACTICAL VEHICLES		
037	MOTOR TRANSPORT MODIFICATIONS	95,800	95,800
038	MEDIUM TACTICAL VEHICLE REPLACEMENT	392,391	174,391
	Marine Corps requested transfer to line 32 for Data Distribution System		[–50,000]
	Marine Corps requested transfer to line 32 for Digital Technical Control System		[–20,000]
	Marine Corps requested transfer to line 39 for LVSR		[–148,000]
039	LOGISTICS VEHICLE SYSTEM REP	38,382	38,382

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
040	FAMILY OF TACTICAL TRAILERS	24,826	24,826
	ENGINEER AND OTHER EQUIPMENT		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT	18,775	18,775
044	BULK LIQUID EQUIPMENT	7,361	7,361
046	POWER EQUIPMENT ASSORTED	51,895	106,895
	Advanced power sources		[20,000]
	Mobile power equipment		[35,000]
048	EOD SYSTEMS	57,237	57,237
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	42,900	42,900
051	MATERIAL HANDLING EQUIP	42,553	42,553
	GENERAL PROPERTY		
053	FIELD MEDICAL EQUIPMENT	8,307	8,307
054	TRAINING DEVICES	5,200	5,200
055	CONTAINER FAMILY	12	12
056	FAMILY OF CONSTRUCTION EQUIPMENT	28,533	28,533
	TOTAL PROCUREMENT, MARINE CORPS	**1,260,996**	**1,167,996**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
019	V22 OSPREY	70,000	0
	Combat Loss funded in FY11		[–70,000]
	MISSION SUPPORT AIRCRAFT		
024	HH–60M	39,300	39,300
027	STUASL0	2,472	2,472
	OTHER AIRCRAFT		
034	MQ–9		719,592
	Transfer from Base		[719,592]
	AIRLIFT AIRCRAFT		
043	C–5	59,299	59,299
	OTHER AIRCRAFT		
059	MC–12W	17,300	17,300
063	C–130	164,041	164,041
064	C–130 INTEL	4,600	4,600
065	C–130J MODS	27,983	27,983
067	COMPASS CALL MODS	12,000	12,000
075	HC/MC–130 MODIFICATIONS	34,000	34,000
076	OTHER MODIFICATIONS	15,000	15,000
077	MQ–1 MODS	2,800	2,800
	AIRCRAFT SPARES + REPAIR PARTS		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS	2,800	2,800
	POST PRODUCTION SUPPORT		
090	C–17A	10,970	10,970
	WAR CONSUMABLES		
099	WAR CONSUMABLES		87,220
	Transfer from Base		[87,220]
	OTHER PRODUCTION CHARGES		
100	OTHER PRODUCTION CHARGES	23,000	23,000
	DARP		
104	U–2	42,300	13,400
	Sensors		[–28,900]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**527,865**	**1,235,777**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	329	329
	CARTRIDGES		
002	CARTRIDGES	8,014	8,014
	BOMBS		
004	GENERAL PURPOSE BOMBS	17,385	17,385
005	JOINT DIRECT ATTACK MUNITION	34,100	34,100
	FLARE, IR MJU–7B		
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	1,200	1,200
	FUZES		
011	FLARES	11,217	11,217
012	FUZES	8,765	8,765
	SMALL ARMS		
013	SMALL ARMS	11,500	11,500
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**92,510**	**92,510**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE	16,120	16,120
006	SMALL DIAMETER BOMB	12,300	12,300
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**28,420**	**28,420**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,658	0
	Unjustified request		[–2,658]
	CARGO + UTILITY VEHICLES		
004	ITEMS LESS THAN $5,000,000 (CARGO	32,824	0

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
	Unjustified request		[–32,824]
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN $5,000,000 (SPECIA	110	110
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	1,662	1,662
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAT $5,000,000	772	772
	BASE MAINTENANCE SUPPORT		
010	ITEMS LESS THAN $5M BASE MAINT/CONST	13,983	13,983
	COMM SECURITY EQUIPMENT(COMSEC)		
013	AIR FORCE PHYSICAL SECURITY	500	500
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST	1,800	1,800
025	TAC SIGNIT SPT	7,020	7,020
	SPCL COMM-ELECTRONICS PROJECTS		
030	AIR FORCE PHYSICAL SECURITY SYSTEM	25,920	25,920
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	9,445	9,445
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	12,900	12,900
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS	18,100	18,100
061	MOBILITY EQUIPMENT	9,800	9,800
062	ITEMS LESS THAN $5,000,000 (BASE S)	8,400	8,400
	SPECIAL SUPPORT PROJECTS		
065	DCGS-AF	3,000	3,000
068	DEFENSE SPACE RECONNAISSANCE PROG.	64,400	64,400
	CLASSIFIED PROGRAMS		
068A	CLASSIFIED PROGRAMS	2,991,347	2,910,698
	Classified Adjustment		[–80,649]
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,204,641**	**3,088,510**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
017	TELEPORT PROGRAM	3,307	3,307
	MAJOR EQUIPMENT, NSA		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	3,000	3,000
	MAJOR EQUIPMENT, OSD		
046	MAJOR EQUIPMENT, INTELLIGENCE	8,300	8,300
	CLASSIFIED PROGRAMS		
048A	CLASSIFIED PROGRAMS	101,548	96,548
	Program adjustment		[–5,000]
	AVIATION PROGRAMS		
050	MH–47 SERVICE LIFE EXTENSION PROGRAM	40,500	0
	Combat Loss funded in FY11		[–40,500]
051	MH–60 MODERNIZATION PROGRAM	7,800	0
	Combat Loss funded in FY11		[–7,800]
052	NON-STANDARD AVIATION	8,500	8,500
057	CV–22 MODIFICATION	15,000	0
	Combat Loss funded in FY11		[–15,000]
063	C–130 MODIFICATIONS	4,800	4,800
	AMMUNITION PROGRAMS		
067	ORDNANCE REPLENISHMENT	71,659	71,659
068	ORDNANCE ACQUISITION	25,400	15,400
	Prior year funding carryover		[–10,000]
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,325	2,325
070	INTELLIGENCE SYSTEMS	43,558	49,058
	Village Stability Operations [VSO] unfunded requirement		[5,500]
071	SMALL ARMS AND WEAPONS	6,488	8,488
	VSO unfunded requirement		[2,000]
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,601	2,601
078	TACTICAL VEHICLES	15,818	19,818
	VSO unfunded requirement		[4,000]
085	AUTOMATION SYSTEMS	13,387	13,387
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE	5,800	5,800
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	34,900	37,500
	VSO unfunded requirement		[2,600]
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	3,531	3,531
090	TACTICAL RADIO SYSTEMS	2,894	2,894
093	MISCELLANEOUS EQUIPMENT	7,220	7,220
094	OPERATIONAL ENHANCEMENTS	41,632	41,632
	TOTAL PROCUREMENT, DEFENSE-WIDE	**469,968**	**405,768**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	Unjustified Requirement		[–100,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**0**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
001	MINE RESISTANT AMBUSH PROT VEH FUND	3,195,170	2,600,170
	Funds previously provided by Department of Army in FY11		[–595,000]
	TOTAL MINE RESISTANT AMBUSH PROT VEH FUND	**3,195,170**	**2,600,170**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		225,000
	Program Increase		[225,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		**225,000**
	TOTAL PROCUREMENT	**15,021,824**	**15,084,413**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,064	21,064
002	0601102A	DEFENSE RESEARCH SCIENCES	213,942	213,942
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,977	80,977
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	120,937	120,937
		SUBTOTAL BASIC RESEARCH	**436,920**	**436,920**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	30,258	30,258
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	43,521	43,521
007	0602122A	TRACTOR HIP	14,230	14,230
008	0602211A	AVIATION TECHNOLOGY	44,610	44,610
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,790	15,790
010	0602303A	MISSILE TECHNOLOGY	50,685	50,685
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	20,034	20,034
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	20,933	20,933
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,306	64,306
014	0602618A	BALLISTICS TECHNOLOGY	59,214	59,214
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,877	4,877
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	8,244	8,244
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	39,813	39,813
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	62,962	62,962
019	0602709A	NIGHT VISION TECHNOLOGY	57,203	55,203
		Program growth adjustment		[–2,000]
020	0602712A	COUNTERMINE SYSTEMS	20,280	20,280
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,801	21,801
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,837	20,837
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	26,116	26,116
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	8,591	8,591
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	80,317	80,317
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,946	18,946
027	0602786A	WARFIGHTER TECHNOLOGY	29,835	29,835
028	0602787A	MEDICAL TECHNOLOGY	105,929	105,929
		SUBTOTAL APPLIED RESEARCH	**869,332**	**867,332**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	52,979	52,979
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,171	68,171
031	0603003A	AVIATION ADVANCED TECHNOLOGY	62,193	62,193
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	77,077	77,077
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	106,145	106,145
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	5,312	5,312
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	10,298	10,298
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	57,963	57,963
037	0603009A	TRACTOR HIKE	8,155	8,155
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,936	17,936
039	0603020A	TRACTOR ROSE	12,597	12,597
040	0603105A	MILITARY HIV RESEARCH	6,796	6,796
041	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	12,191	12,191
042	0603130A	TRACTOR NAIL	4,278	4,278
043	0603131A	TRACTOR EGGS	2,261	2,261
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	23,677	23,677
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	90,602	90,602
046	0603322A	TRACTOR CAGE	10,315	10,315
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	183,150	183,150
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	31,541	31,541
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	7,686	7,686
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	42,414	42,414
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,959	15,959

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	36,516	36,516
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	30,600	30,600
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**976,812**	**976,812**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
055	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	21,126	9,126
		Excess growth and delays		[–12,000]
055A	0603XXXA	INDIRECT FIRE PROTECTION	14,883	14,883
056	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,612	9,612
058	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	35,383	19,293
		Excess to Army requirement		[–16,090]
059	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	9,501	4,501
		Program growth adjustment		[–5,000]
060	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	39,693	39,693
061	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	101,408	64,408
		Program growth adjustment		[–37,000]
062	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	9,747	3,843
		Rapid Equipping Force- Lack of baseline requirement		[–5,904]
063	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	5,766	5,766
065	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,946	4,946
066	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL	297,955	182,955
		Program reduction Increment III		[–115,000]
067	0603790A	NATO RESEARCH AND DEVELOPMENT	4,765	4,765
068	0603801A	AVIATION—ADV DEV	7,107	7,107
069	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	19,509	12,509
		Army requested transfer LAMPS to RDTE Army line 109		[–7,000]
070	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,258	5,258
071	0603807A	MEDICAL SYSTEMS—ADV DEV	34,997	34,997
072	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	19,598	19,598
073	0603850A	INTEGRATED BROADCAST SERVICE	1,496	1,496
074	0604115A	TECHNOLOGY MATURATION INITIATIVES	10,181	10,181
075	0604131A	TRACTOR JUTE	15,609	15,609
076	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME	41,652	15,052
		Army offered program reduction		[–26,600]
077	0305205A	ENDURANCE UAVS	42,892	42,892
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**753,084**	**528,490**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
078	0604201A	AIRCRAFT AVIONICS	144,687	119,687
		JTRS AMF delays and JPALS excessive growth		[–25,000]
079	0604220A	ARMED, DEPLOYABLE HELOS	166,132	82,442
		Army offered program reduction		[–83,690]
080	0604270A	ELECTRONIC WARFARE DEVELOPMENT	101,265	34,265
		Army offered program reduction		[–67,000]
082	0604321A	ALL SOURCE ANALYSIS SYSTEM	17,412	7,412
		Machine—Foreign Language Translation System contract delay		[–10,000]
083	0604328A	TRACTOR CAGE	26,577	26,577
084	0604601A	INFANTRY SUPPORT WEAPONS	73,728	83,474
		S61—High concurrency of incremental efforts		[–8,000]
		Transfer at Army request from WTCV line 17		[16,046]
		Transfer at Army request from WTCV line 20		[1,700]
085	0604604A	MEDIUM TACTICAL VEHICLES	3,961	3,961
087	0604611A	JAVELIN	17,340	9,940
		Excess to requirement		[–7,400]
088	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	5,478	5,478
089	0604633A	AIR TRAFFIC CONTROL	22,922	22,922
090	0604642A	LIGHT TACTICAL WHEELED VEHICLES		20,000
		Army requested transfer from RDTE line 109		[20,000]
093	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	383,872	298,872
		Unjustified requirement		[–85,000]
095	0604663A	FCS UNMANNED GROUND VEHICLES	143,840	36,000
		Program adjustment		[–107,840]
096	0604664A	FCS UNATTENDED GROUND SENSORS	499	0
		Program termination		[–499]
098	0604710A	NIGHT VISION SYSTEMS—SDD	59,265	59,265
099	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,075	2,075
100	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,021	30,021
101	0604716A	TERRAIN INFORMATION—SDD	1,596	1,596
102	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	83,010	83,010
103	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,305	28,305
104	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,375	14,375
105	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,803	15,803
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	22,226	22,226
108	0604802A	WEAPONS AND MUNITIONS—SDD	13,828	13,828
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	251,104	173,311
		Army request transfer from RDTE line 69		[7,000]
		Army requested transfer to RDTE Army line 90		[–20,000]
		Joint Light Tactical Vehicle Schedule Slip		[–64,793]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	137,811	81,811
		Excessive growth Joint Battle Command-Platform		[–56,000]
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	27,160	27,160

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
112	0604808A	LANDMINE WARFARE/BARRIER—SDD	87,426	76,326
		Explosive Hazard Pre-Detonation (EHP) Roller contract delay		[–11,100]
113	0604814A	ARTILLERY MUNITIONS	42,627	37,627
		Program growth adjustment		[–5,000]
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	123,935	93,935
		Excessive Growth		[–30,000]
116	0604820A	RADAR DEVELOPMENT	2,890	2,890
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	794	794
118	0604823A	FIREFINDER	10,358	10,358
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	48,309	61,409
		Transfer at Army request from OPA line 147		[13,100]
120	0604854A	ARTILLERY SYSTEMS	120,146	120,146
121	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	406,605	390,000
		Program Decrease		[–16,605]
122	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398
123	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	37,098	32,098
		Unjustified cost growth		[–5,000]
124	0605018A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS)	68,693	68,693
125	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,095	127,095
126	0605455A	SLAMRAAM	19,931	1,531
		Excess to program termination requirements		[–18,400]
127	0605456A	PAC–3/MSE MISSILE	88,993	88,993
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	270,607	270,607
129	0605625A	MANNED GROUND VEHICLE	884,387	449,387
		Excessive Technology Ramp-up prior to completion of Analysis of Alternatives		[–435,000]
130	0605626A	AERIAL COMMON SENSOR	31,465	31,465
131	0303032A	TROJAN—RH12	3,920	3,920
132	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,819	13,819
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,190,788**	**3,192,307**
		RDT&E MANAGEMENT SUPPORT		
133	0604256A	THREAT SIMULATOR DEVELOPMENT	16,992	16,992
134	0604258A	TARGET SYSTEMS DEVELOPMENT	11,247	11,247
135	0604759A	MAJOR T&E INVESTMENT	49,437	49,437
136	0605103A	RAND ARROYO CENTER	20,384	20,384
137	0605301A	ARMY KWAJALEIN ATOLL	145,606	145,606
138	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	28,800	28,800
139	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH		0
140	0605601A	ARMY TEST RANGES AND FACILITIES	262,456	312,456
		Program Increase		[50,000]
141	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227
142	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	43,483	43,483
143	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	18	18
144	0605606A	AIRCRAFT CERTIFICATION	5,630	5,630
145	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,182	7,182
146	0605706A	MATERIEL SYSTEMS ANALYSIS	19,669	19,669
147	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,445	5,445
148	0605712A	SUPPORT OF OPERATIONAL TESTING	68,786	68,786
149	0605716A	ARMY EVALUATION CENTER	63,302	63,302
150	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	3,420	3,420
151	0605801A	PROGRAMWIDE ACTIVITIES	83,054	83,054
152	0605803A	TECHNICAL INFORMATION ACTIVITIES	63,872	58,872
		Program Reduction		[–5,000]
153	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	57,142	57,142
154	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961
155	0605898A	MANAGEMENT HQ—R&D	17,558	17,558
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,048,671**	**1,093,671**
		OPERATIONAL SYSTEMS DEVELOPMENT		
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	66,641	66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV	24,142	7,500
		Excess funds only to the analysis of alternatives		[–16,642]
160	0102419A	AEROSTAT JOINT PROJECT OFFICE	344,655	327,855
		Excess program growth		[–16,800]
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	29,546	29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	53,307	36,207
		AMPV		[–17,100]
164	0203740A	MANEUVER CONTROL SYSTEM	65,002	42,414
		Unjustified program growth		[–22,588]
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	163,205	149,705
		Excess funds to Black Hawk Recapitalization/Modernization for analysis of alternatives		[–13,500]
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823
167	0203758A	DIGITIZATION	8,029	8,029
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	54,560
		Transfer at Army Request from MPA line 13		[10,000]
171	0203808A	TRACTOR CARD	42,554	42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM	27,630	27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,044	3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,854	2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	61,220	61,220
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	100,505	160,745

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
		Army requested transfer for AESIP from OPA line 116		[13,000]
		Army requested transfer for GCSS-Army from OPA line 116		[47,240]
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	12,104	12,104
179	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	23,937	23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	40,650	26,550
		Contract award delays		[–14,100]
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,198	31,699
		Unjustified requirements growth		[–12,499]
183	0305219A	MQ–1 SKY WARRIOR A UAV	137,038	122,038
		Excessive growth		[–15,000]
184	0305232A	RQ–11 UAV	1,938	1,938
185	0305233A	RQ–7 UAV	31,940	31,940
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,018	15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,297	59,297
188A	9999999999	CLASSIFIED PROGRAMS	4,536	4,536
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,408,373**	**1,350,384**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**9,683,980**	**8,445,916**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,157	113,157
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,092	18,092
003	0601153N	DEFENSE RESEARCH SCIENCES	446,123	446,123
		SUBTOTAL BASIC RESEARCH	**577,372**	**577,372**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	104,804	104,804
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	156,901	156,901
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	44,845	44,845
008	0602235N	COMMON PICTURE APPLIED RESEARCH	65,448	65,448
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	101,205	101,205
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	108,329	108,329
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	50,076	50,076
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,937	5,937
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	108,666	108,666
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	37,583	37,583
		SUBTOTAL APPLIED RESEARCH	**783,794**	**783,794**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	114,270	114,270
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	64,057	45,234
		Excess MRMUAS funding		[–18,823]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	49,068	49,068
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	71,232	71,232
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	102,535	102,535
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	124,324	124,324
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,286	11,286
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,119	18,119
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	37,121	37,121
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	50,157	50,157
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	6,048	6,048
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**648,217**	**629,394**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	94,972	84,972
		JMAPS unjustified request		[–10,000]
027	0603216N	AVIATION SURVIVABILITY	10,893	10,893
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,702	3,702
029	0603251N	AIRCRAFT SYSTEMS	10,497	10,497
030	0603254N	ASW SYSTEMS DEVELOPMENT	7,915	7,915
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,978	5,978
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,418	1,418
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	142,657	127,757
		Program execution		[–8,900]
		UUV program delay		[–6,000]
034	0603506N	SURFACE SHIP TORPEDO DEFENSE	118,764	118,764
035	0603512N	CARRIER SYSTEMS DEVELOPMENT	54,072	54,072
037	0603525N	PILOT FISH	96,012	96,012
038	0603527N	RETRACT LARCH	73,421	73,421
039	0603536N	RETRACT JUNIPER	130,267	130,267
040	0603542N	RADIOLOGICAL CONTROL	1,338	1,338
041	0603553N	SURFACE ASW	29,797	29,797
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	856,326	856,326
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,253	9,253
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,308	14,308
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	22,213	22,213
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	463,683	463,683
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	18,249	18,249
048	0603576N	CHALK EAGLE	584,159	584,159
049	0603581N	LITTORAL COMBAT SHIP (LCS)	286,784	282,784

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
		Defer development of Irregular Warfare mission package		[–4,000]
050	0603582N	COMBAT SYSTEM INTEGRATION	34,157	34,157
051	0603609N	CONVENTIONAL MUNITIONS	4,753	4,753
052	0603611M	MARINE CORPS ASSAULT VEHICLES	12,000	12,000
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	79,858	54,981
		Joint Light Tactical Vehicle Schedule Slip		[–24,877]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	33,654	33,654
055	0603658N	COOPERATIVE ENGAGEMENT	54,783	54,783
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	9,996	9,996
057	0603721N	ENVIRONMENTAL PROTECTION	21,714	21,714
058	0603724N	NAVY ENERGY PROGRAM	70,538	70,538
059	0603725N	FACILITIES IMPROVEMENT	3,754	3,754
060	0603734N	CHALK CORAL	79,415	79,415
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,137	4,137
062	0603746N	RETRACT MAPLE	276,383	276,383
063	0603748N	LINK PLUMERIA	52,721	52,721
064	0603751N	RETRACT ELM	160,964	150,964
		Classified adjustment		[–10,000]
066	0603764N	LINK EVERGREEN	144,985	144,985
067	0603787N	SPECIAL PROCESSES	43,704	43,704
068	0603790N	NATO RESEARCH AND DEVELOPMENT	9,140	9,140
069	0603795N	LAND ATTACK TECHNOLOGY	421	421
070	0603851M	NONLETHAL WEAPONS	40,992	40,992
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	121,455	118,255
		Excess management services funding		[–3,200]
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	64,107	64,107
076	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	62,044	62,044
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	22,665	3,450
		Excess support funding		[–1,000]
		FMU–164 fuze program termination		[–18,215]
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	33,621	33,621
080	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	1,078	1,078
082	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	625	625
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,481,053**	**4,394,861**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
083	0604212N	OTHER HELO DEVELOPMENT	35,651	42,651
		Navy requested transfer from line 98 for VH–3/VH–60 sustainment		[7,000]
084	0604214N	AV–8B AIRCRAFT—ENG DEV	30,676	30,676
085	0604215N	STANDARDS DEVELOPMENT	51,191	49,491
		Collision avoidance safety program delay		[–1,700]
086	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	17,673	17,673
087	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	5,922	5,922
088	0604221N	P–3 MODERNIZATION PROGRAM	3,417	3,417
089	0604230N	WARFARE SUPPORT SYSTEM	9,944	9,944
090	0604231N	TACTICAL COMMAND SYSTEM	81,257	77,257
		NTCSS--reduce program growth		[–4,000]
091	0604234N	ADVANCED HAWKEYE	110,994	110,994
092	0604245N	H–1 UPGRADES	72,569	67,569
		Development support funding growth		[–5,000]
093	0604261N	ACOUSTIC SEARCH SENSORS	56,509	48,898
		High Altitude ASW program delay		[–1,611]
		Management services funding growth		[–6,000]
094	0604262N	V–22A	84,477	84,477
095	0604264N	AIR CREW SYSTEMS DEVELOPMENT	3,249	3,249
096	0604269N	EA–18	17,100	17,100
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT	89,418	89,418
098	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	180,070	60,770
		Early to need		[–76,300]
		Navy requested transfer to APN line 47		[–24,000]
		Navy requested transfer to APN line 62		[–12,000]
		Navy requested transfer to line 83		[–7,000]
099	0604274N	NEXT GENERATION JAMMER (NGJ)	189,919	170,919
		Technology Development late contract award		[–19,000]
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	688,146	676,146
		HMS capability enhancements unjustified request		[–60,000]
		Management services funding growth		[–3,000]
		Transfer from OP,A line 39 for GMR correction of deficiencies		[51,000]
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	223,283	223,283
102	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	884	884
103	0604329N	SMALL DIAMETER BOMB (SDB)	47,635	29,635
		Defer Integration on Joint Strike Fighter		[–18,000]
104	0604366N	STANDARD MISSILE IMPROVEMENTS	46,705	46,705
105	0604373N	AIRBORNE MCM	41,142	41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	24,898	24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM	121,150	75,700
		Delay to Technology Development contract award		[–45,450]
108	0604501N	ADVANCED ABOVE WATER SENSORS	60,790	60,790
108A	0604XXXN	AIR AND MISSILE DEFENSE RADAR	166,568	166,568
109	0604503N	SSN–688 AND TRIDENT MODERNIZATION	100,591	95,671

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
		TB–33 program cancellation		[–4,920]
110	0604504N	AIR CONTROL	5,521	5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS	45,445	45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION	3,400	3,400
113	0604558N	NEW DESIGN SSN	97,235	97,235
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	48,466	48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	161,099	121,099
		Ship-to-Shore Connector--contract award delay		[–40,000]
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,848	3,848
117	0604601N	MINE DEVELOPMENT	3,933	3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	32,592	32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	9,960	9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	12,992	12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS	7,506	7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	71,222	71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	6,631	6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	184,095	184,095
125	0604761N	INTELLIGENCE ENGINEERING	2,217	2,217
126	0604771N	MEDICAL DEVELOPMENT	12,984	12,984
127	0604777N	NAVIGATION/ID SYSTEM	50,178	39,378
		Mode 5 program delay		[–10,800]
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	670,723	651,786
		Block IV development ahead of need		[–18,937]
129	0604800N	JOINT STRIKE FIGHTER (JSF)	677,486	658,549
		Block IV development ahead of need		[–18,937]
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	27,461	19,461
		Prgram underexecution		[–8,000]
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	58,764	29,764
		Reduction to fourth quarter contract awards		[–29,000]
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	55,050	55,050
133	0605212N	CH–53K RDTE	629,461	624,461
		Management services funding growth		[–5,000]
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,395	108,395
		Program delay		[–10,000]
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	622,713	608,713
		Increment 3--development ahead of need		[–14,000]
138	0204202N	DDG–1000	261,604	257,604
		Government technical services growth		[–4,000]
139	0304231N	TACTICAL COMMAND SYSTEM—MIP	979	979
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	31,740	31,740
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,475,528**	**6,086,873**
		RDT&E MANAGEMENT SUPPORT		
142	0604256N	THREAT SIMULATOR DEVELOPMENT	28,318	28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT	44,700	44,700
144	0604759N	MAJOR T&E INVESTMENT	37,957	37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,970	2,970
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	23,454	17,454
		Reduction to growth		[–6,000]
147	0605154N	CENTER FOR NAVAL ANALYSES	47,127	47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	10	10
149	0605804N	TECHNICAL INFORMATION SERVICES	571	571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	68,301	58,301
		OASUW--defer new start		[–10,000]
151	0605856N	STRATEGIC TECHNICAL SUPPORT	3,277	3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	73,917	73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	136,531	136,531
154	0605864N	TEST AND EVALUATION SUPPORT	335,367	335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,634	16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,228	4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,642	7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	25,655	25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,764	2,764
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**859,423**	**843,423**
		OPERATIONAL SYSTEMS DEVELOPMENT		
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	198,298	198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	400	400
166	0604766M	MARINE CORPS DATA SYSTEMS	1,650	1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	88,873	88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,553	33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,360	6,360
170	0101402N	NAVY STRATEGIC COMMUNICATIONS	23,208	23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	30,021	30,021
172	0204136N	F/A–18 SQUADRONS	151,030	145,161
		Radar upgrade program delay		[–5,869]
173	0204152N	E–2 SQUADRONS	6,696	6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	1,739	1,739
175	0204228N	SURFACE SUPPORT	3,377	3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	8,819	8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM	21,259	21,259

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	5,214	5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	42,244	42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,447	1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	18,142	18,142
182	0205601N	HARM IMPROVEMENT	11,147	11,147
183	0205604N	TACTICAL DATA LINKS	69,224	69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	22,010	22,010
185	0205632N	MK–48 ADCAP	39,288	39,288
186	0205633N	AVIATION IMPROVEMENTS	123,012	100,423
		Cancelation of Multi-Purpose Bomb Racks Program		[–22,589]
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	1,957	1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	82,705	82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	320,864	320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	209,396	184,396
		Amphibious Combat Vehicle (non-add)		
		Excess funds for Marine Personnel Carrier & AAV Upgrade		[–25,000]
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	45,172	27,072
		Program execution		[–18,100]
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	14,101	14,101
193	0207161N	TACTICAL AIM MISSILES	8,765	8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,913	2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	4,108	4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE)	263,712	263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	12,906	24,906
		Transfer from CANES (OPN 68) per USN request		[12,000]
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	25,229	25,229
203	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	1,250	1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	6,602	6,602
206	0305149N	COBRA JUDY	40,605	40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	904	904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,099	4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,353	9,353
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS		0
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	23,785	23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,487	25,487
214	0305220N	RQ–4 UAV	548,482	548,482
215	0305231N	MQ–8 UAV	108,248	108,248
216	0305232M	RQ–11 UAV	979	979
217	0305233N	RQ–7 UAV	872	872
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	22,698	21,398
		Excess support funding		[–1,300]
220	0305237N	MEDIUM RANGE MARITIME UAS	15,000	15,000
221	0305239M	RQ–21A	26,301	24,201
		Program delays		[–2,100]
223	0308601N	MODELING AND SIMULATION SUPPORT	8,292	8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF)	21,609	21,609
226	0708011N	INDUSTRIAL PREPAREDNESS	54,031	54,031
227	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
227A	9999999999	CLASSIFIED PROGRAMS	1,308,608	1,306,945
		Classified Adjustment		[–1,663]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**4,131,044**	**4,066,423**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**17,956,431**	**17,382,140**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	364,328	364,328
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	140,273	140,273
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,258	14,258
		SUBTOTAL BASIC RESEARCH	**518,859**	**518,859**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	136,230	136,230
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	147,628	147,628
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	86,663	86,663
007	0602203F	AEROSPACE PROPULSION	207,508	207,508
008	0602204F	AEROSPACE SENSORS	134,787	134,787
009	0602601F	SPACE TECHNOLOGY	115,285	115,285
010	0602602F	CONVENTIONAL MUNITIONS	60,692	60,692
011	0602605F	DIRECTED ENERGY TECHNOLOGY	111,156	111,156
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	127,866	127,866
013	0602890F	HIGH ENERGY LASER RESEARCH	54,059	54,059
		SUBTOTAL APPLIED RESEARCH	**1,181,874**	**1,181,874**
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	39,738	48,238
		Program Increase—Metals Affordability Initiative		[8,500]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	5,780	5,780
016	0603203F	ADVANCED AEROSPACE SENSORS	53,075	53,075
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	67,474	67,474
018A	0603XXXF	FUELS	6,770	6,770

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018B	0603XXXF	POWER TECHNOLOGY	5,747	5,747
018C	0603XXXF	PROPULSION	80,833	80,833
018D	0603XXXF	ROCKET PROPULSION	27,603	27,603
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	22,268	22,268
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	74,636	74,636
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	13,555	13,555
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	25,319	25,319
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	54,042	45,542
		High Velocity Penetrating Weapon—ahead of need		[–8,500]
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,683	28,683
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	40,103	40,103
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	38,656	38,656
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,122	1,122
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**585,404**	**585,404**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,013	4,013
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,586	3,586
031	0603430F	ADVANCED EHF MILSATCOM (SPACE)	421,687	401,687
		Excess to need—poor justification		[–20,000]
032	0603432F	POLAR MILSATCOM (SPACE)	122,991	102,991
		Development schedule delay		[–20,000]
033	0603438F	SPACE CONTROL TECHNOLOGY	45,755	45,755
034	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	38,496	38,496
035	0603790F	NATO RESEARCH AND DEVELOPMENT	4,424	4,424
036	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	642	642
037	0603830F	SPACE PROTECTION PROGRAM (SPP)	9,819	7,319
		Excess to need		[–2,500]
038	0603850F	INTEGRATED BROADCAST SERVICE	20,046	20,046
039	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	67,202	69,702
		Program increase		[2,500]
040	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,804	12,804
041	0603859F	POLLUTION PREVENTION	2,075	2,075
042	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	20,112	20,112
043	0604015F	NEXT GENERATION BOMBER	197,023	197,023
044	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	60,250	31,250
		3DELRR Contract Delays		[–29,000]
045	0604317F	TECHNOLOGY TRANSFER	2,553	2,553
046	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	38,248	33,248
		Program reduction		[–5,000]
047	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	29,759	29,759
048	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	24,217	24,217
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT		0
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	24,467	24,467
053	0604857F	OPERATIONALLY RESPONSIVE SPACE	86,543	86,543
054	0604858F	TECH TRANSITION PROGRAM	2,773	2,773
055	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	444,900	43,000
		DWSS program termination		[–444,900]
		Termination liability		[43,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,684,385**	**1,208,485**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
056	0603840F	GLOBAL BROADCAST SERVICE (GBS)	5,680	5,680
057	0604222F	NUCLEAR WEAPONS SUPPORT	18,538	18,538
058	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	21,780	21,780
059	0604270F	ELECTRONIC WARFARE DEVELOPMENT	26,880	16,880
		MALD-J Increment 2--Technology Development Contract Delay		[–10,000]
061	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	52,355	48,105
		CLIP--Contract Delays		[–1,250]
		STRATCOM DNC2 Contract Delays		[–3,000]
062	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
063	0604329F	SMALL DIAMETER BOMB (SDB)	132,891	132,891
064	0604421F	COUNTERSPACE SYSTEMS	31,913	31,913
065	0604425F	SPACE SITUATION AWARENESS SYSTEMS	273,689	241,089
		Space Based Space Surveillance excess to need		[–12,600]
		Space Fence—poor justification		[–20,000]
066	0604429F	AIRBORNE ELECTRONIC ATTACK	47,100	41,000
		AEA SoS--Contract Delays		[–2,600]
		Electronic Attack Pod--Delayed Start		[–3,500]
067	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	621,629	621,629
069	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	10,055	7,755
		Universal Armament Interface Contract Delay		[–2,300]
070	0604604F	SUBMUNITIONS	2,427	2,427
071	0604617F	AGILE COMBAT SUPPORT	11,878	7,978
		BEAR--Ahead of Need		[–3,900]
073	0604706F	LIFE SUPPORT SYSTEMS	11,280	9,280
		Integrated Aircrew Ensemble--Contract Award Delays		[–2,000]
074	0604735F	COMBAT TRAINING RANGES	28,106	8,106
		Air Combat Training Systems (P5) Upgrades--Contract Delay		[–8,000]
		Joint Threat Emitter Increment 2--Rephased Program		[–12,000]
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10

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076	0604750F	INTELLIGENCE EQUIPMENT	995	995
077	0604800F	JOINT STRIKE FIGHTER (JSF)	1,387,926	1,387,926
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	158,477	148,477
		Support Equipment—contract savings		[–10,000]
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	20,028	15,028
		Program underexecution due to schedule delay		[–5,000]
080	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	877,084	877,084
081	0605229F	CSAR HH–60 RECAPITALIZATION	94,113	11,000
		Budget Adjustment per Air Force Request to APAF–63		[–10,400]
		Budget Adjustment per Air Force Request to APAF–73		[–54,600]
		Program Reduction		[–18,113]
083	0605278F	HC/MC–130 RECAP RDT&E	27,071	22,071
		Contract Savings		[–5,000]
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	93,867	93,867
086	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	23,721	13,721
		Program reduction		[–10,000]
088	0207701F	FULL COMBAT MISSION TRAINING	39,826	29,826
		Block 40/50 Mission Training Center--Excess to need		[–10,000]
089	0401138F	JOINT CARGO AIRCRAFT (JCA)	27,089	27,089
090	0401318F	CV–22	20,723	13,223
		Contract Delay		[–7,500]
091	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	12,535	0
		Program Termination		[–12,535]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,079,717**	**3,855,419**
		RDT&E MANAGEMENT SUPPORT		
092	0604256F	THREAT SIMULATOR DEVELOPMENT	22,420	22,420
093	0604759F	MAJOR T&E INVESTMENT	62,206	62,206
094	0605101F	RAND PROJECT AIR FORCE	27,579	27,579
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	17,767	17,767
097	0605807F	TEST AND EVALUATION SUPPORT	654,475	704,475
		Program Increase		[50,000]
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	158,096	158,096
099	0605864F	SPACE TEST PROGRAM (STP)	47,926	47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	44,547	44,547
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,953	27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,953	13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	31,966	31,966
104	0804731F	GENERAL SKILL TRAINING	1,510	1,510
106	1001004F	INTERNATIONAL ACTIVITIES	3,798	3,798
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,114,196**	**1,164,196**
		OPERATIONAL SYSTEMS DEVELOPMENT		
107	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	390,889	366,889
		Slow execution		[–24,000]
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	5,365	5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,866	91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	35,467	35,467
112	0101113F	B–52 SQUADRONS	133,261	93,996
		1760 IWBU contract delays		[–10,000]
		EHF contract delays		[–13,000]
		IFF Mode S/5 Development contract delays		[–5,000]
		SR2 excess to requirement		[–11,265]
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	803	803
114	0101126F	B–1B SQUADRONS	33,011	33,011
115	0101127F	B–2 SQUADRONS	340,819	280,319
		Delay in EHF communications development due to FAB-T delay		[–60,500]
116	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	23,072	23,072
117	0101314F	NIGHT FIST—USSTRATCOM	5,421	2,000
		Program Termination		[–3,421]
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	4,485	0
		Unjustified request		[–4,485]
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	12,672	6,672
		BCS-F excess to requirement		[–6,000]
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	14	14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	19,934	19,934
123	0205219F	MQ–9 UAV	146,824	126,824
		Contract Delays		[–20,000]
125	0207131F	A–10 SQUADRONS	11,051	11,051
126	0207133F	F–16 SQUADRONS	143,869	131,069
		SLEP Contract Delay		[–12,800]
127	0207134F	F–15E SQUADRONS	207,531	194,831
		ADCP--Excess to Requirement		[–12,700]
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,253	13,253
129	0207138F	F–22A SQUADRONS	718,432	571,432
		Program Growth		[–147,000]
130	0207142F	F–35 SQUADRONS	47,841	9,967
		Block IV Development--Ahead of need		[–37,874]
131	0207161F	TACTICAL AIM MISSILES	8,023	8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,436	1,436

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134	0207224F	COMBAT RESCUE AND RECOVERY	2,292	2,292
135	0207227F	COMBAT RESCUE—PARARESCUE	927	927
136	0207247F	AF TENCAP	20,727	20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	3,128	3,128
138	0207253F	COMPASS CALL	18,509	18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	182,967	172,967
		Excess to Requirement		[–10,000]
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	5,796	5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	121,880	121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC)	3,954	3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	135,961	118,661
		Poor program execution		[–17,300]
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	8,309	8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	90,083	44,883
		Common Processing Environment--Schedule Delays		[–40,000]
		JTRS Integration and Engineering Support--Schedule Delays		[–5,200]
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,428	5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	15,528	15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD	15,978	9,678
		JETS Contract Delays		[–2,000]
		VCS--Program Termination and Restructure		[–4,300]
152	0207448F	C2ISR TACTICAL DATA LINK	1,536	1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,102	18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	121,610	121,610
155	0207590F	SEEK EAGLE	18,599	18,599
156	0207601F	USAF MODELING AND SIMULATION	23,091	23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS	5,779	5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES	5,264	3,264
		Unjustified growth		[–2,000]
159	0208006F	MISSION PLANNING SYSTEMS	69,918	63,418
		CAF Increment IV--Critical Change Delay		[–6,500]
160	0208021F	INFORMATION WARFARE SUPPORT	2,322	2,322
161	0208059F	CYBER COMMAND ACTIVITIES	702	702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE	11,866	8,866
		Program underexecution due to schedule delays		[–3,000]
169	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	5,845	4,845
		Secure, Survivable Communications delayed program start		[–1,000]
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	43,811	43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	101,788	92,788
		Delay due to protest		[–9,000]
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	449	449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,854	3,854
175	0303601F	MILSATCOM TERMINALS	238,729	196,729
		Transfer to FAB-T alternative line 175a		[–42,000]
175A	0303XXXF	FAB-T ALTERNATIVE		42,000
		Transfer from FAB-T line 175		[42,000]
177	0304260F	AIRBORNE SIGINT ENTERPRISE		–13,500
		Contract/Program Delays		[–13,500]
177A	0304XXXF	RC–135	34,744	34,744
177B	0304XXXF	COMMON DEVELOPMENT	87,004	87,004
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,604	4,604
181	0305103F	CYBER SECURITY INITIATIVE	2,026	2,026
182	0305105F	DOD CYBER CRIME CENTER	282	282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE)	18,337	18,337
184	0305111F	WEATHER SERVICE	31,084	31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	63,367	21,367
		D--RAPCON Contract Delay		[–42,000]
186	0305116F	AERIAL TARGETS	50,620	45,620
		QF–16--Excess to Need		[–5,000]
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	366	366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
191	0305159F	ENTERPRISE QUERY & CORRELATION		0
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	133,601	133,601
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	17,893	17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	196,254	188,754
		Excess to need		[–7,500]
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,961	2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,940	9,940
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,271	1,271
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	52,425	45,925
		Funded via reprogramming action		[–6,500]
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	106,877	99,677
		Unjustified request		[–7,200]
202	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,049	13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	90,724	85,724
		Contract delays		[–5,000]
204	0305219F	MQ–1 PREDATOR A UAV	14,112	11,642
		Common Sensor Payload--Ahead of Need		[–2,470]
205	0305220F	RQ–4 UAV	423,462	423,462
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,348	7,348
207	0305265F	GPS III SPACE SEGMENT	463,081	458,081

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		GPS III CIP—poor justification		[–5,000]
208	0305614F	JSPOC MISSION SYSTEM	118,950	81,450
		JMS program restructure		[–37,500]
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	14,736	14,736
210	0305913F	NUDET DETECTION SYSTEM (SPACE)	81,989	81,989
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS	31,956	31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	23,931	23,931
214	0308699F	SHARED EARLY WARNING (SEW)	1,663	1,663
215	0401115F	C–130 AIRLIFT SQUADRON	24,509	6,509
		Contract Delays		[–18,000]
216	0401119F	C–5 AIRLIFT SQUADRONS (IF)	24,941	12,941
		RERP Program Rephased		[–12,000]
217	0401130F	C–17 AIRCRAFT (IF)	128,169	94,269
		Contract Delays		[–33,900]
218	0401132F	C–130J PROGRAM	39,537	39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,438	7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	1,308	0
		Funded in Fiscal Year 2011		[–1,308]
221	0401218F	KC–135S	6,161	6,161
222	0401219F	KC–10S	30,868	30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT	82,591	42,591
		VC–25A--Funding Ahead of Need		[–40,000]
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,118	5,218
		Line of Sight--Contract Delay		[–1,900]
226	0702207F	DEPOT MAINTENANCE (NON-IF)	1,531	1,531
228	0708012F	LOGISTICS SUPPORT ACTIVITIES	944	944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	140,284	140,284
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT	10,990	10,990
232	0804743F	OTHER FLIGHT TRAINING	322	322
233	0804757F	JOINT NATIONAL TRAINING CENTER	11	11
235	0808716F	OTHER PERSONNEL ACTIVITIES	113	113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,483	2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM	1,508	1,508
238	0901220F	PERSONNEL ADMINISTRATION	8,041	1,041
		Contract Delays		[–7,000]
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	928	928
240	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	12,118	12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	101,317	76,317
		DEAMS--Excess to Requirement		[–25,000]
242	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	299	299
242A	9999999999	CLASSIFIED PROGRAMS	12,063,140	11,829,329
		Classified Adjustment		[–233,811]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**18,573,266**	**17,600,332**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**27,737,701**	**26,114,569**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	47,737	47,737
002	0601101E	DEFENSE RESEARCH SCIENCES	290,773	290,773
003	0601110D8Z	BASIC RESEARCH INITIATIVES	14,731	7,731
		Reduction to new starts		[–7,000]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	37,870	37,870
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	101,591	86,591
		Program Decrease		[–15,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	52,617	52,617
		SUBTOTAL BASIC RESEARCH	**545,319**	**523,319**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	21,592	20,592
		Excessive growth		[–1,000]
009	0602115E	BIOMEDICAL TECHNOLOGY	110,000	95,000
		Unsustained funding		[–15,000]
010	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		15,245
		Realignment of Funds for Proper Oversight and Execution		[15,245]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	37,916	37,916
012	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	4,381	0
		Duplication of effort		[–4,381]
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	400,499	354,125
		Program Reduction		[–46,374]
014	0602304E	COGNITIVE COMPUTING SYSTEMS	49,365	49,365
015	0602305E	MACHINE INTELLIGENCE	61,351	52,276
		Unsustained growth		[–9,075]
016	0602383E	BIOLOGICAL WARFARE DEFENSE	30,421	30,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	219,873	219,873
018	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	9,235	4,235
		Program Decrease		[–5,000]
019	0602668D8Z	CYBER SECURITY RESEARCH	9,735	4,735
		Program Decrease		[–5,000]
020	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	14,923	8,923
		Excessive growth		[–6,000]

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
021	0602702E	TACTICAL TECHNOLOGY	206,422	202,422
		Reduction to new starts		[–4,000]
022	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	237,837	222,837
		Excessive growth		[–15,000]
023	0602716E	ELECTRONICS TECHNOLOGY	215,178	215,178
024	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	196,954	196,954
025	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,591	26,591
		SUBTOTAL APPLIED RESEARCH	**1,852,273**	**1,756,688**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
027	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	24,771	15,771
		Excessive growth		[–9,000]
028	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	45,028	45,028
029	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,019	77,019
030	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	283,073	283,073
031	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	75,003	75,003
032	0603200D8Z	JOINT ADVANCED CONCEPTS	7,903	6,803
		Unsustained growth		[–1,100]
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,372	20,372
034	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT	4,381	0
		Lack of transition plan		[–4,381]
035	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	998	998
036	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	61,458	61,458
037	0603286E	ADVANCED AEROSPACE SYSTEMS	98,878	98,878
038	0603287E	SPACE PROGRAMS AND TECHNOLOGY	97,541	97,541
039	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	229,235	229,235
040	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	7,287	7,287
041	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	187,707	176,707
		Unjustified Growth		[–11,000]
042	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	23,890	23,890
043	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	9,235	4,235
		Program Decrease		[–5,000]
044	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,762	10,762
045	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	10,709	5,709
		Program Decrease		[–5,000]
046	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	18,179	13,179
		Excessive growth		[–5,000]
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	17,888	47,888
		Program Increase- Industrial Base Innovation Fund program		[30,000]
048	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	26,972	26,972
049	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,756	9,756
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,887	23,887
051	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	41,976	29,976
		Excessive growth		[–12,000]
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,409	66,409
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	91,132	61,132
		90nm Next Generation Foundry		[–30,000]
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	10,547	10,547
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	160,286	150,286
		Reduction to new starts		[–10,000]
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	296,537	261,606
		CCC-01 unsustained growth		[–7,490]
		CCC-02 unsustained growth		[–3,850]
		CCC-CLS unsustained growth		[–10,591]
		Reduction to new starts		[–13,000]
059	0603765E	CLASSIFIED DARPA PROGRAMS	107,226	107,226
060	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	235,245	208,503
		NET-01 unsustained growth		[–11,742]
		Reduction to new starts		[–15,000]
061	0603767E	SENSOR TECHNOLOGY	271,802	271,802
061A	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Program Increase		[200,000]
063	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,579	13,579
064	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,424	30,424
065	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	89,925	60,765
		P826/P828 excessive growth		[–25,000]
		P832		[–4,160]
066	0603828D8Z	JOINT EXPERIMENTATION	58,130	39,130
		Program adjustment		[–19,000]
067	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	37,029	31,029
		Program Decrease		[–6,000]
068	0603901C	DIRECTED ENERGY RESEARCH	96,329	50,000
		Program Decrease—ALTB		[–46,329]
069	0603902C	NEXT GENERATION AEGIS MISSILE	123,456	123,456
070	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	99,593	99,593
072	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	20,444	20,444
073	0303310D8Z	CWMD SYSTEMS	7,788	4,288
		Program reduction		[–3,500]
074	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	35,242	30,242
		Excess to need		[–5,000]
075	1160422BB	AVIATION ENGINEERING ANALYSIS	837	837

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
076	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,924	4,924
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	**3,270,792**	**3,237,649**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
077	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,798	30,798
		Unexecutable growth		[–6,000]
078	0603527D8Z	RETRACT LARCH	21,040	21,040
079	0603600D8Z	WALKOFF	112,142	112,142
080	0603709D8Z	JOINT ROBOTICS PROGRAM	11,129	11,129
081	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	18,408	18,408
082	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	63,606
082A	0603XXXD8Z	INSTALLATION ENERGY TEST BED		0
083	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	290,452	290,452
084	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,161,001	1,161,001
086	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	261,143	213,155
		IBP schedule delay		[–12,000]
		INATS schedule delays		[–13,000]
		JPID program restructure		[–13,988]
		VAC FILO execution delays		[–9,000]
087	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	222,374	222,374
088	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,071,039	85,690
		Transfer to lines 88a, 88b, and 89		[–985,349]
088A	0603XXXC	BMD TESTS		488,382
		Transfer from line 88		[488,382]
088B	0603XXXC	BMD TARGETS		454,999
		Transfer from line 88		[454,999]
089	0603890C	BMD ENABLING PROGRAMS	373,563	415,531
		Transfer from line 88		[41,968]
090	0603891C	SPECIAL PROGRAMS—MDA	296,554	296,554
091	0603892C	AEGIS BMD	960,267	990,267
		SM–3 Block IB production improvements		[30,000]
092	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	96,353	96,353
093	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	7,951	7,951
094	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI	364,103	364,103
096	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225
097	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	69,325	69,325
098	0603906C	REGARDING TRENCH	15,797	15,797
099	0603907C	SEA BASED X-BAND RADAR (SBX)	177,058	157,058
		Program Decrease—Excess funds		[–20,000]
101	0603913C	ISRAELI COOPERATIVE PROGRAMS	106,100	216,100
		Arrow System Improvement Program		[20,000]
		Arrow–3 interceptor development		[5,000]
		David's Sling development		[25,000]
		Program Increase		[60,000]
102	0603920D8Z	HUMANITARIAN DEMINING	14,996	14,996
103	0603923D8Z	COALITION WARFARE	12,743	12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,221	35,321
		Program increase—funding shortfall		[32,100]
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	25,120	25,120
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	10,309	7,509
		Program Decrease		[–2,800]
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	13,024	13,024
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	9,290	9,290
110	0604880C	LAND-BASED SM–3 (LBSM3)	306,595	306,595
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	424,454	424,454
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	160,818	80,818
		Program Reduction		[–80,000]
113	0604884C	AIRBORNE INFRARED (ABIR)	46,877	46,877
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,358	3,358
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,808,233**	**6,823,545**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,220	7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	204,824	179,824
		Program Reduction		[–25,000]
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	400,608	316,608
		Bioscavenger program delays		[–24,000]
		Decontamination FOS delays		[–10,000]
		MCMI RFP release delay		[–50,000]
120	0604709D8Z	JOINT ROBOTICS PROGRAM	2,782	2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,198	38,824
		Cyber threat discovery		[15,000]
		Program growth		[–25,374]
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,888	5,888
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,228	12,228
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	389	389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,929	1,929
129	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	4,993	4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	134,285	94,285
		Program Growth		[–40,000]

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Line	Program Element	Item	FY 2012 Request	Conference Authorized
131	0605075D8Z	DCMO POLICY AND INTEGRATION	41,808	41,808
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	14,950	14,950
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,837	19,837
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	**918,334**	**758,960**
		RDT&E MANAGEMENT SUPPORT		
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,658	6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,731	4,731
139	0604940D8Z	CENTRAL TEST AND EVAULATION INVESTMENT DEVELOPMENT (CTEIP)	140,231	140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,757	2,757
141	0604943D8Z	THERMAL VICAR	7,827	7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,479	10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,213	34,213
144	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	1,486	1,486
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	64,524	64,524
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	79,859	79,859
148	0605130D8Z	FOREIGN COMPARATIVE TESTING	19,080	19,080
149	0605142D8Z	SYSTEMS ENGINEERING	41,884	41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,261	4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,437	9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,549	6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,806	92,806
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,924	1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	16,135	16,135
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	56,269	56,269
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	49,810	49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,805	19,305
		Program Increase		[3,500]
166	0605897E	DARPA AGENCY RELOCATION	1,000	1,000
167	0605898E	MANAGEMENT HQ—R&D	66,689	66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,528	4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	6,925	6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC)	1,777	1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT	18	18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	12,209	12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,288	4,288
176	0305103E	CYBER SECURITY INITIATIVE	10,000	5,000
		Execution delays		[–5,000]
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	15,002	15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	861	861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	59,958	38,090
		P754, Duplication with Service initiatives		[–21,868]
182	0901598C	MANAGEMENT HQ—MDA	28,908	28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES	167	167
184A	9999999999	CLASSIFIED PROGRAMS	82,627	82,627
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**961,682**	**938,314**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,706	6,206
		Excessive growth		[–2,500]
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA	2,165	2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	15,956	15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	29,880	29,880
190	0208043J	CLASSIFIED PROGRAMS	2,402	2,402
191	0208045K	C4I INTEROPERABILITY	72,403	72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	7,093	7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	481	481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	8,366	15,866
		Cybersecurity pilots		[7,500]
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,324	11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,514	12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,548	6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,751	33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,753	11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	348,593	348,593
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,500	5,500
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	54,739	54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	29,154	29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,830	1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	1,241	1,241
215	0303610K	TELEPORT PROGRAM	6,418	6,418
217	0304210BB	SPECIAL APPILCATIONS FOR CONTINGENCIES	5,045	5,045
220	0305103D8Z	CYBER SECURITY INITIATIVE	411	411
222	0305103K	CYBER SECURITY INITIATIVE	4,341	4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	13,008	13,008
227	0305186D8Z	POLICY R&D PROGRAMS	6,603	6,603
229	0305199D8Z	NET CENTRICITY	14,926	14,926
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	4,303	1,303
		Unjustified increase		[–3,000]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,154	3,154

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
237	0305219BB	MQ–1 PREDATOR A UAV	2,499	2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,660	2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,444	1,444
248	0708011S	INDUSTRIAL PREPAREDNESS	23,103	23,103
249	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,466	2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS)	2,730	2,730
252	1105219BB	MQ–9 UAV	2,499	2,499
253	1105232BB	RQ–11 UAV	3,000	1,500
		Lack of full funding		[–1,500]
254	1105233BB	RQ–7 UAV	450	450
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	89,382	74,382
		MC–130 TF/TA radar contract award delay		[–15,000]
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	27,916	27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,915	60,915
260	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	10,775	10,775
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,617	4,617
265	1160429BB	AC/MC–130J	18,571	18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,392	1,392
268	1160477BB	SOF WEAPONS SYSTEMS	2,610	2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	2,971	2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,000	3,000
271	1160480BB	SOF TACTICAL VEHICLES	3,522	3,522
272	1160481BB	SOF MUNITIONS	1,500	1,500
273	1160482BB	SOF ROTARY WING AVIATION	51,123	51,123
274	1160483BB	SOF UNDERWATER SYSTEMS	92,424	68,424
		Excessive growth		[–24,000]
275	1160484BB	SOF SURFACE CRAFT	14,475	14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	2,990	2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	8,923	8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,473	9,473
278A	9999999999	CLASSIFIED PROGRAMS	4,227,920	4,265,700
		Classified Adjustment		[35,780]
		File sanitization tool (FiST) authorization adjustment		[2,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**5,399,045**	**5,398,325**
		UNDISTRIBUTED		
279A	0901XXXD	UNDISTRIBUTED		0
		SUBTOTAL UNDISTRIBUTED		**0**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**19,755,678**	**19,436,800**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	60,444	60,444
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,126	12,126
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	118,722	118,722
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**191,292**	**191,292**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**191,292**	**191,292**
		TOTAL RDT&E	**75,325,082**	**71,570,717**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
		RDT&E MANAGEMENT SUPPORT		
140	0605601A	ARMY TEST RANGES AND FACILITIES	8,513	8,513
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**8,513**	**8,513**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**8,513**	**8,513**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	1,500	1,500
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,500**	**1,500**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT	5,600	5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	3,500	3,500
126	0604771N	MEDICAL DEVELOPMENT	1,950	1,950
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**11,050**	**11,050**
		OPERATIONAL SYSTEMS DEVELOPMENT		
172	0204136N	F/A–18 SQUADRONS	2,000	2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	1,500	1,500

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	4,050	4,050
215	0305231N	MQ–8 UAV		0
227A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**41,334**	**41,334**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**53,884**	**53,884**
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,000	63,000
		Excess to need		[–10,000]
242A	9999999999	CLASSIFIED PROGRAMS	69,000	69,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**142,000**	**142,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**142,000**	**132,000**
		RDT&E MANAGEMENT SUPPORT		
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	9,200	9,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**9,200**	**9,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,500	10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	32,850	32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,000	2,000
254	1105233BB	RQ–7 UAV	2,450	2,450
278A	9999999999	CLASSIFIED PROGRAMS	135,361	125,361
		Classified Adjustment		[–10,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**183,161**	**183,161**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**192,361**	**182,361**
		TOTAL RDT&E	**396,758**	**376,758**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,399,804	1,031,695
	Transfer to Title XV: Combined Arms Training Strategy		[–217,376]
	Transfer to Title XV: MRAP Vehicle Sustainment		[–2,539]
	Transfer to Title XV: Theater Demand Reduction		[–148,194]
020	MODULAR SUPPORT BRIGADES	104,629	90,595
	Transfer to Title XV: Combined Arms Training Strategy		[–11,752]
	Transfer to Title XV: Theater Demand Reduction		[–2,282]
030	ECHELONS ABOVE BRIGADE	815,920	741,068
	Transfer to Title XV: Combined Arms Training Strategy		[–74,852]
040	THEATER LEVEL ASSETS	825,587	764,818
	Transfer to Title XV: Chemical Defense Equipment Sustainment		[–8,579]
	Transfer to Title XV: Combined Arms Training Strategy		[–23,198]
	Transfer to Title XV: Theater Demand Reduction		[–18,692]
	Transfer to Title XV: UAS—Gray Eagle Satellite Service		[–10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,245,231	1,072,413
	Transfer to Title XV: Combat Training Center Role Players		[–30,091]
	Transfer to Title XV: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		[–12,062]
	Transfer to Title XV: Joint Maneuver Readiness Center Opposing Force Augmentation		[–4,545]
	Transfer to Title XV: Joint Readiness Training Center Opposing Force Augmentation		[–26,940]
	Transfer to Title XV: MRAP Vehicle Sustainment at Combat Training Centers		[–6,420]
	Transfer to Title XV: National Training Center Tier Two Level Maintenance Contract		[–24,000]
	Transfer to Title XV: National Training Center Warfighter Focus		[–26,650]
	Transfer to Title XV: Theater Demand Reduction		[–14,984]
	Transfer to Title XV: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Improved Target Acquisition System (ITAS) Contract Logistics Support		[–6,841]
	Transfer to TitleXV: Sustainment Brigade and Functional Brigade Warfighter Exercise		[–20,285]
060	AVIATION ASSETS	1,199,340	1,131,228
	Transfer to Title XV: Combined Arms Training Strategy		[–6,607]
	Transfer to Title XV: Theater Demand Reduction		[–61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,778,799
	FOB Baseline Not Taken into Account in Requested Program Growth		[–20,000]
	Transfer to Title XV: Battle Simulation Centers		[–59,702]
	Transfer to Title XV: Body Armor Sustainment		[–71,660]
	Transfer to Title XV: Rapid Equipping Force Readiness		[–9,294]
080	LAND FORCES SYSTEMS READINESS	451,228	404,896
	Deny Requested Growth for Civilian and Contractor Positions		[–20,000]
	Transfer to Title XV: Capability Development and Integration		[–5,161]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	Transfer to Title XV: Fixed Wing Life Cycle Contract Support		[–21,171]
090	LAND FORCES DEPOT MAINTENANCE	1,179,675	1,031,839
	Budget Justification does not Match Summary of Price and Program Changes for Utilities		[–37,500]
	Removal of fiscal year 2011 Costs Budgeted for Detainee Operations (Full fiscal year 2012 Requirement Funded in Title XV)		[–70,000]
	Transfer to title XV: Senior Leader Initiative: Comprehensive Soldier Fitness Program		[–30,000]
	Transfer to title XV: Training Range Maintenance		[–10,336]
100	BASE OPERATIONS SUPPORT	7,637,052	7,329,552
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities		[–37,500]
	Removal of FY11 Costs Budgeted for Detainee Operations (Full FY12 Requirement Funded in OCO)		[–70,000]
	Transfer to Title XV: Overseas Security Guards		[–200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,495,667
120	MANAGEMENT AND OPERATIONAL HQ	397,952	397,952
130	COMBATANT COMMANDERS CORE OPERATIONS	171,179	171,179
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	439,115
	Military Information Support Operations		[–20,470]
175	UNDISTRIBUTED		–1,504,500
	Contractor Logistics Support		[–50,000]
	Transfer to Title XV: Readiness and Depot Maintenance		[–1,454,500]
	SUBTOTAL OPERATING FORCES	**21,322,304**	**18,376,316**
	MOBILIZATION		
180	STRATEGIC MOBILITY	390,394	390,394
190	ARMY PREPOSITIONING STOCKS	169,535	169,535
200	INDUSTRIAL PREPAREDNESS	6,675	6,675
	SUBTOTAL MOBILIZATION	**566,604**	**566,604**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	113,262	113,262
220	RECRUIT TRAINING	71,012	71,012
230	ONE STATION UNIT TRAINING	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	417,071
250	SPECIALIZED SKILL TRAINING	1,045,948	1,030,765
	Transfer to Title XV: Survivability and Maneuverability Training		[–15,183]
260	FLIGHT TRAINING	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280	TRAINING SUPPORT	607,896	607,896
290	RECRUITING AND ADVERTISING	523,501	523,501
300	EXAMINING	139,159	139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330	JUNIOR ROTC	170,889	170,889
	SUBTOTAL TRAINING AND RECRUITING	**4,873,028**	**4,857,845**
	ADMIN & SRVWIDE ACTIVITIES		
340	SECURITY PROGRAMS	995,161	993,801
	Classified Adjustment		[–1,360]
350	SERVICEWIDE TRANSPORTATION	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370	LOGISTIC SUPPORT ACTIVITIES	484,075	487,075
	Army Requested Transfer for Army Enterprise Systems Integration Program from Other Procurement, Army line 116		[3,000]
380	AMMUNITION MANAGEMENT	457,741	387,741
	Requested Growth Unjustified by Metrics Provided in Performance Criteria		[–70,000]
390	ADMINISTRATION	775,313	775,313
400	SERVICEWIDE COMMUNICATIONS	1,534,706	1,510,957
	Army Requested Transfer for General Fund Enterprise Business System (GFEBS) from Other Procurement, Army Line 116		[3,368]
	Army Requested Transfer for Global Combat Support System—Army (GCSS–Army) from Other Procurement, Army Line 116		[2,883]
	Budget Justification Does Not Match Summary of Price and Program Changes for DISA		[–30,000]
410	MANPOWER MANAGEMENT	316,924	316,924
420	OTHER PERSONNEL SUPPORT	214,356	214,356
430	OTHER SERVICE SUPPORT	1,093,877	1,033,877
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS		[–50,000]
	Unjustified program growth-Joint DOD Support		[–5,000]
	Unjustified program growth-PA Strategic Communications		[–5,000]
440	ARMY CLAIMS ACTIVITIES	216,621	216,621
450	REAL ESTATE MANAGEMENT	180,717	170,717
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund		[–10,000]
455	FINANCIAL IMPROVEMENT AND AUDIT READINESS		0
460	SUPPORT OF NATO OPERATIONS	449,901	449,901
470	MISC. SUPPORT OF OTHER NATIONS	23,886	20,886
	Transfer from SAG 411—Military Information Support Operations		[–3,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**7,973,280**	**7,808,171**
	UNDISTRIBUTED		
480	UNDISTRIBUTED		–1,079,704
	BUDGET ACTIVITY 4 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION		[–12,904]
	Decrease in OPTEMPO as cited by Army		[–291,500]
	IMPROVED MANAGEMENT OF TELECOM SERVICES		[–10,000]
	Printing & Reproduction (10% cut)—Efficiency		[–10,600]
	Section 8089 - Excess Cash Balances in DWCF		[–515,000]
	Studies, Analysis & Evaluations (10% cut)—Efficiency		[–1,400]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	Unobligated balances		[–238,300]
999	CLASSIFIED		0
	SUBTOTAL UNDISTRIBUTED		**–1,079,704**
	TOTAL OPERATION & MAINTENANCE, ARMY	**34,735,216**	**30,529,232**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,762,887	4,499,387
	Transfer to Title XV: Flying Hours		[–180,945]
	Transfer to Title XV: MV 22B Pricing Variance		[–82,555]
020	FLEET AIR TRAINING	1,771,644	1,771,644
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	46,321	46,321
040	AIR OPERATIONS AND SAFETY SUPPORT	104,751	87,751
	Unjustified Growth for Program Related Logistics Support		[–17,000]
050	AIR SYSTEMS SUPPORT	431,576	431,576
060	AIRCRAFT DEPOT MAINTENANCE	1,030,303	1,030,303
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,403	37,403
080	AVIATION LOGISTICS	238,007	238,007
090	MISSION AND OTHER SHIP OPERATIONS	3,820,186	3,795,186
	Reduced Number of Deployed Steaming Days		[–25,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	734,866	734,866
110	SHIP DEPOT MAINTENANCE	4,972,609	5,122,609
	Ship Depot Maintenance (Active)		[150,000]
120	SHIP DEPOT OPERATIONS SUPPORT	1,304,271	1,297,271
	Removal of One-Time Fiscal Year 2011 Costs for Surface Ship Life Cycle Maintenance (SSLCM) Activity and Local Command Office for Navy Enterprise Resource Planning		[–7,000]
130	COMBAT COMMUNICATIONS	583,659	556,259
	Eliminate Requested Growth of Contractor Full-time Equivalents		[–27,400]
140	ELECTRONIC WARFARE	97,011	97,011
150	SPACE SYSTEMS AND SURVEILLANCE	162,303	137,303
	Budget Justification Does Not Match Summary of Price and Program Changes		[–25,000]
160	WARFARE TACTICS	423,187	423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	320,141	320,141
180	COMBAT SUPPORT FORCES	1,076,478	883,677
	Transfer to Title XV: Naval Expeditionary Combat Command Increases		[–192,801]
190	EQUIPMENT MAINTENANCE	187,037	187,037
200	DEPOT OPERATIONS SUPPORT	4,352	4,352
210	COMBATANT COMMANDERS CORE OPERATIONS	103,830	103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	180,800	166,400
	Military Information Support Operations		[–6,100]
	Transfer to Title XV: Joint Special Operations Task Force—Philippines		[–8,300]
230	CRUISE MISSILE	125,333	125,333
240	FLEET BALLISTIC MISSILE	1,209,410	1,209,410
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,063	90,063
	Transfer to Title XV: Naval Expeditionary Combat Command		[–9,000]
260	WEAPONS MAINTENANCE	450,454	450,454
270	OTHER WEAPON SYSTEMS SUPPORT	358,002	358,002
280	ENTERPRISE INFORMATION	971,189	971,189
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,946,779	1,946,779
300	BASE OPERATING SUPPORT	4,610,525	4,540,525
	Savings from In-sourcing Security Contractor Positions Not Properly Accounted for in Budget Documentation		[–20,000]
	Transfer to Title XV: Regional/Emergency Operations Center		[–50,000]
305	UNDISTRIBUTED		–645,000
	CONTRACTOR LOGISTICS SUPPORT		[–150,000]
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE		[–495,000]
	SUBTOTAL OPERATING FORCES	**32,164,377**	**31,018,276**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	493,326	493,326
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,228	6,228
330	SHIP ACTIVATIONS/INACTIVATIONS	205,898	205,898
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	68,634	63,630
	Transfer to Title XV: Medical/Equipment costs for USNS MERCY		[–5,004]
350	INDUSTRIAL READINESS	2,684	2,684
360	COAST GUARD SUPPORT	25,192	25,192
	SUBTOTAL MOBILIZATION	**801,962**	**796,958**
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,540	147,540
380	RECRUIT TRAINING	10,655	10,655
390	RESERVE OFFICERS TRAINING CORPS	151,147	148,361
	Excessive Program Increase for General Services Administration Lease Cost		[–2,786]
400	SPECIALIZED SKILL TRAINING	594,799	544,278
	Transfer to Title XV: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD) Training		[–3,000]
	Unjustified Growth in Moored and Tech Training		[–47,521]
410	FLIGHT TRAINING	9,034	9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION	173,452	173,452
430	TRAINING SUPPORT	168,025	168,025
440	RECRUITING AND ADVERTISING	254,860	255,843

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	Naval Sea Cadet Corps		[983]
450	OFF-DUTY AND VOLUNTARY EDUCATION	140,279	140,279
460	CIVILIAN EDUCATION AND TRAINING	107,561	107,561
470	JUNIOR ROTC	52,689	52,689
	SUBTOTAL TRAINING AND RECRUITING	**1,810,041**	**1,757,717**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	754,483	754,483
490	EXTERNAL RELATIONS	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	203,926
	Transfer to Title XV: Family Readiness Programs		[–3,557]
	Transfer to Title XV: Navy Manpower and Personnel System/NSIPS		[–9,000]
520	OTHER PERSONNEL SUPPORT	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS	534,873	534,873
545	FINANCIAL IMPROVEMENT AND AUDIT READINESS		0
550	SERVICEWIDE TRANSPORTATION	190,662	190,662
570	PLANNING, ENGINEERING AND DESIGN	303,636	293,636
	Unjustified Growth for Installation Emergency Management		[–10,000]
580	ACQUISITION AND PROGRAM MANAGEMENT	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,374	68,374
620	NAVAL INVESTIGATIVE SERVICE	572,928	572,928
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,516	5,516
705	CLASSIFIED PROGRAMS	552,715	550,334
	Classified adjustment		[–2,381]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,588,308**	**4,563,370**
	UNDISTRIBUTED		
710	UNDISTRIBUTED		–67,000
	Deny FY12 Budget Price Growth for Civilian Personnel Compensation		[–5,000]
	IMPROVED MANAGEMENT OF TELECOM SERVICES		[–10,000]
	Unobligated balances		[–52,000]
	SUBTOTAL UNDISTRIBUTED		**–67,000**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,364,688**	**38,069,321**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	715,196	695,196
	Request Inconsistent with Information Technology Budget Justification for the Global Combat Support System		[–20,000]
020	FIELD LOGISTICS	677,608	677,608
030	DEPOT MAINTENANCE	190,713	78,713
	Transfer to Title XV: Depot Maintenance		[–112,000]
040	MARITIME PREPOSITIONING	101,464	101,464
060	SUSTAINMENT, RESTORATION, & MODERNIZATION	823,390	823,390
070	BASE OPERATING SUPPORT	2,208,949	1,953,949
	Reduction for Collateral Equipment Requirements Not Properly Accounted for in Budget Documentation		[–20,000]
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE		[–235,000]
	SUBTOTAL OPERATING FORCES	**4,717,320**	**4,330,320**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	18,280	18,280
090	OFFICER ACQUISITION	820	820
100	SPECIALIZED SKILL TRAINING	85,816	85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142	33,142
130	TRAINING SUPPORT	324,643	324,643
140	RECRUITING AND ADVERTISING	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION	43,708	43,708
160	JUNIOR ROTC	19,671	19,671
	SUBTOTAL TRAINING AND RECRUITING	**710,512**	**710,512**
	ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	36,021	36,021
190	ADMINISTRATION	405,431	405,431
200	ACQUISITION & PROGRAM MANAGEMENT	91,153	91,153
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**532,605**	**532,605**
	UNDISTRIBUTED		
210	UNDISTRIBUTED		–38,000
	OMMC Request Inconsistent with Information Technology Budget Justification for the Operational Support Systems—Command and Control		[–20,000]
	Unobligated balances		[–18,000]
	SUBTOTAL UNDISTRIBUTED		**–38,000**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,960,437**	**5,535,437**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,224,400	3,564,242

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–590,158]
	Transfer to Title XV: Theater Security Package		[–70,000]
020	COMBAT ENHANCEMENT FORCES	3,417,731	2,706,439
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–673,292]
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions		[–4,000]
	Removal of One-Time FY11 Costs for Software Maintenance Requirements		[–24,000]
	Unjustified Increase in Travel		[–10,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,482,814	1,380,264
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–102,550]
050	DEPOT MAINTENANCE	2,204,131	3,788,606
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[1,584,475]
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652,318	1,652,318
070	BASE SUPPORT	2,507,179	2,482,179
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities		[–25,000]
080	GLOBAL C3I AND EARLY WARNING	1,492,459	1,282,024
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–198,435]
	Removal of One-Time Fiscal Year 2011 Costs for Long Range Radar Service Life Extension Program		[–12,000]
090	OTHER COMBAT OPS SPT PROGRAMS	1,046,226	1,019,538
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–12,688]
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		[–14,000]
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	696,188	691,188
	Classified Adjustment		[–5,000]
110	LAUNCH FACILITIES	321,484	313,484
	Overstated Requirement for Additional Fiscal Year 2012 Funding for Satellite and Launcher Control Ranges		[–8,000]
120	SPACE CONTROL SYSTEMS	633,738	619,552
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–7,186]
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		[–7,000]
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	664,262
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–166]
	Military Information Support Operations		[–33,700]
	Strategic Command Program Decreases Not Accounted for in Budget Documentation		[–20,000]
	Transfer to Title XV: CENTCOM HQ C4		[–12,500]
	Transfer to Title XV: CENTCOM Public Affairs		[–4,860]
140	COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
145	UNDISTRIBUTED		–670,000
	CONTRACTOR LOGISTICS SUPPORT		[–200,000]
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE		[–470,000]
	SUBTOTAL OPERATING FORCES	**20,584,637**	**19,664,577**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	2,988,221	2,543,389
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–444,832]
160	MOBILIZATION PREPAREDNESS	150,724	150,724
170	DEPOT MAINTENANCE	373,568	818,400
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[444,832]
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	388,103
190	BASE SUPPORT	674,230	674,230
	SUBTOTAL MOBILIZATION	**4,574,846**	**4,574,846**
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	114,448	114,448
210	RECRUIT TRAINING	22,192	22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	430,090
240	BASE SUPPORT	789,654	749,654
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities		[–25,000]
	Unjustified Growth for Competitive Sourcing and Privatization		[–15,000]
250	SPECIALIZED SKILL TRAINING	481,357	471,357
	Budget Justification Does Not Match Summary of Price and Program Changes for Equipment Maintenance by Contract		[–10,000]
260	FLIGHT TRAINING	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280	TRAINING SUPPORT	108,248	108,248
290	DEPOT MAINTENANCE	6,386	6,386
300	RECRUITING AND ADVERTISING	136,102	136,102
310	EXAMINING	3,079	3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING	202,767	189,767
	Maintain Service Contracts at the fiscal year 2011 Level		[–13,000]
340	JUNIOR ROTC	75,259	75,259
	SUBTOTAL TRAINING AND RECRUITING	**3,784,222**	**3,721,222**
	ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	1,112,878	1,112,252
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[–626]
360	TECHNICAL SUPPORT ACTIVITIES	785,150	785,150
370	DEPOT MAINTENANCE	14,356	14,982
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		[626]
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	416,588	416,588
390	BASE SUPPORT	1,219,043	1,219,043
400	ADMINISTRATION	662,180	662,180
410	SERVICEWIDE COMMUNICATIONS	650,689	650,689

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
420	OTHER SERVICEWIDE ACTIVITIES	1,078,769	1,060,769
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS		[–7,000]
	Program decrease		[–11,000]
425	FINANCIAL IMPROVEMENT AND AUDIT READINESS		0
430	CIVIL AIR PATROL	23,338	23,338
460	INTERNATIONAL SUPPORT	72,589	72,589
465	CLASSIFIED PROGRAMS	1,215,848	1,200,261
	Classified adjustment		[–15,587]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**7,251,428**	**7,217,841**
	UNDISTRIBUTED		
470	UNDISTRIBUTED		–150,000
	EXCESS WORKING CAPITAL FUND CARRYOVER		[–90,000]
	Unobligated balances		[–60,000]
	SUBTOTAL UNDISTRIBUTED		**–150,000**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**36,195,133**	**35,028,486**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	563,787	558,287
	Reduce Civilian Personnel Fiscal Year 2012 Average Salary Growth		[–5,500]
020	SPECIAL OPERATIONS COMMAND	3,986,766	3,893,859
	Transfer to Title XV: Military Information Support Activities		[–57,300]
	Aviation Foreign Internal Defense		[–17,607]
	Reduce Civilian Personnel fiscal year 2012 Average Salary Growth		[–10,000]
	Sustaining Base Communications—Excessive Gowth		[–8,000]
	SUBTOTAL OPERATING FORCES	**4,550,553**	**4,452,146**
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
040	NATIONAL DEFENSE UNIVERSITY	93,348	93,348
	SUBTOTAL TRAINING AND RECRUITING	**217,423**	**217,423**
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	159,692	159,692
080	DEFENSE CONTRACT AUDIT AGENCY	508,822	469,622
	Reduction in Non-Pay Personnel Support Overhead Costs		[–39,200]
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,147,366	1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,419	645,989
	Overstatement of Fiscal Year 2012 Costs for Civilian Personnel		[–30,000]
	Unjustified Increase for the Request for Defense Advisory Committee on Women in the Services Program Reporting		[–430]
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
140	DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
150	DEFENSE LOGISTICS AGENCY	450,863	452,263
	Efficiencies in the Continutity of Operations Policy		[–3,000]
	Procurement Technical Assistance Program		[6,000]
	Unjustified Request for the Defense Property Accountability System Program Office		[–1,600]
160	DEFENSE MEDIA ACTIVITY	256,133	256,133
170	DEFENSE POW/MIA OFFICE	22,372	22,372
180	DEFENSE SECURITY COOPERATION AGENCY - GLOBAL TRAIN AND EQUIP	500,000	350,000
	Reduction to Global Train and Equip		[–150,000]
185	DEFENSE SECURITY COOPERATION AGENCY - OTHER	182,831	180,551
	Authorization Adjustment—Security Cooperation Assessment Office		[–2,280]
190	DEFENSE SECURITY SERVICE	505,366	505,366
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	33,848	33,848
210	DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,695,677
	Transfer to Title XV: Child Care and Counseling		[–73,000]
230	MISSILE DEFENSE AGENCY	202,758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT	81,754	48,754
	Ahead of need - Guam FSRM		[–33,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	2,201,964	2,164,564
	Additional Efficiencies Based on Disestablishment of the Assistant Secretary of Defense (Networks and Information Integration)		[–10,000]
	Unjustified Growth for Boards and Commissions		[–7,300]
	Unjustified Growth for Equipment Maintenance by Contract		[–10,000]
	Unjustified Growth for the Office of the Under Secretary of Defense, Policy and for other OSD Programs		[–10,100]
270	WASHINGTON HEADQUARTERS SERVICE	563,184	556,684
	Removal of Fiscal Year 2011 Costs Budgeted for the Defense Agencies Initiative		[–6,500]
275	CLASSIFIED PROGRAMS	14,068,492	13,628,508
	Classified adjustment		[–439,984]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**26,172,433**	**25,362,039**
	UNDISTRIBUTED		
280	UNDISTRIBUTED		–155,245
	DOD Impact Aid (Section 581)		[40,000]
	Reduction to Federally Funded Research and Development Centers		[–150,245]
	Severe disabilities		[5,000]
	Unobligated balances		[–50,000]
	SUBTOTAL UNDISTRIBUTED		**–155,245**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**30,940,409**	**29,876,363**
	OPERATION & MAINTENANCE, ARMY RESERVE		
	OPERATING FORCES		
010	MANEUVER UNITS	1,091	1,091
020	MODULAR SUPPORT BRIGADES	18,129	18,129
030	ECHELONS ABOVE BRIGADE	492,705	492,705
040	THEATER LEVEL ASSETS	137,304	137,304
050	LAND FORCES OPERATIONS SUPPORT	597,786	597,786
060	AVIATION ASSETS	67,366	67,366
070	FORCE READINESS OPERATIONS SUPPORT	474,966	448,523
	Sustainment Costs For Weapons of Mass Destruction Equipment Purchases Not Needed in Fiscal Year 2012		[–6,000]
	Unjustified Funding for Milcon Planning and Design		[–20,443]
080	LAND FORCES SYSTEMS READINESS	69,841	69,841
090	LAND FORCES DEPOT MAINTENANCE	247,010	247,010
100	BASE OPERATIONS SUPPORT	590,078	583,078
	Reduction for Payments to the General Services Administration for Standard Level User Charges Not Properly Accounted for in Budget Documentation		[–7,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	255,618	255,618
125	UNDISTRIBUTED		0
	SUBTOTAL OPERATING FORCES	**2,951,894**	**2,918,451**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	14,447	14,447
140	ADMINISTRATION	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS	3,844	3,844
160	MANPOWER MANAGEMENT	9,033	9,033
170	RECRUITING AND ADVERTISING	53,565	53,565
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**157,282**	**157,282**
	UNDISTRIBUTED		
175	UNDISTRIBUTED		–4,000
	Unjustified Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation		[–4,000]
	SUBTOTAL UNDISTRIBUTED		**–4,000**
	TOTAL OPERATION & MAINTENANCE, ARMY RESERVE	**3,109,176**	**3,071,733**
	OPERATION & MAINTENANCE, NAVY RESERVE		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	622,868	622,868
020	INTERMEDIATE MAINTENANCE	16,041	16,041
030	AIR OPERATIONS AND SAFETY SUPPORT	1,511	1,511
040	AIRCRAFT DEPOT MAINTENANCE	123,547	123,547
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	379	379
060	MISSION AND OTHER SHIP OPERATIONS	49,701	49,701
070	SHIP OPERATIONS SUPPORT & TRAINING	593	593
080	SHIP DEPOT MAINTENANCE	53,916	53,916
090	COMBAT COMMUNICATIONS	15,445	15,445
100	COMBAT SUPPORT FORCES	153,942	153,942
110	WEAPONS MAINTENANCE	7,292	7,292
120	ENTERPRISE INFORMATION	75,131	57,131
	Unjustified Growth for Next Generation Enterprise Network Seat Services		[–18,000]
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	72,083	72,083
140	BASE OPERATING SUPPORT	109,024	109,024
	SUBTOTAL OPERATING FORCES	**1,301,473**	**1,283,473**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,857	1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,438	14,438
170	SERVICEWIDE COMMUNICATIONS	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,661**	**21,661**
	TOTAL OPERATION & MAINTENANCE, NAVY RESERVE	**1,323,134**	**1,305,134**
	OPERATION & MAINTENANCE, MARINE CORPS RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,604	94,604
020	DEPOT MAINTENANCE	16,382	16,382
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	31,520	31,520
050	BASE OPERATING SUPPORT	105,809	105,809
	SUBTOTAL OPERATING FORCES	**248,315**	**248,315**
	ADMIN & SRVWD ACTIVITIES		
070	SERVICEWIDE TRANSPORTATION	852	852
080	ADMINISTRATION	13,257	13,257
090	RECRUITING AND ADVERTISING	9,019	9,019
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**23,128**	**23,128**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS RESERVE	**271,443**	**271,443**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	OPERATION & MAINTENANCE, AIR FORCE RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,171,853	2,171,853
020	MISSION SUPPORT OPERATIONS	116,513	116,513
030	DEPOT MAINTENANCE	471,707	471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	77,161	77,161
050	BASE SUPPORT	308,974	308,974
	SUBTOTAL OPERATING FORCES	**3,146,208**	**3,146,208**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	84,423	84,423
070	RECRUITING AND ADVERTISING	17,076	17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,688	19,688
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,170	6,170
100	AUDIOVISUAL	794	794
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**128,151**	**128,151**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE RESERVE	**3,274,359**	**3,274,359**
	OPERATION & MAINTENANCE, ARMY NATIONAL GUARD		
	OPERATING FORCES		
010	MANEUVER UNITS	634,181	634,181
020	MODULAR SUPPORT BRIGADES	189,899	189,899
030	ECHELONS ABOVE BRIGADE	751,899	751,899
040	THEATER LEVEL ASSETS	112,971	112,971
050	LAND FORCES OPERATIONS SUPPORT	33,972	33,972
060	AVIATION ASSETS	854,048	838,048
	Unjustified Growth for Duty Military Occupation Specialities Qualified (DMOSQ) Training		[–16,000]
070	FORCE READINESS OPERATIONS SUPPORT	706,299	706,299
080	LAND FORCES SYSTEMS READINESS	50,453	50,453
090	LAND FORCES DEPOT MAINTENANCE	646,608	646,608
100	BASE OPERATIONS SUPPORT	1,028,126	988,626
	Unjustified Growth for Public Affairs		[–4,500]
	Unjustified Growth for Travel		[–25,000]
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation		[–10,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	618,513	618,513
120	MANAGEMENT AND OPERATIONAL HQ	792,575	787,575
	Army National Guard-Identified Excess		[–5,000]
	SUBTOTAL OPERATING FORCES	**6,419,544**	**6,359,044**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	11,703	11,703
150	ADMINISTRATION	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS	42,073	42,073
170	MANPOWER MANAGEMENT	6,789	6,789
180	RECRUITING AND ADVERTISING	382,668	382,668
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**621,888**	**621,888**
	UNDISTRIBUTED		
185	UNDISTRIBUTED		–56,000
	Decrease in OPTEMPO as cited by Army		[–25,000]
	Deny Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation		[–11,000]
	Reduction in non-dual status technician limitation		[–20,000]
	SUBTOTAL UNDISTRIBUTED		**–56,000**
	TOTAL OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	**7,041,432**	**6,924,932**
	OPERATION & MAINTENANCE, AIR NATIONAL GUARD		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,651,900	3,647,900
	Overstated Requirement for Additional fiscal year 2012 Funding for Air Sovereignty Alert Program		[–4,000]
020	MISSION SUPPORT OPERATIONS	751,519	751,519
030	DEPOT MAINTENANCE	753,525	753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	284,348
050	BASE SUPPORT	621,942	588,442
	O&M Air National Guard Request Inconsistent with Information Technology Budget Justification for Base Level Communication Infrastructure		[–23,500]
	O&M Air National Guard Request Inconsistent with MIP Budget Justification for Air Intelligence Systems		[–10,000]
	SUBTOTAL OPERATING FORCES	**6,063,234**	**6,025,734**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	39,387	39,387
070	RECRUITING AND ADVERTISING	33,659	33,659
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**73,046**	**73,046**
	TOTAL OPERATION & MAINTENANCE, AIR NATIONAL GUARD	**6,136,280**	**6,098,780**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,861	13,861
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	107,662	107,662

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
030	COOPERATIVE THREAT REDUCTION	508,219	508,219
040	ACQ WORKFORCE DEV FD	305,501	105,501
	Program Decrease		[–200,000]
050	ENVIRONMENTAL RESTORATION, ARMY	346,031	346,031
060	ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE	525,453	525,453
080	ENVIRONMENTAL RESTORATION, DEFENSE	10,716	10,716
090	ENVIRONMENTAL RESTORATION, FORMERLY USED SITES	276,495	276,495
100	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	0
	Program Reduction		[–5,000]
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**2,407,606**	**2,202,606**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**2,407,606**	**2,202,606**
010	DEFERRED EXPENSES FOR FOREIGN OPERATIONS		0
	TOTAL DEFERRED EXPENSES FOR FOREIGN OPERATIONS		**0**
	TOTAL OPERATION & MAINTENANCE	**170,759,313**	**162,187,826**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
040	THEATER LEVEL ASSETS	3,424,314	3,485,083
	Transfer from Title III: Chemical Defense Equipment		[8,579]
	Transfer from Title III: Combined Arms Training Strategy		[23,198]
	Transfer from Title III: Theater Demand Reduction		[18,692]
	Transfer from Title III: UAS—Gray Eagle Satellite Service		[10,300]
050	LAND FORCES OPERATIONS SUPPORT	1,534,886	1,707,704
	Transfer from Title III: Combat Training Center Role Players		[30,091]
	Transfer from Title III: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		[12,062]
	Transfer from Title III: Joint Maneuver Readiness Center Opposing Force Augmentation		[4,545]
	Transfer from Title III: Joint Readiness Training Center Opposing Force Augmentation		[26,940]
	Transfer from Title III: MRAP Vehicle Sustainment at Combat Training Centers		[6,420]
	Transfer from Title III: National Training Center Tier Two Level Maintenance Contract		[24,000]
	Transfer from Title III: National Training Center War Fighter Focus		[26,650]
	Transfer from Title III: Sustainment Brigade and FunctionalBrigade Warfighter Exercise		[20,285]
	Transfer from Title III: Theater Demand Reduction		[14,984]
	Transfer from Title III: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Improved Target Acquisition System (ITAS) Contract Logistics Support		[6,841]
060	AVIATION ASSETS	87,166	155,278
	Transfer from Title III: Combined Arms Training Strategy		[6,607]
	Transfer from Title III: Theater Demand Reduction		[61,505]
070	FORCE READINESS OPERATIONS SUPPORT	2,675,821	2,816,477
	Transfer from Title III: Battle Simulation Centers		[59,702]
	Transfer from Title III: Body Armor Sustainment		[71,660]
	Transfer from Title III: Rapid Equipping Force Readiness		[9,294]
080	LAND FORCES SYSTEMS READINESS	579,000	605,332
	Transfer from Title III: Capability Development and Integration		[5,161]
	Transfer from Title III: Fixed Wing Life Cycle Contract Support		[21,171]
090	LAND FORCES DEPOT MAINTENANCE	1,000,000	1,000,000
100	BASE OPERATIONS SUPPORT	951,371	1,191,707
	Transfer from Title III: Overseas Security Guards		[200,000]
	Transfer from Title III: Senior Leader Initiative: Comprehensive Soldier Fitness Program		[30,000]
	Transfer from Title III: Training Range Maintenance		[10,336]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	22,998,441	24,872,494
	Military Information Support Operations		[–40,625]
	Synchronization Pre-Deployment and Operational Tracker Fully Funded in O&M DW Base Request in fiscal year 2012		[–12,000]
	Transfer from Base, SAG 111: MRAP Vehicle Sustainment		[2,539]
	Transfer from Base, SAG 111: Theater Demand Reduction		[148,194]
	Transfer from Base, SAG 112: Theater Demand Reduction		[2,282]
	Transfer from title III—Readiness (transfer from BA–1 undistributed)		[1,454,500]
	Transfer from title III SAG 111—Combined Arms Training Strategy		[217,376]
	Transfer from title III SAG 112—Combined Arms Training Strategy		[11,752]
	Transfer from title III SAG 113—Combined Arms Training Strategy		[74,852]
	Transfer from title III SAG 321—Survivability and Maneuverability Training		[15,183]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	425,000	400,000
	Unjustified Request for CERP Iraq		[–25,000]
160	RESET	3,955,429	3,955,429
	SUBTOTAL OPERATING FORCES	**37,881,428**	**40,439,504**
	ADMIN & SRVWIDE ACTIVITIES		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
340	SECURITY PROGRAMS	2,476,766	2,436,766
	ARGUS A–160 deployment delays		[–40,000]
350	SERVICEWIDE TRANSPORTATION	3,507,186	3,507,186
360	CENTRAL SUPPLY ACTIVITIES	50,740	50,740
380	AMMUNITION MANAGEMENT	84,427	84,427
400	SERVICEWIDE COMMUNICATIONS	66,275	40,075
	Transfer to Title II—Automated Biometric Identification System		[–26,200]
420	OTHER PERSONNEL SUPPORT	143,391	143,391
430	OTHER SERVICE SUPPORT	92,067	92,067
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**6,420,852**	**6,354,652**
	UNDISTRIBUTED		
480	UNDISTRIBUTED		–1,195,000
	Department of Defense—Excess to Requirement		[–1,195,000]
	SUBTOTAL UNDISTRIBUTED		**–1,195,000**
	TOTAL OPERATION & MAINTENANCE, ARMY	**44,302,280**	**45,599,156**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,058,114	1,301,614
	Transfer from title III—Flying Hours		[180,945]
	Transfer from title III—MV 22B Pricing Variance		[82,555]
	Unjustified Growth for Temporary Duty		[–20,000]
020	FLEET AIR TRAINING	7,700	7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	9,200	9,200
040	AIR OPERATIONS AND SAFETY SUPPORT	12,934	12,934
050	AIR SYSTEMS SUPPORT	39,566	39,566
060	AIRCRAFT DEPOT MAINTENANCE	174,052	174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,586	1,586
080	AVIATION LOGISTICS	50,852	50,852
090	MISSION AND OTHER SHIP OPERATIONS	1,132,948	1,107,948
	Realignment of Funding to SAG 2C1H not Accounted for in Budget Documentation		[–25,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	26,822	26,822
110	SHIP DEPOT MAINTENANCE	998,172	998,172
130	COMBAT COMMUNICATIONS	26,533	26,533
160	WARFARE TACTICS	22,657	22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	28,141	28,141
180	COMBAT SUPPORT FORCES	1,932,640	2,125,441
	Transfer from Title III: Naval Expeditionary Combat Command Increases		[192,801]
190	EQUIPMENT MAINTENANCE	19,891	19,891
210	COMBATANT COMMANDERS CORE OPERATIONS	5,465	5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	2,093	10,393
	Transfer from title III—JSOTF-Philippines		[8,300]
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	125,460	134,460
	Transfer from Title III: Naval Expeditionary Combat Command		[9,000]
260	WEAPONS MAINTENANCE	201,083	166,083
	Unjustified Growth for Weapons Sustainment		[–35,000]
270	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
280	ENTERPRISE INFORMATION	5,095	–5,095
	Navy-Identified Excess for Network Management Systems		[–5,095]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	26,793	26,793
300	BASE OPERATING SUPPORT	352,210	394,880
	Civilian Pay Overstatement Due to No Requirement for FTE in this SAG		[–7,330]
	Transfer from Title III: Regional/Emergency Operations Center		[50,000]
305	UNDISTRIBUTED		495,000
	Transfer from Base: Readiness and Depot Maintenance (BA–1 Undistributed)		[495,000]
	SUBTOTAL OPERATING FORCES	**6,261,464**	**7,187,640**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	29,010	29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	34,300	64,304
	Realignment of Funding from 1B1B not Accounted for in Budget Documentation		[25,000]
	Transfer from Title III: Medical/Equipment costs for USNS MERCY		[5,004]
360	COAST GUARD SUPPORT	258,278	–258,278
	Direct Appropriation to Department of Homeland Security		[–258,278]
	SUBTOTAL MOBILIZATION	**321,588**	**93,314**
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	69,961	72,961
	Transfer from Title III: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD) Training		[3,000]
430	TRAINING SUPPORT	5,400	5,400
	SUBTOTAL TRAINING AND RECRUITING	**75,361**	**78,361**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	2,348	2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	18,699
	Transfer from Title III: Family Readiness Programs		[3,557]
	Transfer from Title III: Navy Manpower and Personnel System/NSIPS		[9,000]
520	OTHER PERSONNEL SUPPORT	5,849	5,849

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
530	SERVICEWIDE COMMUNICATIONS	28,511	28,511
550	SERVICEWIDE TRANSPORTATION	263,593	238,593
	Unjustified Growth for Transportation Estimates		[–25,000]
580	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
620	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
650	FOREIGN COUNTERINTELLIGENCE	14,598	14,598
705	CLASSIFIED PROGRAMS	2,060	2,060
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**348,154**	**335,711**
	TOTAL OPERATION & MAINTENANCE, NAVY	**7,006,567**	**7,695,026**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	2,069,485	2,086,485
	Marine Corps Requested Transfer for Family of Shelters from Procurement, Marine Corps line 38		[17,000]
020	FIELD LOGISTICS	575,843	575,843
030	DEPOT MAINTENANCE	251,100	363,100
	Transfer from Title III: Depot Maintenance		[112,000]
070	BASE OPERATING SUPPORT	82,514	82,514
075	UNDISTRIBUTED		235,000
	Transfer from Title III: Readiness and Depot Maintenance (BA–1 Undistributed)		[235,000]
	SUBTOTAL OPERATING FORCES	**2,978,942**	**3,342,942**
	TRAINING AND RECRUITING		
130	TRAINING SUPPORT	209,784	209,784
	SUBTOTAL TRAINING AND RECRUITING	**209,784**	**209,784**
	ADMIN & SRVWD ACTIVITIES		
180	SERVICEWIDE TRANSPORTATION	376,495	376,495
190	ADMINISTRATION	5,989	5,989
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**382,484**	**382,484**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**3,571,210**	**3,935,210**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,115,901	2,185,901
	Transfer from Title III—Theater Security Package		[70,000]
020	COMBAT ENHANCEMENT FORCES	2,033,929	2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	46,844	46,844
050	DEPOT MAINTENANCE	312,361	312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	334,950	334,950
070	BASE SUPPORT	641,404	641,404
080	GLOBAL C3I AND EARLY WARNING	69,330	69,330
090	OTHER COMBAT OPS SPT PROGRAMS	297,015	297,015
120	SPACE CONTROL SYSTEMS	16,833	16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	46,390	63,750
	Transfer from Title III: CENTCOM HQ C4		[12,500]
	Transfer from Title III: CENTCOM Public Affairs		[4,860]
145	UNDISTRIBUTED		470,000
	Transfer from Title III: Readiness and Depot Maintenance (BA–1 Undistributed)		[470,000]
	SUBTOTAL OPERATING FORCES	**5,914,957**	**6,472,317**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,533,338	3,533,338
160	MOBILIZATION PREPAREDNESS	85,416	85,416
170	DEPOT MAINTENANCE	161,678	161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	9,485	9,485
190	BASE SUPPORT	30,033	30,033
	SUBTOTAL MOBILIZATION	**3,819,950**	**3,819,950**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	908	908
240	BASE SUPPORT	2,280	2,280
250	SPECIALIZED SKILL TRAINING	29,592	29,592
260	FLIGHT TRAINING	154	154
270	PROFESSIONAL DEVELOPMENT EDUCATION	691	691
280	TRAINING SUPPORT	753	753
	SUBTOTAL TRAINING AND RECRUITING	**34,378**	**34,378**
	ADMIN & SRVWD ACTIVITIES		
350	LOGISTICS OPERATIONS	155,121	155,121
390	BASE SUPPORT	20,677	20,677
400	ADMINISTRATION	3,320	3,320
410	SERVICEWIDE COMMUNICATIONS	111,561	111,561
420	OTHER SERVICEWIDE ACTIVITIES	605,223	605,223
465	CLASSIFIED PROGRAMS	54,000	54,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**949,902**	**949,902**
	UNDISTRIBUTED		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
470	UNDISTRIBUTED		–25,000
	Unjustified Growth in Civilian Personnel Costs		[–25,000]
	SUBTOTAL UNDISTRIBUTED		**–25,000**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**10,719,187**	**11,251,547**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	2,000	2,000
020	SPECIAL OPERATIONS COMMAND	3,269,939	3,295,239
	Military Information Support Activities—Transfer from Base		[50,300]
	Unjustified Program Growth in Operating Support for Operation New Dawn		[–25,000]
	SUBTOTAL OPERATING FORCES	**3,271,939**	**3,297,239**
	ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	23,478	23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY	87,925	87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY	164,520	164,520
140	DEFENSE LEGAL SERVICES AGENCY	102,322	67,322
	Unjustified Program Growth		[–35,000]
160	DEFENSE MEDIA ACTIVITY	15,457	15,457
185	DEFENSE SECURITY COOPERATION AGENCY—OTHER	2,200,000	2,140,000
	Coalition Support Funds: Excess to Need for Contract Renewal		[–60,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	194,100	267,100
	Transfer from Title III: Child Care and Counseling		[73,000]
260	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
275	CLASSIFIED PROGRAMS	3,065,800	3,041,800
	Classified Adjustment		[–24,000]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,997,472**	**5,951,472**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**9,269,411**	**9,248,711**
	OPERATION & MAINTENANCE, ARMY RESERVE		
	OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	84,200	84,200
050	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
070	FORCE READINESS OPERATIONS SUPPORT	20,700	20,700
100	BASE OPERATIONS SUPPORT	84,500	84,500
	SUBTOTAL OPERATING FORCES	**217,500**	**217,500**
	TOTAL OPERATION & MAINTENANCE, ARMY RESERVE	**217,500**	**217,500**
	OPERATION & MAINTENANCE, NAVY RESERVE		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
060	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
100	COMBAT SUPPORT FORCES	13,827	13,827
140	BASE OPERATING SUPPORT	52	52
	SUBTOTAL OPERATING FORCES	**74,148**	**74,148**
	TOTAL OPERATION & MAINTENANCE, NAVY RESERVE	**74,148**	**74,148**
	OPERATION & MAINTENANCE, MARINE CORPS RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	31,284	31,284
050	BASE OPERATING SUPPORT	4,800	4,800
	SUBTOTAL OPERATING FORCES	**36,084**	**36,084**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS RESERVE	**36,084**	**36,084**
	OPERATION & MAINTENANCE, AIR FORCE RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	4,800	4,800
030	DEPOT MAINTENANCE	131,000	131,000
050	BASE SUPPORT	6,250	6,250
	SUBTOTAL OPERATING FORCES	**142,050**	**142,050**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE RESERVE	**142,050**	**142,050**
	OPERATION & MAINTENANCE, ARMY NATIONAL GUARD		
	OPERATING FORCES		
010	MANEUVER UNITS	89,930	89,930
060	AVIATION ASSETS	130,848	130,848
070	FORCE READINESS OPERATIONS SUPPORT	110,011	100,011
	Duplicate Request for Military Pay Support Contract (Requested in both SAG 121 and SAG 131)		[–10,000]
100	BASE OPERATIONS SUPPORT	34,788	34,788
120	MANAGEMENT AND OPERATIONAL HQ	21,967	21,967
	SUBTOTAL OPERATING FORCES	**387,544**	**377,544**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	**387,544**	**377,544**
	OPERATION & MAINTENANCE, AIR NATIONAL GUARD		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	34,050	34,050
	SUBTOTAL OPERATING FORCES	**34,050**	**34,050**
	TOTAL OPERATION & MAINTENANCE, AIR NATIONAL GUARD	**34,050**	**34,050**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	INFRASTRUCTURE	1,304,350	1,304,350
020	EQUIPMENT AND TRANSPORTATION	1,667,905	1,432,490
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–235,415]
030	TRAINING AND OPERATIONS	751,073	751,073
040	SUSTAINMENT	3,331,774	3,033,984
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–297,790]
	SUBTOTAL MINISTRY OF DEFENSE	**7,055,102**	**6,521,897**
	MINISTRY OF INTERIOR		
060	INFRASTRUCTURE	1,128,584	1,128,584
070	EQUIPMENT AND TRANSPORTATION	1,530,420	601,915
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–928,505]
080	TRAINING AND OPERATIONS	1,102,430	1,102,430
090	SUSTAINMENT	1,938,715	1,800,425
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement		[–138,290]
	SUBTOTAL MINISTRY OF INTERIOR	**5,700,149**	**4,633,354**
	ASSOCIATED ACTIVITIES		
110	SUSTAINMENT	21,187	21,187
120	TRAINING AND OPERATIONS	7,344	7,344
130	INFRASTRUCTURE	15,000	15,000
150	EQUIPMENT AND TRANSPORTATION	1,218	1,218
	SUBTOTAL ASSOCIATED ACTIVITIES	**44,749**	**44,749**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**12,800,000**	**11,200,000**
	AFGHANISTAN INFRASTRUCTURE FUND		
	POWER		
010	POWER	300,000	300,000
020	TRANSPORTATION	100,000	100,000
030	WATER	50,000	50,000
040	OTHER RELATED ACTIVITIES	25,000	–50,000
	Authorization Adjustment		[–75,000]
	SUBTOTAL POWER	**475,000**	**400,000**
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	**475,000**	**400,000**
	UNDISTRIBUTED GENERAL PROVISIONS		
	UNDISTRIBUTED GENERAL PROVISIONS		
010	UNDISTRIBUTED GENERAL PROVISIONS		–4,000,000
	Reduction to reflect policy change on troop strength in Afghanistan		[–4,000,000]
	SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS		**–4,000,000**
	TOTAL UNDISTRIBUTED GENERAL PROVISIONS		**–4,000,000**
	TOTAL OPERATION & MAINTENANCE	**89,035,031**	**86,211,026**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2012 Request	Conference Authorized
MILITARY PERSONNEL	142,828,848	141,992,228
Unobligated Balances (Section 421)		[–325,620]
Hostile fire pay proration		[–42,000]
Reduction of Army Referral Bonus		[–21,000]
Undistributed transfer to Title XV		[–448,000]

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

Item	FY 2012 Request	Conference Authorized
MILITARY PERSONNEL	11,228,566	11,676,566

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

Item	FY 2012 Request	Conference Authorized
Undistributed transfer from Title IV		[448,000]

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)

Program Title	FY 2012 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	101,194	101,194
TOTAL WORKING CAPITAL FUND, ARMY	**101,194**	**101,194**
WORKING CAPITAL FUND, AIR FORCE		
CONTAINER DECONSOLIDATION		
WAR RESERVE MATERIAL	65,372	65,372
TOTAL WORKING CAPITAL FUND, AIR FORCE	**65,372**	**65,372**
WORKING CAPITAL FUND, DEFENSE-WIDE		
ADJ TO MATCH CONTINUING RESOLUTION		
DEFENSE LOGISTICS AGENCY (DLA)	31,614	31,614
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**31,614**	**31,614**
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,376,830	1,376,830
TOTAL WORKING CAPITAL FUND, DECA	**1,376,830**	**1,376,830**
NATIONAL DEFENSE SEALIFT FUND		
T-AKE		
MPF MLP	425,865	400,000
Revised Mobile Landing Platform acquisition strategy		[–25,865]
POST DELIVERY AND OUTFITTING	24,161	24,161
NATIONAL DEF SEALIFT VESSEL	1,138	1,138
LG MED SPD RO/RO MAINTENANCE	92,567	92,567
DOD MOBILIZATION ALTERATIONS	184,109	184,109
TAH MAINTENANCE	40,831	40,831
STRATEGIC SEALIFT SUPPORT		
RESEARCH AND DEVELOPMENT	48,443	48,443
READY RESERVE FORCE	309,270	309,270
TOTAL NATIONAL DEFENSE SEALIFT FUND	**1,126,384**	**1,100,519**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,148,856	8,148,856
PRIVATE SECTOR CARE	16,377,272	16,047,272
TRICARE Historical Execution		[–330,000]
CONSOLIDATED HEALTH SUPPORT	2,193,821	2,193,821
INFORMATION MANAGEMENT	1,422,697	1,422,697
MANAGEMENT ACTIVITIES	312,102	307,102
Contract Savings from Web Site Consolidation		[–2,000]
Strategic Communications		[–3,000]
EDUCATION AND TRAINING	705,347	693,647
Unjustified Growth for Travel		[–11,700]
BASE OPERATIONS/COMMUNICATIONS	1,742,451	1,738,840
Adjustment for Civilian Pay Error		[–3,611]
Prohibit TRICARE Prime Fee Increase for 1 year		
WOUNDED WARRIOR MILITARY ADAPTIVE SPORTS PROGRAM		
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,935	2,935
BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE		
APPLIED BIOMEDICAL TECHNOLOGY	33,805	33,805
MEDICAL TECHNOLOGY	3,694	3,694
MEDICAL ADVANCED TECHNOLOGY	767	767
MEDICAL TECHNOLOGY DEVELOPMENT	181,042	181,042
MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT	167,481	167,481
INFORMATION TECHNOLOGY DEVELOPMENT	176,345	176,345
MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT	34,559	34,559
SMALL BUSINESS INNOVATIVE RESEARCH		
MEDICAL PROGRAM-WIDE ACTIVITIES	48,313	48,313
MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES	14,765	14,765
DEFENSE HEALTH PROGRAM	632,518	632,518
TOTAL DEFENSE HEALTH PROGRAM	**32,198,770**	**31,848,459**
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	1,147,691	1,147,691
CHEM DEMILITARIZATION—RDT&E	406,731	406,731
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**1,554,422**	**1,554,422**

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2012 Request	Conference Authorized
DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,156,282	1,153,330
PC 2360 EUCOM Tactical Analysis Team Support—Previously Denied New Start		[–952]
PC 9205 EUCOM Counternarcotics Operations Support—Authorization Adjustment for Unjustified Growth		[–2,000]
TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**1,156,282**	**1,153,330**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	286,919	327,419
Program increase—Growth plan		[40,500]
RDT&E	1,600	4,500
Program increase—Growth plan		[2,900]
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	**289,519**	**332,919**
TOTAL OTHER AUTHORIZATIONS	**37,900,387**	**37,564,659**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2012 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	54,000	54,000
TOTAL WORKING CAPITAL FUND, ARMY	**54,000**	**54,000**
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION FALLEN HEROES	10,000	10,000
CONTAINER DECONSOLIDATION	2,000	2,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	**12,000**	**12,000**
WORKING CAPITAL FUND, DEFENSE-WIDE		
ADJ TO MATCH CONTINUING RESOLUTION		
DEFENSE LOGISTICS AGENCY (DLA)	369,013	369,013
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**369,013**	**369,013**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	641,996	641,996
PRIVATE SECTOR CARE	464,869	464,869
CONSOLIDATED HEALTH SUPPORT	95,994	95,994
INFORMATION MANAGEMENT	5,548	5,548
MANAGEMENT ACTIVITIES	751	751
EDUCATION AND TRAINING	16,859	16,859
BASE OPERATIONS/COMMUNICATIONS	2,271	2,271
TOTAL DEFENSE HEALTH PROGRAM	**1,228,288**	**1,228,288**
DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	486,458	456,458
CTF–Kabul HQ Facility—Funding No Longer Required		[–5,000]
Mi–17s—Change in Acquisition Strategy		[–8,000]
Program adjustment		[–7,000]
Reduce Program Growth (Pakistan)		[–10,000]
TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**486,458**	**456,458**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	11,055	11,055
TOTAL OFFICE OF THE INSPECTOR GENERAL	**11,055**	**11,055**
TOTAL OTHER AUTHORIZATIONS	**2,160,814**	**2,130,814**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Afghanistan			
Army	Bagram Air Base	Barracks, Ph 5	29,000	29,000
Army	Bagram Air Base	Construct Drainage System, Ph 3	31,000	31,000
Army	Bagram Air Base	Entry Control Point	20,000	20,000
	Alabama			
Army	Fort Rucker	Combat Readiness Center	11,600	11,600
	Alaska			
Army	Fort Wainwright	Aviation Complex, Ph 3A	114,000	57,000
Army	Joint Base Elmendorf-Richardson	Brigade Complex, Ph 2	74,000	74,000
Army	Joint Base Elmendorf-Richardson	Organizational Parking	3,600	3,600
Army	Joint Base Elmendorf-Richardson	Physical Fitness Facility	26,000	26,000
	California			
Army	Fort Irwin	Infantry Squad Battle Course	7,500	7,500
Army	Fort Irwin	Qualification Training Range	15,500	15,500
Army	Presidio Monterey	General Instruction Building	3,000	3,000
	Colorado			
Army	Fort Carson	Aircraft Loading Area	34,000	34,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Carson	Aircraft Maintenance Hangar	63,000	63,000
Army	Fort Carson	Barracks	46,000	46,000
Army	Fort Carson	Barracks	67,000	67,000
Army	Fort Carson	Brigade Headquarters	14,400	14,400
Army	Fort Carson	Control Tower	14,200	14,200
	Georgia			
Army	Fort Benning	Land Acquisition	25,000	25,000
Army	Fort Benning	Land Acquisition	5,100	5,100
Army	Fort Benning	Rail Loading Facility	13,600	13,600
Army	Fort Benning	Trainee Barracks Complex, Ph 3	23,000	23,000
Army	Fort Gordon	Hand Grenade Familiarization Range	1,450	1,450
Army	Fort Stewart	Dog Kennel	2,600	2,600
	Germany			
Army	Germersheim	Central Distribution Facility	21,000	0
Army	Germersheim	Infrastructure	16,500	0
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Grafenwoehr	Chapel	15,500	15,500
Army	Grafenwoehr	Convoy Live Fire Range	5,000	5,000
Army	Landstuhl	Satellite Communications Center	24,000	24,000
Army	Landstuhl	Satellite Communications Center	39,000	39,000
Army	Oberdachstetten	Automated Record Fire Range	12,200	12,200
Army	Stuttgart	Access Control Point	12,200	12,200
Army	Vilseck	Barracks	20,000	20,000
	Hawaii			
Army	Fort Shafter	Child Development Center	17,500	17,500
Army	Schofield Barracks	Centralized Wash Facility	32,000	32,000
Army	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1	73,000	73,000
	Honduras			
Army	Honduras Various	Barracks	25,000	0
	Kansas			
Army	Forbes Air Field	Deployment Support Facility	5,300	5,300
Army	Fort Riley	Chapel	10,400	10,400
Army	Fort Riley	Physical Fitness Facility	13,000	13,000
Army	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar	60,000	60,000
	Kentucky			
Army	Fort Campbell	Barracks	23,000	23,000
Army	Fort Campbell	Barracks Complex	65,000	65,000
Army	Fort Campbell	Physical Fitness Facility	18,500	18,500
Army	Fort Campbell	Scout/RECCE Gunnery Range	18,000	18,000
Army	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar	67,000	67,000
Army	Fort Campbell	Vehicle Maintenance Facility	16,000	16,000
Army	Fort Campbell	Vehicle Maintenance Facility	40,000	40,000
Army	Fort Knox	Automated Infantry Platoon Battle Course	7,000	7,000
Army	Fort Knox	Battalion Complex	48,000	48,000
	Korea			
Army	Camp Carroll	Barracks	41,000	41,000
Army	Camp Henry	Barracks Complex	48,000	48,000
	Louisiana			
Army	Fort Polk	Brigade Complex	23,000	23,000
Army	Fort Polk	Fire Station	9,200	9,200
Army	Fort Polk	Land Acquisition	27,000	27,000
Army	Fort Polk	Military Working Dog Facility	2,600	2,600
Army	Fort Polk	Multipurpose Machine Gun Range	8,300	8,300
	Maryland			
Army	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3	15,500	15,500
Army	Aberdeen Proving Ground	Command and Control Facility	63,000	63,000
Army	Fort Meade	Applied Instruction Facility	43,000	43,000
Army	Fort Meade	Brigade Complex	36,000	36,000
	Missouri			
Army	Fort Leonard Wood	Vehicle Maintenance Facility	49,000	49,000
	New York			
Army	Fort Drum	Ammunition Supply Point	5,700	5,700
Army	Fort Drum	Chapel	7,600	7,600
	North Carolina			
Army	Fort Bragg	Access Roads, Ph 2	18,000	18,000
Army	Fort Bragg	Battle Command Training Center	23,000	23,000
Army	Fort Bragg	Brigade Complex Facilities	49,000	49,000
Army	Fort Bragg	NCO Academy	42,000	42,000
Army	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar	54,000	54,000
	Oklahoma			
Army	Fort Sill	Battle Command Training Center	23,000	23,000
Army	Fort Sill	Chapel	13,200	13,200
Army	Fort Sill	Physical Fitness Facility	25,000	25,000
Army	Fort Sill	Rail Deployment Facility	3,400	3,400
Army	Fort Sill	Reception Station, Ph 1	36,000	36,000
Army	Fort Sill	THAAD Instruction Facility	33,000	33,000
Army	Fort Sill	Vehicle Maintenance Facility	51,000	51,000
Army	Mcalester	Ammunition Loading Pads	1,700	1,700
Army	Mcalester	Railroad Tracks	6,300	6,300
	South Carolina			
Army	Fort Jackson	Modified Record Fire Range	4,900	4,900
Army	Fort Jackson	Trainee Barracks Complex, Ph 2	59,000	59,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Texas			
Army	*Fort Bliss*	*Applied Instruction Building*	*8,300*	*8,300*
Army	*Fort Bliss*	*Barracks Complex*	*13,000*	*13,000*
Army	*Fort Bliss*	*Electronics Maintenance Facility*	*14,600*	*14,600*
Army	*Fort Bliss*	*Infrastructure*	*14,600*	*11,600*
Army	*Fort Bliss*	*JLENS Tactical Training Facility*	*39,000*	*39,000*
Army	*Fort Bliss*	*Vehicle Maintenance Facility*	*19,000*	*19,000*
Army	*Fort Bliss*	*Vehicle Maintenance Facility*	*14,600*	*14,600*
Army	*Fort Bliss*	*Vehicle Maintenance Facility*	*24,000*	*0*
Army	*Fort Bliss*	*Water Well, Potable*	*2,400*	*2,400*
Army	*Fort Hood*	*Operational Readiness Training Complex*	*51,000*	*51,000*
Army	*Fort Hood*	*Unmanned Aerial Vehicle Maintenance Hangar*	*47,000*	*47,000*
Army	*Fort Hood*	*Vehicle Maintenance Facility*	*18,500*	*18,500*
Army	*Fort Hood*	*Vehicle Maintenance Facility*	*15,500*	*15,500*
Army	*Joint Base San Antonio*	*Vehicle Maintenance Facility*	*10,400*	*10,400*
Army	*Red River Army Depot*	*Maneuver Systems Sustainment Ctr, Ph 3*	*44,000*	*44,000*
	Utah			
Army	*Dugway Proving Ground*	*Life Sciences Test Facility Addition*	*32,000*	*32,000*
	Virginia			
Army	*Fort Belvoir*	*Information Dominance Center, Ph 1*	*52,000*	*52,000*
Army	*Fort Belvoir*	*Road and Infrastucture Improvements*	*31,000*	*0*
Army	*Joint Base Langley Eustis*	*Aviation Training Facility*	*26,000*	*26,000*
	Washington			
Army	*Joint Base Lewis Mcchord*	*Air Support Operations Facilities*	*7,300*	*7,300*
Army	*Joint Base Lewis Mcchord*	*Aviation Complex, Ph 1B*	*48,000*	*48,000*
Army	*Joint Base Lewis Mcchord*	*Aviation Unit Complex, Ph 1A*	*34,000*	*34,000*
Army	*Joint Base Lewis Mcchord*	*Battalion Complex*	*59,000*	*59,000*
Army	*Joint Base Lewis Mcchord*	*Brigade Complex, Ph 2*	*56,000*	*56,000*
Army	*Joint Base Lewis Mcchord*	*Infrastructure, Ph 1*	*64,000*	*64,000*
Army	*Joint Base Lewis Mcchord*	*Operational Readiness Training Cplx, Ph 1*	*28,000*	*28,000*
	Worldwide Unspecified			
Army	*Unspecified Worldwide Locations*	*Community Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Host Nation Support*	*25,500*	*25,500*
Army	*Unspecified Worldwide Locations*	*Minor Construction*	*20,000*	*20,000*
Army	*Unspecified Worldwide Locations*	*Planning & Design*	*229,741*	*184,741*
Army	*Unspecified Worldwide Locations*	*R&D Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Supply Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Training Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Troop Housing Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Troop Housing Facilities*	*0*	*0*
Army	*Unspecified Worldwide Locations*	*Utilities and Ground Improvements*	*0*	*0*
Total Military Construction, Army			***3,235,991***	***3,013,491***
	Arizona			
Navy	*Yuma*	*Aircraft Maintenance Hangar*	*39,515*	*39,515*
Navy	*Yuma*	*Double Aircraft Maintenance Hangar*	*81,897*	*81,897*
Navy	*Yuma*	*JSF Auxiliary Landing Field*	*41,373*	*41,373*
	Bahrain Island			
Navy	*SW Asia*	*Bachelor Enlisted Quarters*	*55,010*	*55,010*
Navy	*SW Asia*	*Waterfront Development Phase 4*	*45,194*	*0*
	California			
Navy	*Barstow*	*Dip Tank Cleaning Facility*	*8,590*	*8,590*
Navy	*Bridgeport*	*Multi-Purpose Building—Addition*	*19,238*	*16,138*
Navy	*Camp Pendleton*	*Armory, 1st Marine Division*	*12,606*	*12,606*
Navy	*Camp Pendleton*	*Individual Equipment Issue Warehouse*	*16,411*	*16,411*
Navy	*Camp Pendleton*	*Infantry Squad Defense Range*	*29,187*	*29,187*
Navy	*Camp Pendleton*	*Intersection Bridge and Improvements*	*12,476*	*12,476*
Navy	*Camp Pendleton*	*MV–22 Aviation Fuel Storage*	*6,163*	*6,163*
Navy	*Camp Pendleton*	*MV–22 Aviation Pavement*	*18,530*	*18,530*
Navy	*Camp Pendleton*	*MV–22 Double Hangar Replacement*	*48,345*	*48,345*
Navy	*Camp Pendleton*	*New Potable Water Conveyance*	*113,091*	*113,091*
Navy	*Camp Pendleton*	*North Area Waste Water Conveyance*	*78,271*	*78,271*
Navy	*Coronado*	*Multi Purpose Facility North Island*	*46,763*	*46,763*
Navy	*Coronado*	*Rotary Aircraft Depot Maint Fac (North Is.)*	*61,672*	*61,672*
Navy	*Point Mugu*	*E–2D Aircrew Training Facility*	*15,377*	*15,377*
Navy	*Twentynine Palms*	*Child Development Center*	*23,743*	*23,743*
Navy	*Twentynine Palms*	*Land Expansion*	*8,665*	*8,665*
Navy	*Twentynine Palms*	*Multi-Use Operational Fitness Area*	*18,819*	*18,819*
Navy	*Twentynine Palms*	*Tracked Vehicle Maintenance Cover*	*15,882*	*15,882*
	Diego Garcia			
Navy	*Diego Garcia*	*Potable Water Plant Modernization*	*35,444*	*35,444*
	Djibouti			
Navy	*Camp Lemonier*	*Aircraft Logistics Apron*	*35,170*	*35,170*
Navy	*Camp Lemonier*	*Bachelor Quarters*	*43,529*	*43,529*
Navy	*Camp Lemonier*	*Taxiway Enhancement*	*10,800*	*10,800*
	Florida			
Navy	*Jacksonville*	*Bams UAS Operator Training Facility*	*4,482*	*4,482*
Navy	*Jacksonville*	*P–8A Hangar Upgrades*	*6,085*	*6,085*
Navy	*Jacksonville*	*P–8A Training Facility*	*25,985*	*25,985*
Navy	*Mayport*	*Massey Avenue Corridor Improvements*	*14,998*	*14,998*
Navy	*Whiting Field*	*Applied Instruction Facilities, EOD Course*	*20,620*	*20,620*

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Georgia			
Navy	Kings Bay	Crab Island Security Enclave	52,913	52,913
Navy	Kings Bay	WRA Land/Water Interface	33,150	33,150
	Guam			
Navy	Joint Region Marianas	Finegayan Water Utilities	77,267	0
Navy	Joint Region Marianas	North Ramp Utilities—Anderson AFB (Inc)	78,654	0
	Hawaii			
Navy	Barking Sands	North Loop Electrical Replacement	9,679	9,679
Navy	Joint Base Pearl Harbor-Hickam	Navy Information Operations Command Fes Fac	7,492	7,492
Navy	Kaneohe Bay	MCAS Operations Complex	57,704	57,704
	Illinois			
Navy	Great Lakes	Decentralize Steam System	91,042	91,042
	Maryland			
Navy	Indian Head	Decentralize Steam System	67,779	67,779
Navy	Patuxent River	Aircraft Prototype Facility Phase 2	45,844	45,844
	North Carolina			
Navy	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex	75,214	75,214
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	27,439	27,439
Navy	Camp Lejeune	Base Entry Point and Road	81,008	81,008
Navy	Camp Lejeune	Squad Battle Course	16,821	16,821
Navy	Cherry Point Marine Corps Air Station	H–1 Helicopter Gearbox Repair & Test Facility	17,760	17,760
Navy	New River	Aircraft Maintenance Hangar and Apron	69,511	69,511
Navy	New River	Ordnance Loading Area Additiion	9,419	9,419
	South Carolina			
Navy	Beaufort	Vertical Landing Pads	21,096	21,096
	Virginia			
Navy	Norfolk	Bachelor Quarters, Homeport Ashore	81,304	81,304
Navy	Norfolk	Decentralize Steam System	26,924	26,924
Navy	Portsmouth	Controlled Industrial Facility	74,864	74,864
Navy	Quantico	Academic Instruction Facility	75,304	75,304
Navy	Quantico	Bachelor Enlisted Quarters	31,374	31,374
Navy	Quantico	Embassy Security Group Facilities	27,079	27,079
Navy	Quantico	Enlisted Dining Facility	5,034	5,034
Navy	Quantico	Realign Purvis Rd/Russell Rd Intersection	6,442	6,442
Navy	Quantico	The Basic School Student Quarters—Phase 6	28,488	28,488
Navy	Quantico	Waste Water Treatment Plant—Upshur	9,969	9,969
	Washington			
Navy	Bremerton	Integrated Dry Dock Water Treatment Fac Ph1	13,341	13,341
Navy	Kitsap	EHW Security Force Facility (Bangor)	25,948	25,948
Navy	Kitsap	Explosives Handling Wharf #2 (Inc. 1)	78,002	78,002
Navy	Kitsap	Waterfront Restricted Area Vehicle Barriers	17,894	17,894
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	0
Navy	Unspecified Worldwide Locations	Planning and Design	84,362	69,362
Navy	Unspecified Worldwide Locations	R&D Facilities	0	0
Navy	Unspecified Worldwide Locations	Troop Housing Facilities	0	0
Navy	Unspecified Worldwide Locations	Unspecified Minor Constr	21,495	21,495
Total Military Construction, Navy			**2,461,547**	**2,242,332**
	Alaska			
AF	Eielson AFB	Dormitory (168 Rm)	45,000	45,000
AF	Joint Base Elmendorf-Richardson	Brigade Combat Team (Light) Complex, (480 RM)	97,000	97,000
	Arizona			
AF	Davis-Monthan AFB	EC–130H Simulator/Training Operations	20,500	20,500
AF	Davis-Monthan AFB	HC–130J Joint Use Fuel Cell	12,500	12,500
AF	Luke AFB	F–35 Adal Aircraft Maintenance Unit	6,000	6,000
AF	Luke AFB	F–35 Squad Ops/AMU 2	18,000	18,000
	California			
AF	Travis AFB	Dormitory (144 Rm)	22,000	22,000
AF	Vandenberg AFB	Education Center	14,200	14,200
	Colorado			
AF	U.S. Air Force Academy	Construct Large Vehicle Inspection Facility	13,400	13,400
	Delaware			
AF	Dover AFB	C–5M Formal Training Unit Facility	2,800	2,800
	Florida			
AF	Patrick AFB	Air Force Technical Applications Ctr—Incr 2	79,000	79,000
	Germany			
AF	Ramstein Ab	Dormitory (192 Rm)	34,697	34,697
	Greenland			
AF	Thule Ab	Dormitory (72 Pn)	28,000	28,000
	Guam			
AF	Joint Region Marianas	Air Freight Terminal Complex	35,000	35,000
AF	Joint Region Marianas	Guam Strike Clear Water Rinse Facility	7,500	7,500
AF	Joint Region Marianas	Guam Strike Conventional Munitions Maintenanc	11,700	11,700
AF	Joint Region Marianas	Guam Strike Fuel Systems Maintenance Hangar, Incr 1	128,000	0
AF	Joint Region Marianas	PRTC Combat Communications Combat Support	9,800	9,800
AF	Joint Region Marianas	PRTC Combat Communications Transmission Syst	5,600	5,600
AF	Joint Region Marianas	PRTC Red Horse Cantonment Operations Facility	14,000	14,000
	Italy			
AF	Sigonella	UAS SATCOM Relay Pads and Facility	15,000	15,000
	Kansas			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
AF	Fort Riley	Air Support Operations Center	7,600	7,600
	Korea			
AF	Osan AB	Dormitory (156 Rm)	23,000	23,000
	Louisiana			
AF	Barksdale AFB	Mission Support Group Complex	23,500	23,500
	Missouri			
AF	Whiteman AFB	WSA Security Control Facility	4,800	4,800
	Nebraska			
AF	Offutt AFB	STRATCOM Replacement Facility Incr 1	150,000	120,000
	Nevada			
AF	Nellis AFB	Communications Network Control Center	11,600	11,600
AF	Nellis AFB	F–35 Add/Alter Engine Shop	2,750	2,750
AF	Nellis AFB	F–35A AGE Facility	21,500	21,500
	New Mexico			
AF	Cannon AFB	Adal Wastewater Treatment Plant	7,598	7,598
AF	Cannon AFB	Dormitory (96 Rm)	15,000	15,000
AF	Holloman AFB	Child Development Center	11,200	11,200
AF	Holloman AFB	F–16 Academic Facility	5,800	5,800
AF	Holloman AFB	F–16 SEAD Training Facility	4,200	4,200
AF	Holloman AFB	Parallel Taxiway 07/25	8,000	8,000
AF	Kirtland AFB	AFNWC Sustainment Center	25,000	25,000
	North Carolina			
AF	Pope AFB	C–130 Flight Simulator	6,000	6,000
	North Dakota			
AF	Minot AFB	B–52 3–Bay Conventional Munitions Maintenance	11,800	11,800
AF	Minot AFB	B–52 Two-Bay Phase Maintenance Dock	34,000	34,000
AF	Minot AFB	Dormitory (168 Rm)	22,000	22,000
	Qatar			
AF	AL Udeid	Blatchford Preston Complex, Phase IV	37,000	0
	Texas			
AF	Joint Base San Antonio	Adv Indiv Training (AIT) Barracks (300 Rm)	46,000	46,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 4, Phase IV	64,000	64,000
	Utah			
AF	Hill AFB	F–22 System Support Facility	16,500	16,500
AF	Hill AFB	F–35 Adal Hangar 45E/AMU	6,800	0
	Virginia			
AF	Joint Base Langley Eustis	AIT Barracks Complex, Ph 2	50,000	50,000
	Washington			
AF	Fairchild AFB	SERE Force Support Ph 2	14,000	14,000
AF	Fairchild AFB	Wing Headquarters	13,600	13,600
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Community Facilities	0	0
AF	Unspecified Worldwide Locations	Community Facilities	0	0
AF	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	0
AF	Unspecified Worldwide Locations	Operational Facilities	0	0
AF	Unspecified Worldwide Locations	Planning & Design	81,913	52,913
AF	Unspecified Worldwide Locations	Supporting Facilities	0	0
AF	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Total Military Construction, Air Force			**1,364,858**	**1,134,058**
	Alabama			
Def-Wide	Maxwell AFB	Expand 800 Area Chiller Loop, Gunter Annex	0	2,482
	Alabama			
Def-Wide	Redstone Arsenal	Von Braun Complex Phase IV	58,800	58,800
	Alaska			
Def-Wide	Anchorage	SOF Cold Weather Maritime Training Facility	18,400	18,400
Def-Wide	Eielson AFB	Upgrade Rail Line	14,800	14,800
	Arizona			
Def-Wide	Davis-Monthan AFB	CNS Thermal Storage	0	4,650
	Arizona			
Def-Wide	Davis-Monthan AFB	Replace Hydrant Fuel System	23,000	23,000
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	24,118	0
	California			
Def-Wide	Camp Pendleton	SOF Military Working Dog Facility	3,500	3,500
Def-Wide	Camp Pendleton	SOF Range 130 Support Projects	8,641	8,641
Def-Wide	Coronado	SOF Support Activity Operations Facility	42,000	42,000
Def-Wide	Defense Distribution Depot-Tracy	Replace Public Safety Center	15,500	15,500
Def-Wide	Point Loma Annex	Replace Fuel Storage Facilities Incr 4	27,000	27,000
Def-Wide	Presidio of Monterey	1 Mw Solar Grid	0	5,000
Def-Wide	San Clemente	Replace Fuel Storage Tanks & Pipeline	21,800	21,800
Def-Wide	San Joaquin/Tracy Site	400 KW Solar PV System, Building 58 Roof	0	2,860
	Colorado			
Def-Wide	Buckley AFB	Mountainview Operations Facility, Incr 1	140,932	70,432
Def-Wide	Fort Carson	Microgrid Expansion PEV Tie-in (SPIDERS)	0	4,277
	District of Columbia			
Def-Wide	Bolling AFB	Cooling Tower Expansion	2,070	2,070
Def-Wide	Bolling AFB	DIAC Parking Garage	13,586	13,586
Def-Wide	Bolling AFB	Electrical Upgrades	1,080	1,080
	Florida			
Def-Wide	Eglin AFB	Medical Clinic	11,600	11,600

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Eglin AFB	SOF Company Operations Facility (GSB)	21,000	21,000
Def-Wide	Eglin AFB	SOF Company Operations Facility (GSTB)	19,000	19,000
Def-Wide	Eglin Aux 9	SOF Enclosed Engine Noise Suppressors	3,200	3,200
Def-Wide	Eglin Aux 9	SOF Simulator Facility	6,300	6,300
Def-Wide	Macdill AFB	SOF Acquisition Center (Phase II)	15,200	15,200
Def-Wide	Tyndall AFB	Reclaimed Water Irrigation	0	3,255
Def-Wide	Whiting Field	Truck Load/Unload Facility	3,800	3,800
	Georgia			
Def-Wide	Fort Benning	Replace McBride Elementary School	37,205	37,205
Def-Wide	Fort Gordon	Whitelaw Wedge Building Addition	11,340	17,705
Def-Wide	Fort Stewart	Hospital Addition/Alteration Phase 2	72,300	72,300
Def-Wide	MCLB Albany	LFG Generator	0	3,504
	Germany			
Def-Wide	Ansbach	Ansbach Middle/High School Addition	11,672	11,672
Def-Wide	Baumholder	Replace Wetzel-Smith Elementary Schools	59,419	59,419
Def-Wide	Grafenwoehr	Netzaberg MS School Addition	6,529	6,529
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 1	70,592	70,592
Def-Wide	Spangdalem AB	Replace Bitburg Elementary School	41,876	41,876
Def-Wide	Spangdalem AB	Replace Bitburg Middle & High School	87,167	87,167
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,434	2,434
	Guam			
Def-Wide	Naval Base Guam	4 MW Wind Farm	0	17,377
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	Alter Warehouse Space	9,200	9,200
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Refuler Truck Parking Area	5,200	5,200
	Illinois			
Def-Wide	Great Lakes	Health Clinic Demolition	16,900	16,900
	Italy			
Def-Wide	Naval Air Station Naples	345 KW Solar PV	0	2,867
	Italy			
Def-Wide	Vicenza	Replace Vicenza High School	41,864	41,864
	Japan			
Def-Wide	Yokota AB	Replace Temp Classrm/Joan K. Mendel ES	12,236	12,236
Def-Wide	Yokota AB	Replace Yokota High School	49,606	49,606
	Kentucky			
Def-Wide	Fort Campbell	Hospital Addition/Alteration	56,600	56,600
Def-Wide	Fort Campbell	SOF MH47 Aviation Facility	43,000	43,000
Def-Wide	Fort Campbell	SOF Rotary Wing Hangar	38,900	38,900
Def-Wide	Fort Knox	GSHO Well Field for HRC	0	2,750
Def-Wide	Fort Knox	Replace Kingsolver-Pierce Elementary Schools	38,845	38,845
	Louisiana			
Def-Wide	Barksdale AFB	Hydrant Fuel System	6,200	6,200
	Marshall Islands			
Def-Wide	Kwajalein Atol	468KW Solar PV System	0	6,300
	Maryland			
Def-Wide	Aberdeen Proving Ground	USAMRICD Replacement, Inc 4	22,850	22,850
Def-Wide	Bethesda Naval Hospital	Child Development Center Addition/Alteration	18,000	18,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc 6	137,600	137,600
Def-Wide	Fort Meade	High Performance Computing Capacity	29,640	29,640
Def-Wide	Joint Base Andrews	Ambulatory Care Center, Incr 1	242,900	154,300
Def-Wide	Joint Base Andrews	Dental Clinic Replacement	22,800	22,800
	Massachusetts			
Def-Wide	Hanscom AFB	Repair Chiller Controls B1201	0	3,609
Def-Wide	Hanscom AFB	Replace Hanscom Middle School	34,040	34,040
Def-Wide	Westover ARB	Replace Hydrant Fuel System	23,300	23,300
	Mississippi			
Def-Wide	Columbus AFB	Replace Refueler Parking Facility	2,600	2,600
Def-Wide	Gulfport	Medical Clinic Replacement	34,700	34,700
	Missouri			
Def-Wide	Arnold	Data Ctr West #1 Power & Cooling Upgrade	9,253	9,253
	New Mexico			
Def-Wide	Cannon AFB	SOF ADAL Simulator Facility	9,600	9,600
Def-Wide	Cannon AFB	SOF Aircraft Maintenance Squadron Facility	15,000	15,000
Def-Wide	Cannon AFB	SOF Apron and Taxiway	28,100	28,100
Def-Wide	Cannon AFB	SOF C–130 Squadron Operations Facility	10,941	10,941
Def-Wide	Cannon AFB	SOF C–130 Wash Rack Hangar	10,856	10,856
Def-Wide	Cannon AFB	SOF Hangar Aircraft Maintenance Unit	41,200	41,200
Def-Wide	Cannon AFB	SOF Squadron Operations Facility	17,300	17,300
	New York			
Def-Wide	Fort Drum	Dental Clinic Addition/Alteration	4,700	4,700
Def-Wide	Fort Drum	Medical Clinic	15,700	15,700
Def-Wide	Fort Drum	Retrocommission Various Buildings	0	3,500
	North Carolina			
Def-Wide	Camp Lejeune	SOF Armory Facility Expansion	6,670	6,670
Def-Wide	Fort Bragg	Historic District GSHP & Retro Cx	0	13,400
Def-Wide	Fort Bragg	Hospital Alteration	57,600	57,600
Def-Wide	Fort Bragg	Replace District Superintendant's Office	3,138	3,138
Def-Wide	Fort Bragg	SOF Administrative Annex	12,000	12,000
Def-Wide	Fort Bragg	SOF Battalion Operations Complex	23,478	23,478
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	41,000	41,000
Def-Wide	Fort Bragg	SOF Brigade Headquarters	19,000	19,000
Def-Wide	Fort Bragg	SOF Communications Training Complex	10,758	10,758

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Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Fort Bragg	SOF Entry Control Point	2,300	2,300
Def-Wide	Fort Bragg	SOF Group Headquarters	26,000	26,000
Def-Wide	Fort Bragg	SOF Squadron HQ Addition	11,000	11,000
Def-Wide	Mcb Camp Lejeune	Steam Decentralization of Camp Geiger	0	6,925
Def-Wide	New River	Replace Delalio Elementary School	22,687	22,687
Def-Wide	Pope AFB	SOF Training Facility	5,400	5,400
	Ohio			
Def-Wide	Columbus	Security Enhancements	10,000	10,000
	Oklahoma			
Def-Wide	Altus	Install VCEP for 22 Buildings	0	5,700
Def-Wide	Altus AFB	Replace Fuel Transfer Pipeline	8,200	8,200
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Enclose Open-Sided Shed	3,000	0
Def-Wide	Def Distribution Depot New Cumberland	Replace General Purpose Warehouse	25,500	25,500
Def-Wide	Def Distribution Depot New Cumberland	Upgrade Access Control Points	17,500	17,500
Def-Wide	Philadelphia	Upgrade HVAC System	8,000	8,000
	South Carolina			
Def-Wide	Joint Base Charleston	Replace Fuel Storage & Distribution Facility	24,868	24,868
	Tennessee			
Def-Wide	Arnold AFB	Provide Temp. Control Cell Cooling C1 & C2	0	3,300
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 3	136,700	86,700
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3	161,300	80,600
Def-Wide	Joint Base San Antonio	Hospital Nutrition Care Department Add/Alt	33,000	33,000
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS PSC Construction Generator Plant	68,601	68,601
Def-Wide	Royal Air Force Alconbury	Replace Alconbury High School	35,030	35,030
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center 1 Inc 3	246,401	166,401
Def-Wide	Tooele Army Depot	Install Stirling Solar Array	0	8,200
	Virginia			
Def-Wide	Charlottesville	Remote Delivery Facility	10,805	10,805
Def-Wide	Dahlgren	Dahlgren E/MS School Addition	1,988	1,988
Def-Wide	Dam Neck	SOF Building Renovation	3,814	3,814
Def-Wide	Dam Neck	SOF Logistic Support Facility	14,402	14,402
Def-Wide	Dam Neck	SOF Military Working Dog Facility	4,900	4,900
Def-Wide	Fort Belvoir	Technology Center Third Floor Fit-Out	54,625	54,625
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Seal Team Operations Facility	37,000	37,000
Def-Wide	NRO/Aerospace Data Facility—East	2 MW Bloom Box Fuel Cell	0	2,000
Def-Wide	Pentagon	Heliport Control Tower/Fire Station	6,457	6,457
Def-Wide	Pentagon	Pentagon Memorial Pedestrian Plaza	2,285	2,285
Def-Wide	Quantico	Defense Access Road Improvements-Telegraph Rd	4,000	4,000
Def-Wide	Quantico	DSS Headquarters Addition	42,727	42,727
	Washington			
Def-Wide	Joint Base Lewis Mcchord	Replace Fuel Distribution Facilities	14,000	14,000
Def-Wide	Joint Base Lewis Mcchord	SOF Company Operations Facility	21,000	21,000
Def-Wide	Whidbey Island	Replace Fuel Pipeline	25,000	25,000
	West Virginia			
Def-Wide	Camp Dawson	Replace Hydrant Fuel System	2,200	2,200
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Defense Access Roads	0	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	135,000	0
Def-Wide	Unspecified Worldwide Locations	Exercise Related Construction	8,417	8,417
Def-Wide	Unspecified Worldwide Locations	Minor Construction	6,100	6,100
Def-Wide	Unspecified Worldwide Locations	Planning and Design (General Reduction)	0	–55,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	1,993	1,993
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,368	8,368
Def-Wide	Unspecified Worldwide Locations	Planning and Design	3,043	3,043
Def-Wide	Unspecified Worldwide Locations	Planning and Design	6,000	6,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	52,974	52,974
Def-Wide	Unspecified Worldwide Locations	Planning and Design	31,468	31,468
Def-Wide	Unspecified Worldwide Locations	Planning and Design	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	5,277	5,277
Def-Wide	Unspecified Worldwide Locations	Planning and Design	48,007	48,007
Def-Wide	Unspecified Worldwide Locations	SOF Land Acquisition	0	0
Def-Wide	Unspecified Worldwide Locations	Supporting Activities	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,876	8,876
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	6,365	0
Def-Wide	Unspecified Worldwide Locations	Various ECIP	0	20,444
Def-Wide	Various Worldwide Locations	Planning and Design	227,498	227,498
Def-Wide	Various Worldwide Locations	Planning and Design	66,974	66,974
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction	6,571	6,571
	Wyoming			
Def-Wide	Fe Warren	Decentralize Base Heat Plant	0	12,600
Total Military Construction, Defense-Wide			**3,848,757**	**3,396,839**

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Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Colorado			
Chem Demil	*Pueblo Depot*	*Ammunition Demilitarization Facility, Ph XIII*	15,338	15,338
	Kentucky			
Chem Demil	*Blue Grass Army Depot*	*Ammunition Demilitarization Ph XII*	59,974	59,974
Total Chemical Demilitarization Construction, Defense			**75,312**	**75,312**
	Worldwide Unspecified			
NATO	*NATO Security Investment Program*	*NATO Security Investment Program*	272,611	257,611
Total NATO Security Investment Program			**272,611**	**257,611**
	Alabama			
Army NG	*Fort McClellan*	*Readiness Center Ph2*	16,500	16,500
	Arizona			
Army NG	*Papago Military Reservation*	*Readiness Center*	17,800	17,800
	Arkansas			
Army NG	*Fort Chaffee*	*Convoy Live Fire/Entry Control Point Range*	3,500	3,500
	California			
Army NG	*Camp Roberts*	*Tactical Unmanned Aircraft System Facility*	6,160	6,160
Army NG	*Camp Roberts*	*Utilities Replacement Ph1*	32,000	32,000
Army NG	*Camp San Luis Obispo*	*Field Maintenance Shop*	8,000	8,000
	Colorado			
Army NG	*Alamosa*	*Readiness Center*	6,400	6,400
Army NG	*Aurora*	*Tactical Unmanned Aircraft System Facility*	3,600	3,600
Army NG	*Fort Carson*	*Barracks Complex (ORTC)*	43,000	43,000
	District of Columbia			
Army NG	*Anacostia*	*US Property & Fiscal Office Add/Alt*	5,300	5,300
	Florida			
Army NG	*Camp Blanding*	*Convoy Live Fire/Entry Control Point Range*	2,400	2,400
Army NG	*Camp Blanding*	*Live Fire Shoot House*	3,100	3,100
	Georgia			
Army NG	*Atlanta*	*Readiness Center*	11,000	11,000
Army NG	*Hinesville*	*Maneuver Area Training & Equipment Site Ph1*	17,500	17,500
Army NG	*Macon*	*Readiness Center Ph1*	14,500	14,500
	Hawaii			
Army NG	*Kalaeloa*	*Readiness Center Ph1*	33,000	33,000
	Illinois			
Army NG	*Normal*	*Readiness Center*	10,000	10,000
	Indiana			
Army NG	*Camp Atterbury*	*Deployment Processing Facility*	8,900	8,900
Army NG	*Camp Atterbury*	*Operations Readiness Training Cmplx 2*	27,000	27,000
Army NG	*Camp Atterbury*	*Operations Readiness Training Complex 1*	25,000	25,000
Army NG	*Camp Atterbury*	*Railhead Expansion & Container Facility*	21,000	21,000
Army NG	*Indianapolis*	*JFHQ Add/Alt*	25,700	25,700
	Maine			
Army NG	*Bangor*	*Readiness Center*	15,600	15,600
Army NG	*Brunswick*	*Armed Forces Reserve Center*	23,000	23,000
	Maryland			
Army NG	*Dundalk*	*Readiness Center Add/Alt*	16,000	16,000
Army NG	*LA Plata*	*Readiness Center*	9,000	9,000
Army NG	*Westminster*	*Readiness Center Add/Alt*	10,400	10,400
	Massachusetts			
Army NG	*Natick*	*Readiness Center*	9,000	9,000
	Minnesota			
Army NG	*Camp Ripley*	*Multipurpose Machine Gun Range*	8,400	8,400
	Mississippi			
Army NG	*Camp Shelby*	*Deployment Processing Facility*	12,600	12,600
Army NG	*Camp Shelby*	*Operational Readiness Training Cmplx Ph1*	27,000	27,000
Army NG	*Camp Shelby*	*Troop Housing (ORTC) Ph1*	25,000	25,000
	Nebraska			
Army NG	*Grand Island*	*Readiness Center*	22,000	22,000
Army NG	*Mead*	*Readiness Center*	9,100	9,100
	Nevada			
Army NG	*Las Vegas*	*Field Maintenance Shop*	23,000	23,000
	New Jersey			
Army NG	*Lakehurst*	*Army Aviation Suport Facility*	49,000	49,000
	New Mexico			
Army NG	*Santa Fe*	*Readiness Center Add/Alt*	5,200	5,200
	North Carolina			
Army NG	*Greensboro*	*Readiness Center Add/Alt*	3,700	3,700
	Oklahoma			
Army NG	*Camp Gruber*	*Live Fire Shoot House*	3,000	3,000
Army NG	*Camp Gruber*	*Upgrade-Combined Arms Collective Training Fac*	10,361	10,361
	Oregon			
Army NG	*the Dalles*	*Readiness Center*	13,800	13,800
	Puerto Rico			
Army NG	*Fort Buchanan*	*Readiness Center*	57,000	57,000
	South Carolina			
Army NG	*Allendale*	*Readiness Center Add/Alt*	4,300	4,300
	Utah			

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Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army NG	Camp Williams	Multi Purpose Machine Gun Range	6,500	6,500
	Virginia			
Army NG	Fort Pickett	Combined Arms Collective Training Facility	11,000	11,000
	West Virginia			
Army NG	Buckhannon	Readiness Center Ph1	10,000	10,000
	Wisconsin			
Army NG	Camp Williams	Tactical Unmanned Aircraft System Facility	7,000	7,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	0
Army NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	0
Army NG	Unspecified Worldwide Locations	Operational Facilities	0	0
Army NG	Unspecified Worldwide Locations	Planning and Design	20,671	20,671
Army NG	Unspecified Worldwide Locations	Training Facilities	0	0
Army NG	Unspecified Worldwide Locations	Unspecified Construction	0	0
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	11,700	11,700
	Wyoming			
Army NG	Cheyenne	Readiness Center	8,900	8,900
Total Military Construction, Army National Guard			**773,592**	**773,592**
	California			
Army Res	Fort Hunter Liggett	Automated Multipurpose Machine Gun (MPMG)	5,200	5,200
	Colorado			
Army Res	Fort Collins	Army Reserve Center	13,600	13,600
	Illinois			
Army Res	Homewood	Army Reserve Center	16,000	16,000
Army Res	Rockford	Army Reserve Center/Land	12,800	12,800
	Indiana			
Army Res	Fort Benjamin Harrison	Army Reserve Center	57,000	57,000
	Kansas			
Army Res	Kansas City	Army Reserve Center/Land	13,000	13,000
	Massachusetts			
Army Res	Attleboro	Army Reserve Center/Land	22,000	22,000
	Minnesota			
Army Res	Saint Joseph	Army Reserve Center	11,800	11,800
	Missouri			
Army Res	Weldon Springs	Army Reserve Center	19,000	19,000
	New York			
Army Res	Schenectady	Army Reserve Center	20,000	20,000
	North Carolina			
Army Res	Greensboro	Army Reserve Center/Land	19,000	19,000
	South Carolina			
Army Res	Orangeburg	Army Reserve Center/Land	12,000	12,000
	Wisconsin			
Army Res	Fort McCoy	Automated Record Fire Range	4,600	4,600
Army Res	Fort McCoy	Container Loading Facility	5,300	5,300
Army Res	Fort McCoy	Modified Record Fire Known Distance Range	5,400	5,400
Army Res	Fort McCoy	NCOA Phase III—Billeting	12,000	12,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	28,924	28,924
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	2,925	2,925
Total Military Construction, Army Reserve			**280,549**	**280,549**
	Pennsylvania			
N/MC Res	Pittsburgh	Armed Forces Reserve Center (Pittsburgh)	13,759	13,759
	Tennessee			
N/MC Res	Memphis	Reserve Training Center	7,949	7,949
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction	2,000	2,000
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,591	2,591
Total Military Construction, Naval Reserve			**26,299**	**26,299**
	California			
Air NG	Beale AFB	Wing Operations and Training Facility	6,100	6,100
Air NG	Moffett Field	Replace Pararescue Training Facility	26,000	26,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Aircraft Parking Apron	12,721	12,721
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Flight Simulator Facility	19,800	19,800
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Weapons Load Crew Training Facilit	7,000	7,000
	Indiana			
Air NG	Fort Wayne IAP	A–10 Facility Conversion—Munitions	4,000	4,000
	Maryland			
Air NG	Martin State Airport	TFI—C–27 Conversion - Squadron Operations	4,900	4,900
	Massachusetts			
Air NG	Otis ANGB	TFI—CNAF Beddown - Upgrade Facility	7,800	7,800
	Ohio			
Air NG	Springfield Beckley-Map	Alter Predator Operations Center	6,700	6,700
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Maintenance & Production Facilities	0	0
Air NG	Unspecified Worldwide Locations	Operational Facilities	0	0

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Air NG	Various Worldwide Locations	Minor Construction	9,000	9,000
Air NG	Various Worldwide Locations	Planning and Design	12,225	12,225
Total Military Construction, Air National Guard			**116,246**	**116,246**
	California			
AF Res	March AFB	Airfield Control Tower/Base Ops	16,393	16,393
	South Carolina			
AF Res	Charleston AFB	TFI Red Horse Readiness & Trng Center	9,593	9,593
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	2,200	2,200
AF Res	Unspecified Worldwide Locations	Training Facilities	0	0
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	5,434	5,434
Total Military Construction, Air Force Reserve			**33,620**	**33,620**
	Belgium			
FH Con Army	Brussels	Land Purchase for Gfoq (10 Units)	10,000	0
	Germany			
FH Con Army	Grafenwoehr	Family Housing New Construction (26 Units)	13,000	13,000
FH Con Army	Illesheim	Family Housing Replacement Construc(80 Units)	41,000	41,000
FH Con Army	Vilseck	Family Housing New Construction (22 Units)	12,000	12,000
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Construction Improvements (276 Units)	103,000	103,000
FH Con Army	Unspecified Worldwide Locations	Family Housing P&D	7,897	7,897
Total Family Housing Construction, Army			**186,897**	**176,897**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account	14,256	14,256
FH Ops Army	Unspecified Worldwide Locations	Leasing	204,426	204,426
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	105,668	105,668
FH Ops Army	Unspecified Worldwide Locations	Management Account	54,728	54,728
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	605	605
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	25,741	25,741
FH Ops Army	Unspecified Worldwide Locations	Services Account	15,797	15,797
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	73,637	73,637
Total Family Housing Operation And Maintenance, Army			**494,858**	**494,858**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Classified Improvements	50	50
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	80,546	80,546
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,208	4,208
Total Family Housing Construction, Air Force			**84,804**	**84,804**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	35,290	35,290
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	47,571	47,571
FH Ops AF	Unspecified Worldwide Locations	Leasing	80,775	80,775
FH Ops AF	Unspecified Worldwide Locations	Leasing Account	122	122
FH Ops AF	Unspecified Worldwide Locations	Maintenance (RPMA & RPMC)	98,132	98,132
FH Ops AF	Unspecified Worldwide Locations	Maintenance Account	2,001	2,001
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,395	55,395
FH Ops AF	Unspecified Worldwide Locations	Management Account	1,996	1,996
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	2,165	2,165
FH Ops AF	Unspecified Worldwide Locations	Services Account	13,675	13,675
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	67,639	67,639
Total Family Housing Operation And Maintenance, Air Force			**404,761**	**404,761**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	3,199	3,199
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,773	97,773
Total Family Housing Construction, Navy And Marine Corps			**100,972**	**100,972**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	15,979	15,979
FH Ops Navy	Unspecified Worldwide Locations	Leasing	79,798	79,798
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	97,231	97,231
FH Ops Navy	Unspecified Worldwide Locations	Management Account	61,090	61,090
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	476	476
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	28,582	28,582
FH Ops Navy	Unspecified Worldwide Locations	Services Account	14,510	14,510
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	70,197	70,197
Total Family Housing Operation And Maintenance, Navy And Marine Corps			**367,863**	**367,863**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	70	70

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FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	19	19
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	2,699	2,699
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,100	10,100
FH Ops DW	Unspecified Worldwide Locations	Leasing	36,552	36,552
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	70	70
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	546	546
FH Ops DW	Unspecified Worldwide Locations	Management Account	347	347
FH Ops DW	Unspecified Worldwide Locations	Services Account	30	30
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	280	280
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	10	10
Total Family Housing Operation And Maintenance, Defense-Wide			**50,723**	**50,723**
	Worldwide Unspecified			
HOAP	Unspecified Worldwide Locations	Homeowers Assistance Program	1,284	1,284
Total Homeowners Assistance Fund			**1,284**	**1,284**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	2,184	2,184
Total DOD Family Housing Improvement Fund			**2,184**	**2,184**
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	COMM ADD 3: Galena Fol, AK	933	0
BRAC 05	Unspecified Worldwide Locations	DON–100: Planing, Design and Management	6,090	0
BRAC 05	Unspecified Worldwide Locations	DON–101: Various Locations	5,021	0
BRAC 05	Unspecified Worldwide Locations	DON–126: NSCS, Athens, GA	325	0
BRAC 05	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	421	0
BRAC 05	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	1,442	0
BRAC 05	Unspecified Worldwide Locations	DON–158: NSA New Orleans, LA	2,056	0
BRAC 05	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	9,763	0
BRAC 05	Unspecified Worldwide Locations	DON–2: NS Pascagoula, MS	515	0
BRAC 05	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg Ap	196	0
BRAC 05	Unspecified Worldwide Locations	IND–106: Kansas Army Ammunition Plant, KS	45,769	0
BRAC 05	Unspecified Worldwide Locations	IND–110: Mississippi Army Ammo Plant, MS	122	0
BRAC 05	Unspecified Worldwide Locations	IND–112: River Bank Army Ammo Plant, CA	320	0
BRAC 05	Unspecified Worldwide Locations	IND–117: Deseret Chemical Depot, UT	34,011	0
BRAC 05	Unspecified Worldwide Locations	IND–119: Newport Chemical Depot, IN	467	0
BRAC 05	Unspecified Worldwide Locations	IND–120: Umatilla Chemical Depot, OR	9,092	0
BRAC 05	Unspecified Worldwide Locations	IND–122: Lone Star Army Ammo Plant, TX	19,367	0
BRAC 05	Unspecified Worldwide Locations	INT–4: NGA Activities	1,791	0
BRAC 05	Unspecified Worldwide Locations	MED–2: Walter Reed NMMC, Bethesda, MD	18,586	0
BRAC 05	Unspecified Worldwide Locations	MED–57: Brooks City Base, TX	205	0
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	828	0
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	32,298	0
BRAC 05	Unspecified Worldwide Locations	USA–113: Fort Monroe, VA	23,601	0
BRAC 05	Unspecified Worldwide Locations	USA–121: Fort Gillem, GA	8,903	0
BRAC 05	Unspecified Worldwide Locations	USA–131: USAR Command and Control—SE	250	0
BRAC 05	Unspecified Worldwide Locations	USA–166: USAR Command and Control—NW	1,000	0
BRAC 05	Unspecified Worldwide Locations	USA–167: USAR Command and Control—NE	250	0
BRAC 05	Unspecified Worldwide Locations	USA–168: USAR Command and Control—SW	250	0
BRAC 05	Unspecified Worldwide Locations	USA–222: Fort Mcpherson, GA	9,921	0
BRAC 05	Unspecified Worldwide Locations	USA–223: Fort Monmouth, NJ	21,908	0
BRAC 05	Unspecified Worldwide Locations	USA–242: RC Transformation in NY	259	0
BRAC 05	Unspecified Worldwide Locations	USA–36: Red River Army Depot	1,207	0
BRAC 05	Unspecified Worldwide Locations	USA–63: U.S. Army Garrison (Selfridge)	1,609	0
Total Base Realignment and Closure Account 2005			**258,776**	**0**
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure	Base Realignment & Closure	0	0
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	123,476	123,476
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	70,716	70,716
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	129,351	129,351
Total Base Realignment and Closure Account 1990			**323,543**	**323,543**
	Unspecified			
PYS	Unspecified Worldwide Locations	Prior Year Savings-Air Force	0	–32,000
PYS	Unspecified Worldwide Locations	Prior Year Savings-Defense-Wide	0	–131,400
PYS	Unspecified Worldwide Locations	Prior Year Savings-Navy	0	–25,000
PYS	Unspecified Worldwide Locations	Prior Year Savings-Army	0	–100,000
Total Prior Year Savings			**0**	**–288,400**
Total Division B			**14,766,047**	**13,069,438**
Grand Total			**14,766,047**	**13,069,438**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
ENERGY SECURITY AND ASSURANCE	6,187	0
Atomic Energy Defense Activities		
National nuclear security administration:		
WEAPONS ACTIVITIES	7,629,716	7,274,329
DEFENSE NUCLEAR NONPROLIFERATION	2,549,492	2,333,303
NAVAL REACTORS	1,153,662	1,080,000
OFFICE OF THE ADMINISTRATOR	450,060	382,700
Total, National nuclear security administration	**11,782,930**	**11,070,332**
Environmental and other defense activities:		
DEFENSE ENVIRONMENTAL CLEANUP	5,406,781	5,023,000
OTHER DEFENSE ACTIVITIES	859,952	823,364
DEFENSE NUCLEAR WASTE DISPOSAL	0	0
Total, Environmental & other defense activities	**6,266,733**	**5,846,364**
Total, Atomic Energy Defense Activities	**18,049,663**	**16,916,696**
Total, Discretionary Funding	**18,055,850**	**16,916,696**
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,187	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	223,562	223,562
W76 Life extension program	257,035	257,035
Total, Life extension programs	**480,597**	**480,597**
Stockpile systems		
B61 Stockpile systems	72,396	72,396
W76 Stockpile systems	63,383	63,383
W78 Stockpile systems	109,518	99,518
W80 Stockpile systems	44,444	44,444
B83 Stockpile systems	48,215	48,215
W87 Stockpile systems	83,943	83,943
W88 Stockpile systems	75,728	75,728
Total, Stockpile systems	**497,627**	**487,627**
Weapons dismantlement and disposition		
Operations and maintenance	56,770	56,770
Total, Weapons dismantlement and disposition	**56,770**	**56,770**
Stockpile services		
Production support	354,502	330,000
Research and development support	30,264	30,264
R&D certification and safety	190,892	165,569
Management, technology, and production	198,700	188,700
Plutonium sustainment	154,231	140,000
Total, Stockpile services	**928,589**	**854,533**
Total, Directed stockpile work	**1,963,583**	**1,879,527**
Campaigns:		
Science campaign		
Advanced certification	94,929	40,000
Primary assessment technologies	86,055	86,055
Dynamic materials properties	111,836	96,984
Advanced radiography	27,058	26,000
Secondary assessment technologies	86,061	85,000
Total, Science campaign	**405,939**	**334,039**
Engineering campaign		
Enhanced surety	41,696	41,696
Weapon systems engineering assessment technology	15,663	15,663
Nuclear survivability	19,545	19,545
Enhanced surveillance	66,174	66,174
Total, Engineering campaign	**143,078**	**143,078**
Inertial confinement fusion ignition and high yield campaign		
Ignition	109,888	109,888
Diagnostics, cryogenics and experimental support	86,259	86,259
Pulsed power inertial confinement fusion	4,997	4,997
Joint program in high energy density laboratory plasmas	9,100	9,100
Facility operations and target production	266,030	266,030
Total, Inertial confinement fusion and high yield campaign	**476,274**	**476,274**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
Advanced simulation and computing campaign	**628,945**	**620,000**
Readiness Campaign		
Nonnuclear readiness	65,000	65,000
Tritium readiness	77,491	63,591
Total, Readiness campaign	**142,491**	**128,591**
Total, Campaigns	**1,796,727**	**1,701,982**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	156,217	156,217
Lawrence Livermore National Laboratory	83,990	83,990
Los Alamos National Laboratory	318,526	318,526
Nevada Test Site	97,559	97,559
Pantex	164,848	164,848
Sandia National Laboratory	120,708	120,708
Savannah River Site	97,767	97,767
Y–12 National security complex	246,001	246,001
Institutional site support	199,638	0
Total, Operations of facilities	**1,485,254**	**1,285,616**
Program readiness	74,180	74,180
Material recycle and recovery	85,939	78,000
Containers	28,979	28,979
Storage	31,272	31,272
Subtotal, Readiness in technical base and facilities	**1,705,624**	**1,498,047**
Construction:		
12–D–301 TRU waste facilities, LANL	9,881	9,881
11–D–801 TA–55 Reinvestment project, LANL	19,402	10,000
10-D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	35,387	35,387
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	25,168	25,168
08–D–802 High explosive pressing facility Pantex Plant, Amerillo, TX	66,960	66,960
07–D–140 Project engineering and design (PED) various locations	3,518	3,518
06–D–141 Project engineering & design (PED) Y–12 National Security Complex, Oakridge, TN	160,194	160,194
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	300,000	200,000
Total, Construction	**620,510**	**511,108**
Total, Readiness in technical base and facilities	**2,326,134**	**2,009,155**
Secure transportation asset		
Operations and equipment	149,274	145,274
Program direction	101,998	98,002
Total, Secure transportation asset	**251,272**	**243,276**
Nuclear counterterrorism incident response	**222,147**	**222,147**
Facilities and infrastructure recapitalization program		
Operations and maintenance	96,380	96,380
Total, Facilities and infrastructure recapitalization program	**96,380**	**96,380**
Site stewardship		
Operations and maintenance	104,002	78,680
Total, Site stewardship	**104,002**	**78,680**
Safeguards and security		
Defense nuclear security		
Operations and maintenance	711,105	686,252
Construction:		
08–D–701 Nuclear materials S&S upgrade project Los Alamos National Laboratory	11,752	11,752
Total, Construction	**11,752**	**11,752**
Total, Defense nuclear security	**722,857**	**698,004**
Cyber security	126,614	126,614
Total, Safeguards and security	**849,471**	**824,618**
National security applications	**20,000**	10,000
Subtotal, Weapons activities	**7,629,716**	**7,065,765**
Legacy Contractor Pensions	**0**	**168,232**
Recission		**40,332**
Adjustments		
Use of prior year balances	0	0
Total, Weapons Activities	**7,629,716**	**7,274,329**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	417,598	356,150
Total, Operations and maintenance	**417,598**	**356,150**
Total, Nonproliferation & verification R&D	**417,598**	**356,150**
Nonproliferation and international security	**161,833**	**155,305**
International nuclear materials protection and cooperation	**571,639**	**571,639**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	274,790	205,632
U.S. uranium disposition	26,435	26,000
Total, Operations and maintenance	**301,225**	**231,632**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	385,172	435,172
99–D–141–01 Pit disassembly and conversion facility, Savannah River, SC	176,000	0
99–D–141–02 Waste Solidification Building, Savannah River, SC	17,582	17,582
Total, Construction	**578,754**	**452,754**
Total, U.S. surplus fissile materials disposition	**879,979**	**684,386**
Russian surplus materials disposition	10,174	1,000
Total, Fissile materials disposition	**890,153**	**685,386**
Global threat reduction initiative	508,269	500,000
Legacy contractor pensions	0	55,823
Recission		9,000
Total, Defense Nuclear Nonproliferation	**2,549,492**	**2,333,303**
Naval Reactors		
Naval reactors development		
OHIO replacement reactor systems development	0	121,300
S8G Prototype refueling	0	99,500
Naval reactors operations and infrastructure	0	358,300
Operation and maintenance		
Operation and maintenance	1,069,262	421,000
Total, Operation and maintenance	**1,069,262**	**1,000,100**
Construction:		
10-D–903, Security upgrades, KAPL	100	100
10-D–904, NRF infrastructure upgrades, Idaho	12,000	12,000
08–D–190 Expended Core Facility M–290 recovering discharge station, Naval Reactor Facility, ID	27,800	27,800
Total, Construction	**39,900**	**39,900**
Total, Naval reactors development	**1,109,162**	**460,900**
Program direction	44,500	40,000
Total, Naval Reactors	**1,153,662**	**1,080,000**
Office Of The Administrator		
Office of the administrator	450,060	410,000
Floor amendment		
Congressionally directed projects	0	0
Subtotal, Office of the Administrator	**450,060**	**410,000**
General Provision		
Section 309–Contractor Pay Freeze	0	–27,300
Security		
Adjustments:		
Use of prior year balances	0	0
Subtotal, Office of the Administrator	**450,060**	**382,700**
Transfer of prior year balances (OMB scoring)	0	0
Total, Office Of The Administrator	**450,060**	**382,700**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	5,375	5,375
Total, Closure sites	**5,375**	**5,375**
Hanford site:		
Central plateau remediation	0	546,890
River corridor and other cleanup operations	0	386,822
Nuclear facility D&D—remainder of Hanford	56,288	
Nuclear facility D&D river corridor closure project	330,534	
Richland community and regulatory support	0	19,540
Nuclear material stabilization and disposition PFP	48,458	
SNF stabilization and disposition	112,250	
Soil and water remediation—groundwater vadose zone	222,285	
Solid waste stabilization and disposition 200 area	143,897	
Total, Hanford site	**913,712**	**953,252**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	0	382,769
SNF stabilization and disposition—2012	20,114	
Solid waste stabilization and disposition	165,035	
Radioactive liquid tank waste stabilization and disposition	110,169	
Soil and water remediation—2012	87,451	
Idaho community and regulatory support	0	4,100
Total, Idaho National Laboratory	**382,769**	**386,869**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
NNSA sites		
NNSA sites and Nevada off-sites	0	282,393
Lawrence Livermore National Laboratory	873	
Nuclear facility D & D Separations Process Research Unit	1,500	
Nevada	63,380	
Los Alamos National Laboratory	357,939	
Sandia National Laboratory		
Total, NNSA sites and Nevada off-sites	**423,692**	**282,393**
Oak Ridge Reservation:		
Building 3019	0	37,000
OR nuclear facility D&D	0	69,100
Nuclear facility D & D ORNL	44,000	
Nuclear facility D & D Y–12	30,000	
Nuclear facility D & D, E. Tennessee technology park	100	
OR cleanup and disposition	0	87,000
OR reservation community and regulatory support Soil and water remediation—offsites	3,000	
OR reservation community and regulatory support Soil and water remediation—offsites	0	6,409
Solid waste stabilization and disposition—2012	99,000	
Total, Oak Ridge Reservation	**176,100**	**199,509**
Office of River Protection:		
Waste treatment and immobilization plant		
Waste treatment & immobilization plant 01–D–16 A–D	363,000	430,000
Waste treatment & immobilization plant 01–D–16 E	477,000	310,000
Total, Waste treatment and immobilization plant	**840,000**	**740,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	521,391	445,000
Total, Tank farm activities	**521,391**	**445,000**
Total, Office of River protection	**1,361,391**	**1,185,000**
Savannah River site:		
Savannah River community and regulatory support	0	9,584
Nuclear material stabilization and disposition	235,000	
Radioactive liquid tank waste stabilization and disposition	710,487	667,081
SR site risk management operations	0	343,586
PE&D Glass Waste Storage Building #3	0	3,500
05–D–405 Salt waste processing facility, Savannah River	170,071	170,071
Soil and water remediation	38,409	
SNF stabilization and disposition	40,137	
Solid waste stabilization and disposition	30,040	
Total, Savannah River site	**1,224,144**	**1,193,822**
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	0	215,134
Waste isolation pilot plant	147,136	
Central characterization project	23,975	
Transportation	29,044	
Community and regulatory support	28,771	
Total, Waste Isolation Pilot Plant	**228,926**	**215,134**
Program direction	321,628	321,628
Program Support	0	20,380
Community, regulatory and program support	91,279	
Safeguards and Security:		
Oak Ridge Reservation	17,300	17,300
Paducah	9,435	9,435
Portsmouth	16,412	16,412
Richland/Hanford Site	69,234	69,234
Savannah River Site	130,000	133,193
Waste Isolation Pilot Project	4,845	4,845
West Valley	1,600	1,600
Total, Safeguards and Security	**248,826**	**252,019**
Technology development	32,320	11,000
Subtotal, Defense environmental cleanup	**5,410,162**	**5,026,381**
Use of prior year balances	–3,381	–3,381
Total, Defense Environmental Cleanup	**5,406,781**	**5,023,000**
Other Defense Activities		
Health, safety and security		
Health, safety and security	349,445	335,436
Program direction	107,037	102,000
Total, Health, safety and security	**456,482**	**437,436**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
Office of Legacy Management		
Legacy management	157,514	157,514
Program direction	12,586	12,086
Total, Office of Legacy Management	**170,100**	**169,600**
Defense-related activities		
Infrastructure		
Idaho sitewide safeguards and security	98,500	93,350
Total, Defense-related activities	**98,500**	**93,350**
Defense related administrative support	118,836	118,836
Acquisitions workforce improvement	11,892	0
Office of hearings and appeals	4,142	4,142
Total, Other Defense Activities	**859,952**	**823,364**

DIVISION E—SBIR AND STTR REAUTHORIZATION

TITLE L—SHORT TITLE; DEFINITIONS

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2011''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE LI—SBIR AND STTR REAUTHORIZATION

Subtitle A—Reauthorization of the SBIR and STTR Programs

Sec. 5101. Extension of termination dates.
Sec. 5102. SBIR and STTR allocation increase.
Sec. 5103. SBIR and STTR award levels.
Sec. 5104. Agency and program flexibility.
Sec. 5105. Elimination of Phase II invitations.
Sec. 5106. Pilot to allow phase flexibility.
Sec. 5107. Participation by firms with substantial investment from multiple venture capital operating companies, hedge funds, or private equity firms in a portion of the SBIR program.
Sec. 5108. SBIR and STTR special acquisition preference.
Sec. 5109. Collaborating with Federal laboratories and research and development centers.
Sec. 5110. Notice requirement.
Sec. 5111. Additional SBIR and STTR awards.

Subtitle B—Outreach and Commercialization Initiatives

Sec. 5121. Technical assistance for awardees.
Sec. 5122. Commercialization Readiness Program at Department of Defense.
Sec. 5123. Commercialization Readiness Pilot Program for civilian agencies.
Sec. 5124. Interagency Policy Committee.
Sec. 5125. Clarifying the definition of ''Phase III''.
Sec. 5126. Shortened period for final decisions on proposals and applications.
Sec. 5127. Phase 0 Proof of Concept Partnership pilot program.

Subtitle C—Oversight and Evaluation

Sec. 5131. Streamlining annual evaluation requirements.
Sec. 5132. Data collection from agencies for SBIR.
Sec. 5133. Data collection from agencies for STTR.
Sec. 5134. Public database.
Sec. 5135. Government database.
Sec. 5136. Accuracy in funding base calculations.
Sec. 5137. Continued evaluation by the National Academy of Sciences.
Sec. 5138. Technology insertion reporting requirements.
Sec. 5139. Intellectual property protections.
Sec. 5140. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.
Sec. 5141. Pilot to allow funding for administrative, oversight, and contract processing costs.
Sec. 5142. GAO study with respect to venture capital operating company, hedge fund, and private equity firm involvement.
Sec. 5143. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
Sec. 5144. Simplified paperwork requirements.

Subtitle D—Policy Directives

Sec. 5151. Conforming amendments to the SBIR and the STTR Policy Directives.

Subtitle E—Other Provisions

Sec. 5161. Report on SBIR and STTR program goals.
Sec. 5162. Competitive selection procedures for SBIR and STTR programs.
Sec. 5163. Loan restrictions.
Sec. 5164. Limitation on pilot programs.
Sec. 5165. Commercialization success.
Sec. 5166. Publication of certain information.
Sec. 5167. Report on enhancement of manufacturing activities.
Sec. 5168. Coordination of the SBIR program and the Experimental Program to Stimulate Competitive Research.

Subtitle A—Reauthorization of the SBIR and STTR Programs

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2011'' and inserting ''2017''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2011'' and inserting ''2017''.

SEC. 5102. SBIR AND STTR ALLOCATION INCREASE.

(a) SBIR.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(B), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in each of fiscal years 1997 through 2011;

''(D) not less than 2.6 percent of such budget in fiscal year 2012;

''(E) not less than 2.7 percent of such budget in fiscal year 2013;

''(F) not less than 2.8 percent of such budget in fiscal year 2014;

''(G) not less than 2.9 percent of such budget in fiscal year 2015;

''(H) not less than 3.0 percent of such budget in fiscal year 2016; and

''(I) not less than 3.2 percent of such budget in fiscal year 2017 and each fiscal year thereafter,''; and

(2) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the agency that exceeds the amount required under paragraph (1).''.

(b) STTR.—Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i) by striking ''and'' at the end; and

(2) by striking clause (ii) and inserting the following:

''(ii) 0.3 percent for each of fiscal years 2004 through 2011;

''(iii) 0.35 percent for each of fiscal years 2012 and 2013;

''(iv) 0.40 percent for each of fiscal years 2014 and 2015; and

''(v) 0.45 percent for fiscal year 2016 and each fiscal year thereafter.''.

SEC. 5103. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''every year for inflation''; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting ''(each of which the Administrator shall adjust for inflation annually)'' after ''$1,000,000,''.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(aa) LIMITATION ON SIZE OF AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the guidelines for each award;

''(C) the identity and location of each award recipient; and

''(D) whether an award recipient has received any venture capital, hedge fund, or private equity firm investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) WAIVER FOR SPECIFIC TOPIC.—Upon the receipt of an application from a Federal agency, the Administrator may grant a waiver from the requirement under paragraph (1) with respect to a specific topic (but not for the agency as a whole) for a fiscal year if the Administrator determines, based on the information contained in the application from the agency, that—

''(A) the requirement under paragraph (1) will interfere with the ability of the agency to fulfill its research mission through the SBIR program or the STTR program; and

''(B) the agency will minimize, to the maximum extent possible, the number of awards that do not satisfy the requirement under paragraph (1) to preserve the nature and intent of the SBIR program and the STTR program.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 5104. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(bb) SUBSEQUENT PHASE II AWARDS.—

''(1) AGENCY FLEXIBILITY.—A small business concern that received a Phase I award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received a Phase I award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

''(3) PREVENTING DUPLICATIVE AWARDS.—The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.''.

SEC. 5105. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting ''which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further develop proposals that''.

SEC. 5106. PILOT TO ALLOW PHASE FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(cc) PHASE FLEXIBILITY.—During fiscal years 2012 through 2017, the National Institutes of Health, the Department of Defense, and the Department of Education may each provide to a small business concern an award under Phase II of the SBIR program with respect to a project, without regard to whether the small business concern was provided an award under Phase I of an SBIR program with respect to such project, if the head of the applicable agency determines that the small business concern has completed the determinations described in subsection (e)(4)(A) with respect to such project despite not having been provided a Phase I award.''.

SEC. 5107. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(dd) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN THE SBIR PROGRAM.—

''(1) AUTHORITY.—Upon providing a written determination described in paragraph (2) to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, not later than 30 days before the date on which any such award is made—

''(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the applicable Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns.

''(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

''(A) induce additional venture capital, hedge fund, or private equity firm funding of small business innovations;

''(B) substantially contribute to the mission of the Federal agency;

''(C) demonstrate a need for public research; and

''(D) otherwise fulfill the capital needs of small business concerns for additional financing for SBIR projects.

''(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

''(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

''(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

''(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered small business concern' means a small business concern that—

''(i) was not majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

''(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

''(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

''(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms, if the covered small business concern meets all other requirements for such an award; and

''(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

''(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital or investment from hedge funds or private equity firms as a criterion for the award of contracts under the SBIR program or STTR program.''.

(b) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).

''(bb) HEDGE FUND.—In this Act, the term 'hedge fund' has the meaning given that term in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).

''(cc) PRIVATE EQUITY FIRM.—In this Act, the term 'private equity firm' has the meaning given the term 'private equity fund' in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).''.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(dd) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms to participate in the SBIR program in accordance with section 9(dd) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States by prohibiting large businesses or large entities or foreign-owned businesses or foreign-owned entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms in the SBIR program in accordance with section 9(dd) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign-owned business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign-owned business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies, hedge funds, or private equity firms;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company, hedge fund, or private equity firm that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company, hedge fund, private equity firm, or any other business that the venture capital operating company, hedge fund, or private equity firm has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company, hedge fund, or private equity firm that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company, hedge fund, or private equity firm shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company, hedge fund, or private equity firm owns a majority of the portfolio company; or

(II) the venture capital operating company, hedge fund, or private equity firm holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant based solely on 1 or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the final or interim final regulations under this subsection.

(5) DEFINITION.—In this subsection, the terms ''venture capital operating company'', ''hedge fund'', and ''private equity firm'' have the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5108. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 5109. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(ee) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving an SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the

SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories or federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.

''(4) ADVANCE PAYMENT.—If a small business concern receiving an award under this section enters into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award, the Federal laboratory or federally funded research and development center may not require advance payment from the small business concern in an amount greater than the amount necessary to pay for 30 days of such activities.''.

SEC. 5110. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

''(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.''.

SEC. 5111. ADDITIONAL SBIR AND STTR AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(ff) ADDITIONAL SBIR AND STTR AWARDS.—

''(1) EXPRESS AUTHORITY FOR AWARDING A SEQUENTIAL PHASE II AWARD.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive 1 additional Phase II SBIR award or Phase II STTR award for continued work on that project.

''(2) PREVENTING DUPLICATIVE AWARDS.—The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.''.

Subtitle B—Outreach and Commercialization Initiatives

SEC. 5121. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR program'' after ''SBIR program''; and

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

''(A) PHASE I.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase I SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase I SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 5122. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraph (5);

(6) by striking paragraph (6); and

(7) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Administrator for inclusion in the annual report under subsection (b)(7)—

''(i) the number and percentage of Phase II SBIR and STTR contracts awarded by the Secretary that led to technology transition into programs of record or fielded systems;

''(ii) information on the status of each project that received funding through the Commercialization Readiness Program and efforts to transition those projects into programs of record or fielded systems; and

''(iii) a description of each incentive that has been used by the Secretary under subparagraph (B) and the effectiveness of that incentive with respect to meeting the goal under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 5123. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(gg) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, evaluation, and commercialization assistance for SBIR and STTR Phase II technologies; or

''(B) to support the progress of research, research and development, and commercialization conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) AWARD CRITERIA OR CONSIDERATION.—When making an award under this section, the

head of a covered Federal agency shall give consideration to whether the technology to be supported by the award is likely to be manufactured in the United States.

''(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2017.

''(8) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means each program established under paragraph (1).''.

SEC. 5124. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee.

(b) MEMBERSHIP.—The Interagency SBIR/STTR Policy Committee shall include representatives from Federal agencies with an SBIR or an STTR program and the Small Business Administration.

(c) DUTIES.—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and Government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, including appropriate criteria for exercising such flexibility.

(3) Commercialization assistance best practices of Federal agencies with significant potential to be employed by other agencies and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps that business concerns face after Phase II but before commercialization.

(4) Developing and incorporating a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(5) Outreach and technical assistance activities that increase the participation of small businesses underrepresented in the SBIR and STTR programs, including the identification and sharing of best practices and the leveraging of resources in support of such activities across agencies.

(d) REPORTS.—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act;

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act;

(4) a report on its review and recommendations under subsection (c)(4) not later than 2 years after the date of enactment of this Act; and

(5) a report on its review and recommendations under subsection (c)(5) not later than 2 years after the date of enactment of this Act.

SEC. 5125. CLARIFYING THE DEFINITION OF "PHASE III".

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)), as amended by this title, is further amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery (whether by the originating party or by others) of products, processes, technologies, or services for sale to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (e)—

(A) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(B) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(C) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(2) in subsection (j)—

(A) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(II) by striking ''the second phase'' and inserting ''Phase II'';

(ii) in subparagraph (D)—

(I) by striking ''the first phase'' and inserting ''Phase I''; and

(II) by striking ''the second phase'' and inserting ''Phase II'';

(iii) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(iv) in subparagraph (G)—

(I) by striking ''the first phase'' and inserting ''Phase I''; and

(II) by striking ''the second phase'' and inserting ''Phase II''; and

(v) in subparagraph (H)—

(I) by striking ''the first phase'' and inserting ''Phase I'';

(II) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(III) by striking ''third phase'' and inserting ''Phase III''; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(ii) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(3) in subsection (k)—

(A) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(B) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(4) in subsection (l)(2)—

(A) by striking ''the first phase'' and inserting ''Phase I''; and

(B) by striking ''the second phase'' and inserting ''Phase II'';

(5) in subsection (o)(13)—

(A) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(B) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(6) in subsection (p)—

(A) in paragraph (2)(B)—

(i) in clause (vi)—

(I) by striking ''the second phase'' and inserting ''Phase II''; and

(II) by striking ''the third phase'' and inserting ''Phase III''; and

(ii) in clause (ix)—

(I) by striking ''the first phase'' and inserting ''Phase I''; and

(II) by striking ''the second phase'' and inserting ''Phase II''; and

(B) in paragraph (3)—

(i) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(ii) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(iii) by striking ''the third phase (as described in subsection (e)(6)(C))'' and inserting ''Phase III'';

(7) in subsection (r)—

(A) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(B) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''for the second phase'' and inserting ''for Phase II'';

(II) by striking ''third phase'' and inserting ''Phase III''; and

(III) by striking ''second phase period'' and inserting ''Phase II period''; and

(ii) in the second sentence—

(I) by striking ''second phase'' and inserting ''Phase II''; and

(II) by striking ''third phase'' and inserting ''Phase III''; and

(C) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(8) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''.

SEC. 5126. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

''(ii) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the agency under clause (i);''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 90 days after the date that would be applicable to the agency under clause (i);''.

(b) OTHER TIMING PROVISIONS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(hh) TIMING OF RELEASE OF FUNDING.—Federal agencies participating in the SBIR program or STTR program shall, to the extent possible, attempt to shorten the amount of time between the provision of notice of an award under the SBIR program or STTR program and the subsequent release of funding with respect to the award.

''(ii) REPORTING ON TIMING.—Federal agencies participating in the SBIR program or STTR program shall provide to the Administrator, for the annual report on the SBIR and STTR program under subsection (b)(7), the average amount of time the agency takes to make a final decision on proposals submitted under such programs, the average amount of time the agency takes to release funding with respect to an award under such programs, and the goals established to reduce such amounts.''.

SEC. 5127. PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(jj) PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the National Institutes of Health may use $5,000,000 of the funds allocated under subsection (n)(1) for a Proof of Concept Partnership pilot program to accelerate the creation of small businesses and the commercialization of research innovations from qualifying institutions. To implement this program, the Director shall award, through a competitive, merit-based process, grants to qualifying institutions. These grants shall only be used to administer Proof of Concept Partnership awards in conformity with this subsection.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'Director' means the Director of the National Institutes of Health;

''(B) the term 'pilot program' refers to the Proof of Concept Partnership pilot program; and

''(C) the terms 'qualifying institution' and 'institution' mean a university or other research institution that participates in the National Institutes of Health's STTR program.

''(3) PROOF OF CONCEPT PARTNERSHIPS.—

''(A) IN GENERAL.—A Proof of Concept Partnership shall be set up by a qualifying institution to award grants to individual researchers. These grants should provide researchers with the initial investment and the resources to support the proof of concept work and commercialization mentoring needed to translate promising research projects and technologies into a viable company. This work may include technical validations, market research, clarifying intellectual property rights position and strategy, and investigating commercial or business opportunities.

''(B) AWARD GUIDELINES.—The administrator of a Proof of Concept Partnership program shall award grants in accordance with the following guidelines:

''(i) The Proof of Concept Partnership shall use a market-focused project management oversight process, including—

''(I) a rigorous, diverse review board comprised of local experts in translational and proof of concept research, including industry, start-up, venture capital, technical, financial, and business experts and university technology transfer officials;

''(II) technology validation milestones focused on market feasibility;

''(III) simple reporting effective at redirecting projects; and

''(IV) the willingness to reallocate funding from failing projects to those with more potential.

''(ii) Not more than $100,000 shall be awarded towards an individual proposal.

''(C) EDUCATIONAL RESOURCES AND GUIDANCE.—The administrator of a Proof of Concept Partnership program shall make educational resources and guidance available to researchers attempting to commercialize their innovations.

''(4) AWARDS.—

''(A) SIZE OF AWARD.—The Director may make awards to a qualifying institution for up to $1,000,000 per year for up to 3 years.

''(B) AWARD CRITERIA.—In determining which qualifying institutions receive pilot program grants, the Director shall consider, in addition to any other criteria the Director determines necessary, the extent to which qualifying institutions—

''(i) have an established and proven technology transfer or commercialization office and have a plan for engaging that office in the program's implementation;

''(ii) have demonstrated a commitment to local and regional economic development;

''(iii) are located in diverse geographies and are of diverse sizes;

''(iv) can assemble project management boards comprised of industry, start-up, venture capital, technical, financial, and business experts;

''(v) have an intellectual property rights strategy or office; and

''(vi) demonstrate a plan for sustainability beyond the duration of the funding award.

''(5) LIMITATIONS.—The funds for the pilot program shall not be used—

''(A) for basic research, but to evaluate the commercial potential of existing discoveries, including—

''(i) proof of concept research or prototype development; and

''(ii) activities that contribute to determining a project's commercialization path, to include technical validations, market research, clarifying intellectual property rights, and investigating commercial and business opportunities; or

''(B) to fund the acquisition of research equipment or supplies unrelated to commercialization activities.

''(6) EVALUATIVE REPORT.—The Director shall submit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an evaluative report regarding the activities of the pilot program. The report shall include—

''(A) a detailed description of the institutional and proposal selection process;

''(B) an accounting of the funds used in the pilot program;

''(C) a detailed description of the pilot program, including incentives and activities undertaken by review board experts;

''(D) a detailed compilation of results achieved by the pilot program, including the number of small business concerns included and the number of business packages developed, and the number of projects that progressed into subsequent STTR phases; and

''(E) an analysis of the program's effectiveness with supporting data.

''(7) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2017.''.

Subtitle C—Oversight and Evaluation

SEC. 5131. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9);

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital, hedge fund, or private equity firm investment (including those majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women or by socially or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (dd) for firms owned in majority part by venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies;

''(F) an accounting of funds, initiatives, and outcomes under the Commercialization Readiness Program; and

''(G) a description''; and

(C) by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (8) the following:

''(9) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data.''.

SEC. 5132. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by this title, is further amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

''(I) the amount of venture capital, hedge fund, or private equity firm investment that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States and, if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vi) is located in a State described in subsection (u)(3);

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section; and

''(C) data with respect to the Federal and State Technology Partnership Program (FAST Program);''.

SEC. 5133. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this title, is further amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

''(I) the amount of venture capital, hedge fund, or private equity firm investment that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the STTR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States and, if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vi) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator;

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount; and

''(C) data with respect to the Federal and State Technology Partnership Program (FAST Program);''.

SEC. 5134. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

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

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital, hedge fund, or private equity firm investment and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms as required under subsection (dd)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(v) received assistance under the Federal and State Technology Partnership Program (FAST Program).''.

SEC. 5135. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location of, and the identifying number assigned by the Administration to, the small business concern;

''(ii) an abstract of the applicable project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

''(vi) the percentage of effort each individual described in clause (v) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

''(viii) the Federal agency to which the application is made and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;'';

(E) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, and location of, and any identifying number assigned by the Administrator to, the awardee;

''(ii) whether the awardee has venture capital, hedge fund, or private equity firm investment and, if so—

''(I) the amount of venture capital, hedge fund, or private equity firm investment as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, hedge fund, or private equity firm, including whether the awardee is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR or STTR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has been—

''(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

''(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 5136. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes it is used, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraph (B) and the determinations made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5137. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

''(B) conduct a comprehensive study of how the STTR program has stimulated technological innovation and technology transfer, including—

''(i) a review of the collaborations created between small businesses and research institutions, including an evaluation of the effectiveness of the program in stimulating new collaborations and any obstacles that may prevent or inhibit the creation of such collaborations;

''(ii) an evaluation of the effectiveness of the program at transferring technology and capabilities developed through Federal funding;

''(iii) to the extent practicable, an evaluation of the economic benefits achieved by the STTR program, including the economic rate of return;

''(iv) an analysis of how Federal agencies are using small businesses that have completed Phase II under the STTR program to fulfill their procurement needs;

''(v) an analysis of whether additional funds could be employed effectively by the STTR program; and

''(vi) an assessment of the systems and minimum performance standards relating to commercialization success established under section 9(qq) of the Small Business Act;

''(C) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2) and subparagraph (B) of this paragraph; and

''(D) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure that there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 5138. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(kk) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5139. INTELLECTUAL PROPERTY PROTECTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes, mentor-protege relationships, and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5140. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(ll) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 5141. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(mm) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (3), for the 3 fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits, personnel interviews, and national conferences;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including waste, fraud, and abuse prevention activities;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (dd);

''(I) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(J) funding for additional personnel and assistance with application reviews.

''(2) OUTREACH AND TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal agency participating in the program under this subsection shall use a portion of the funds authorized for uses under paragraph (1) to carry out the policy directive required under subsection (j)(2)(F) and to increase the participation of States with respect to which a low level of SBIR awards have historically been awarded.

''(B) WAIVER.—A Federal agency may request the Administrator to waive the requirement contained in subparagraph (A). Such request shall include an explanation of why the waiver is necessary. The Administrator may grant the waiver based on a determination that the agency has demonstrated a sufficient need for the waiver, that the outreach objectives of the agency are being met, and that there is increased participation by States with respect to which a low level of SBIR awards have historically been awarded.

''(3) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(4) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.

''(5) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than $50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.

''(6) REPORTING.—The Administrator shall collect data and provide to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report on the use of funds under this subsection, including funds used to achieve the objectives of paragraph (2)(A) and any use of the waiver authority under paragraph (2)(B).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(A) in subsection (f)(2), by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsections (f)(2) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (mm)(3) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(A) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(B) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Readiness Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 5142. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY, HEDGE FUND, AND PRIVATE EQUITY FIRM INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company, hedge fund, and private equity firm involvement under section 9 of the Small Business Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5143. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the Web site of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop, in consultation with the Council of Inspectors General on Integrity and Efficiency, the procedures and requirements for the certification set forth under paragraph (2)(D) after providing notice of and an opportunity for public comment on such procedures and requirements.

(4) CERTIFICATION.—The certification developed under paragraph (3) may—

(A) cover the lifecycle of an award to require certifications at the application, funding, reporting, and closeout phases of every SBIR and STTR award;

(B) require the small business concern to certify compliance with the ''principal investigator primary employment'' requirement, the ''small business concern'' definition requirement, and the ''performance of work'' requirements as set forth in the Directive applicable to the award;

(C) require the small business concern to disclose whether it has applied for, plans to apply for, or received an SBIR or STTR award for identical or essentially equivalent work (as defined under the SBIR Policy Directive and the STTR Policy Directive), and require the concern to certify that the award that it is applying for or obtaining funding for is not identical or essentially equivalent to work it has performed, or will perform, in connection with any other SBIR or STTR award that the concern has applied for or received from any other agency except as fully disclosed to all funding agencies; and

(D) require that the small business concern certify that it will or did perform the work on the award at its facilities with its employees, unless otherwise indicated.

(5) INSPECTORS GENERAL.—The Inspector General of each Federal agency that participates in the SBIR program or STTR program shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

(A) establishing fraud detection indicators;

(B) reviewing regulations and operating procedures of the Federal agency;

(C) coordinating information sharing between Federal agencies, to the extent otherwise permitted under Federal law; and

(D) improving the education and training of and outreach to—

(i) administrators of the SBIR program and the STTR program of the Federal agency;

(ii) applicants to the SBIR program or the STTR program; and

(iii) recipients of awards under the SBIR program or the STTR program.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 4 years thereafter to evaluate the effectiveness of the agency strategies, the Comptroller General of the United States shall—

(1) conduct a study that evaluates—

(A) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(B) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(C) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(D) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(E) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency;

(F) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

(G) the effectiveness of the Government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals; and

(2) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under paragraph (1).

(c) INSPECTOR GENERAL REPORTS.—Not later than October 1 of each year, the Inspector General of each Federal agency that participates in the SBIR program or STTR program shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report describing—

(1) the number of cases referred to the Inspector General in the preceding year that related to fraud, waste, or abuse with respect to the SBIR program or STTR program;

(2) the actions taken in each case described in paragraph (1) if fraud, waste, or abuse was determined to have occurred;

(3) if no action was taken in a case described in paragraph (1) and fraud, waste, or abuse was determined to have occurred, the justification for action not being taken; and

(4) an accounting of the funds used to address fraud, waste, and abuse, including a description of personnel and resources funded and funds that were recovered or saved.

SEC. 5144. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than 1 year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into

consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

Subtitle D—Policy Directives

SEC. 5151. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this title and the amendments made by this title.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

Subtitle E—Other Provisions

SEC. 5161. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(nn) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness and the benefit to the people of the United States of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.''.

SEC. 5162. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(oo) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

SEC. 5163. LOAN RESTRICTIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing what restrictions, conditions, or covenants contained in a note, bond, debenture, other evidence of indebtedness, or preferred stock should constitute affiliation under section 121.103(a) of title 13, Code of Federal Regulations, for purposes of section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 5164. LIMITATION ON PILOT PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(pp) LIMITATION ON PILOT PROGRAMS.—

''(1) EXISTING PILOT PROGRAMS.—The Administrator may only carry out a covered pilot program that is in operation on the date of enactment of this subsection during the 3-year period beginning on such date of enactment.

''(2) NEW PILOT PROGRAMS.—The Administrator may only carry out a covered pilot program established after the date of enactment of this subsection—

''(A) during the 3-year period beginning on the date on which such program is established; and

''(B) if such program does not continue and is not based on, in any manner, a previously established covered pilot program.

''(3) COVERED PILOT PROGRAM DEFINED.—In this subsection, the term 'covered pilot program' means any initiative, project, innovation, or other activity—

''(A) established by the Administrator;

''(B) relating to an SBIR or STTR program; and

''(C) not specifically authorized by law.''.

SEC. 5165. COMMERCIALIZATION SUCCESS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(qq) MINIMUM STANDARDS FOR PARTICIPATION.—

''(1) PROGRESS TO PHASE II SUCCESS.—

''(A) ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE.—Not later than 1 year after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

''(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

''(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards; and

''(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

''(B) CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE.—If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

''(2) PROGRESS TO PHASE III SUCCESS.—

''(A) ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE.—Not later than 2 years after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

''(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase III SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

''(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase III SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards; and

''(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

''(B) CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE.—If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

''(3) ADMINISTRATION OVERSIGHT.—

''(A) APPROVAL AND PUBLICATION OF SYSTEMS AND MINIMUM PERFORMANCE STANDARDS.—Each system and minimum performance standard established under paragraph (1) or paragraph (2) shall be submitted by the head of the applicable Federal agency to the Administrator and shall be subject to the approval of the Administrator. In making a determination with respect to approval, the Administrator shall ensure that the minimum performance standard exceeds a de minimis level. The Administrator shall publish on the Internet Web site of the Administration the systems and minimum performance standards approved.

''(B) SUBMISSION OF EVALUATION RESULTS BY AGENCY.—The head of each covered Federal agency shall submit to the Administrator the results of each evaluation conducted under paragraph (1) or paragraph (2).

''(4) REQUIREMENT OF NOTICE AND COMMENT.—Each system and minimum performance standard established under paragraph (1) or paragraph (2) and each approval provided by the Administrator under paragraph (3)(A), at least 60 days before becoming effective, shall be preceded by the provision of notice of and an opportunity for public comment on such system, standard, or approval.''.

SEC. 5166. PUBLICATION OF CERTAIN INFORMATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(rr) PUBLICATION OF CERTAIN INFORMATION.—In order to increase the number of small businesses receiving awards under the SBIR or STTR programs of participating agencies, and to simplify the application process for such awards, the Administrator shall establish and maintain a public Internet Web site on which the Administrator shall publish such information relating to notice of and application for awards under the SBIR program and STTR program of each participating Federal agency as the Administrator determines appropriate.''.

SEC. 5167. REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

''(ss) REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES.—Not later than October 1, 2013, and annually thereafter, the head of each Federal agency that makes more than $50,000,000 in awards under the SBIR and STTR programs of the agency combined shall submit to the Administrator, for inclusion in the annual report required under subsection (b)(7), information that includes—

''(1) a description of efforts undertaken by the head of the Federal agency to enhance United States manufacturing activities;

''(2) a comprehensive description of the actions undertaken each year by the head of the Federal agency in carrying out the SBIR or STTR program of the agency in support of Executive Order 13329 (69 Fed. Reg. 9181; relating to encouraging innovation in manufacturing);

''(3) an assessment of the effectiveness of the actions described in paragraph (2) at enhancing the research and development of United States manufacturing technologies and processes;

''(4) a description of efforts by vendors selected to provide discretionary technical assistance under subsection (q)(1) to help SBIR and STTR concerns manufacture in the United States; and

''(5) recommendations that the program managers of the SBIR or STTR program of the agency consider appropriate for additional actions to increase the effectiveness of enhancing manufacturing activities.''.

SEC. 5168. COORDINATION OF THE SBIR PROGRAM AND THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) COORDINATION REQUIRED.—The head of a Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall coordinate, to the extent possible, the initiatives of the agency with respect to such programs.

(b) COORDINATION REPORT.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report describing the actions taken during the preceding 1-year period to increase coordination between such programs to maximize existing resources.

(c) PARTICIPATION REPORT.—Not later than 3 years after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing whether actions taken to increase the coordination of such programs have been successful in attracting entrepreneurs into the SBIR program and increasing the participation of States with respect to which a low level of SBIR awards have historically been awarded.

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD A. ''BUCK'' MCKEON,
ROSCOE G. BARTLETT,
MAC THORNBERRY,
W. TODD AKIN
JEFF MILLER,
FRANK A. LOBIONDO,
MICHAEL R. TURNER,
JOHN KLINE,
MIKE ROGERS,
BILL SHUSTER,
K. MICHAEL CONAWAY,
ROBERT J. WITTMAN,
DUNCAN HUNTER,
THOMAS J. ROONEY,
ROBERT T. SCHILLING,
TIM GRIFFIN of Arkansas,
ALLEN B. WEST,
ADAM SMITH of Washington,
SILVESTRE REYES,
LORETTA SANCHEZ of California,
MIKE MCINTYRE,
ROBERT E. ANDREWS,
SUSAN A. DAVIS of California,
JAMES R. LANGEVIN,
RICK LARSEN of Washington,
JIM COOPER,
JOE COURTNEY,
DAVID LOEBSACK,
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS of Michigan,
C. A. DUTCH RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 548 amd 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,
JOSEPH J. HECK,

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senateamendment, and modifications committed to conference:

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

SPENCER BACHUS,
SHELLEY MOORE CAPITO,
GARY L. ACKERMAN,

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218,1219, 1226, 1228-1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206-1209, 1221-1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,
STEVE CHABOT,

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON of Mississippi,

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House Bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH of Texas,

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1997 of the House bill, and modifications committed to conference:

DOC HASTINGS of Washington,
ROB BISHOP of Utah.
EDWARD J. MARKEY,

From the Committee on Oversight and Government Reform, for consderation of secs. 598, 662, 803, 813, 844, 847, 849, 937-939, 1081, 1091, 1101-1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102-1107 and 2812 of the Senate amendment, and modifications committed to confeence:

DENNIS A. ROSS of Florida,
JAMES LANKFORD,
ELIJAH E. CUMMINGS,

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
BENJAMIN QUAYLE,
EDDIE BERNICE JOHNSON of Texas,

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885-887 and Division E of the Senate amendment, and modifications committed to conference:

RENEE L. ELLMERS,

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

JOHN L MICA,
CHIP CRAVAACK,

From the Committee on Veterans' Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,
ANN MARIE BUERKLE,

From the Committee on Ways and Means, for consideration of secs. 704, 1099 and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
WALLY HERGER,
SANDER M. LEVIN,

Managers on the part of the HOUSE.

CARL LEVIN,
JOSEPH I. LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BEN NELSON of Nebraska,
JIM WEBB,
CLAIRE MCCASKILL,
MARK UDALL of Colorado.
(Except for secs. 1021 and 1022 in Subtitle D)
KAY R. HAGAN,
MARK BEGICH,
JOE MANCHIN, III
JEANNE SHAHEEN,
KIRSTEN E. GILLIBRAND,
RICHARD BLUMENTHAL,
JOHN MCCAIN,
JAMES M. INHOFE,
JEFF SESSIONS,
SAXBY CHAMBLISS,
ROGER F. WICKER,
SCOTT P. BROWN of Massachusetts,
ROB PORTMAN,
KELLY AYOTTE,
SUSAN M. COLLINS,
LINDSEY GRAHAM,
JOHN CORNYN,
DAVID VITTER,

Managers on the part of the SENATE.

Pending consideration of the conference report,

The SPEAKER pro tempore, Mr. LUCAS, pursuant to clause 8(d)(2) of rule XXII, divided the time for debate equally among Messrs. MCKEON, SMITH of Washington, and NADLER.

When said conference report was considered.

After debate,

Pursuant to House Resolution 493, the previous question was ordered on the conference report to its adoption or rejection.

The SPEAKER pro tempore, Mr. LUCAS, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the conference report were postponed.

¶166.12 RECESS—3:27 P.M.

The SPEAKER pro tempore, Mr. LUCAS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 27 minutes p.m., subject to the call of the Chair.

¶166.13 AFTER RECESS—5:40 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶166.14 H.R. 1905—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 410 / Nays 11

¶166.15 [Roll No. 927]

YEAS—410

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—11

Amash
Blumenauer
Duncan (TN)
Ellison
Kucinich
Lee (CA)
McDermott
Moran
Olver
Stark
Woolsey

NOT VOTING—12

Bachmann
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶166.16 H.R. 2105—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 418 / Nays 2

¶166.17 [Roll No. 928]

YEAS—418

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
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
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—2

Kucinich
Stark

NOT VOTING—13

Bachmann
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶166.18 H.R. 3421—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3421) 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.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of those present had voted in the affirmative.

Mr. SMITH of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶166.19 [Roll No. 929]

AYES—416

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
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
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
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
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—17

Bachmann
Bilbray
Blumenauer
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Issa
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Price (GA)
Sanchez, Loretta
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶166.20 H.R. 1264—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1264) to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of those present had voted in the affirmative.

Mr. WOMACK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 418 / Nays ..... 1 }

¶166.21 [Roll No. 930]

YEAS—418

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
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
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
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
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—1

Amash

NOT VOTING—14

Bachmann
Coble
Diaz-Balart
Duffy
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶166.22 DEFENSE AUTHORIZATION FY 2012

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the conference report to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. BISHOP of Georgia, moved to recommit the conference report on H.R. 1540 to the committee of conference with instructions for the managers on the part of the House to disagree to section 715 (regarding the determination of whether TRICARE network providers are considered subcontractors for purposes of the Federal Acquisition Regulation or any other law) in the conference substitute recommended by the committee of conference.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the nays had it.

Mr. BISHOP of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 183 / Nays ..... 234 }

¶166.23 [Roll No. 931]

AYES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—234

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

NOT VOTING—16

Bachmann
Bass (CA)
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
McDermott
Myrick
Paul
Pitts
Sanchez, Loretta
Young (FL)

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. NADLER demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 283 / Nays 136

¶166.24 [Roll No. 932]

AYES—283

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Buerkle
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Cicilline
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Hochul
Holden
Hoyer
Hultgren
Hunter
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tsongas
Turner (NY)
Turner (OH)
Upton
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (IN)

NOES—136

Amash
Baldwin
Bass (CA)
Becerra
Blumenauer
Braley (IA)
Bucshon
Burgess
Burton (IN)
Campbell
Capuano
Carson (IN)
Chaffetz
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conyers
Costello
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
DesJarlais
Doyle
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Fattah
Flake
Forbes
Frank (MA)
Fudge
Garrett
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Hahn
Harris
Hastings (FL)
Heinrich
Hinchey
Hinojosa
Holt
Honda
Huelskamp
Huizenga (MI)
Hurt
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones
Kaptur
Kucinich
Labrador
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Luján
Lummis
Mack
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Payne
Pence
Peters
Pingree (ME)
Polis
Posey
Price (NC)
Quigley
Rangel
Ribble
Richmond
Roe (TN)
Rohrabacher
Rokita
Roybal-Allard
Royce
Rush
Ryan (OH)
Sarbanes
Schakowsky
Schweikert
Scott (VA)
Serrano
Simpson
Slaughter
Speier
Stark
Stutzman
Thompson (CA)
Thompson (MS)
Tierney

Tipton	Walberg	Woodall
Tonko	Walsh (IL)	Woolsey
Towns	Waters	Yarmuth
Van Hollen	Watt	
Velázquez	Welch	

NOT VOTING—14

Bachmann	Gutierrez	Paul
Coble	Johnson, E. B.	Pitts
Diaz-Balart	LaTourette	Sanchez, Loretta
Filner	Lynch	Young (FL)
Giffords	Myrick	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶166.25 CLERK TO CORRECT ENGROSSMENT—H.R. 1540

Mr. MCKEON, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 92):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1540, the Clerk of the House of Representatives shall strike subsection (b) of section 310 of title 37, United States Code, as inserted by section 616(a)(2) of the bill, and insert the following:

''(b) SPECIAL PAY AMOUNT.—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

''(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

''(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is $225.'';

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶166.26 CLERK TO CORRECT ENGROSSMENT—H.R. 2845

Mr. SHUSTER, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 93):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2845, the Clerk of the House of Representatives shall make the following correction: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; DEFINITIONS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) DEFINITIONS.—

(1) APPLICABILITY OF CHAPTER 601 DEFINITIONS.—In this Act, any term defined in chapter 601 of title 49, United States Code, has the meaning given that term in that chapter.

(2) HIGH-CONSEQUENCE AREA.—In this Act, the term ''high-consequence area'' means an area described in section 60109(a) of title 49, United States Code.

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

Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Automatic and remote-controlled shut-off valves.
Sec. 5. Integrity management.
Sec. 6. Public education and awareness.
Sec. 7. Cast iron gas pipelines.
Sec. 8. Leak detection.
Sec. 9. Accident and incident notification.
Sec. 10. Transportation-related onshore facility response plan compliance.
Sec. 11. Pipeline infrastructure data collection.
Sec. 12. Transportation-related oil flow lines.
Sec. 13. Cost recovery for design reviews.
Sec. 14. Biofuel pipelines.
Sec. 15. Carbon dioxide pipelines.
Sec. 16. Study of transportation of diluted bitumen.
Sec. 17. Study of nonpetroleum hazardous liquids transported by pipeline.
Sec. 18. Clarifications.
Sec. 19. Maintenance of effort.
Sec. 20. Administrative enforcement process.
Sec. 21. Gas and hazardous liquid gathering lines.
Sec. 22. Excess flow valves.
Sec. 23. Maximum allowable operating pressure.
Sec. 24. Limitation on incorporation of documents by reference.
Sec. 25. Pipeline safety training for State and local government personnel.
Sec. 26. Report on minority-owned, woman-owned, and disadvantaged businesses.
Sec. 27. Report on pipeline projects.
Sec. 28. Cover over buried pipelines.
Sec. 29. Seismicity.
Sec. 30. Tribal consultation for pipeline projects.
Sec. 31. Pipeline inspection and enforcement needs.
Sec. 32. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) GENERAL PENALTIES; PENALTY CONSIDERATIONS.—Section 60122 is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking ''$100,000'' and inserting ''$200,000''; and

(B) in the last sentence by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in subsection (b)(1)(B) by striking ''the ability to pay,''.

(b) OPERATOR ASSISTANCE IN INVESTIGATIONS.—Section 60118(e) is amended to read as follows:

''(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

''(1) ASSISTANCE AND ACCESS.—If the Secretary or the National Transportation Safety Board investigates an accident or incident involving a pipeline facility, the operator of the facility shall—

''(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident or incident, including integrity management plans and test results; and

''(B) afford all reasonable assistance in the investigation of the accident or incident.

''(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

''(B) OBSTRUCTS DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'obstructs' includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

''(ii) GOOD CAUSE.—In clause (i), the term 'good cause' may include actions such as restricting access to facilities that are not secure or safe for nonpipeline personnel or visitors.''.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: ''The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) in the subsection heading by striking ''AND WAIVER ORDERS'' and inserting '', ORDERS, AND OTHER FINAL AGENCY ACTIONS''; and

(2) by striking ''about an application for a waiver under section 60118(c) or (d) of this title'' and inserting ''under this chapter''.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

''(a) MINIMUM STANDARDS.—

''(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

''(A) appropriate participation by all underground facility operators, including all government operators;

''(B) appropriate participation by all excavators, including all government and contract excavators; and

''(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(2) EXEMPTIONS PROHIBITED.—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.''.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) in paragraph (1) by striking ''and'' after the semicolon;

(2) in paragraph (2)(B) by striking ''(b).'' and inserting ''(b); and''; and

(3) by adding at the end the following:

''(3) does not provide any exemptions to municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) EXCAVATION DAMAGE.—

(1) STUDY.—The Secretary of Transportation shall conduct a study on the impact of excavation damage on pipeline safety.

(2) CONTENTS.—The study shall include—

(A) an analysis of the frequency and severity of different types of excavation damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of excavation damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended—

(1) by striking subsection (j)(3); and

(2) by adding at the end the following:

''(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

''(2) HIGH-CONSEQUENCE AREA STUDY.—

''(A) STUDY.—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

''(B) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

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

SEC. 5. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(b) FACTORS.—In conducting the evaluation under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The continuing priority to enhance protections for public safety.

(2) The continuing importance of reducing risk in high-consequence areas.

(3) The incremental costs of applying integrity management standards to pipelines outside of high-consequence areas where operators are already conducting assessments beyond what is required under chapter 601 of title 49, United States Code.

(4) The need to undertake integrity management assessments and repairs in a manner that is achievable and sustainable, and that does not disrupt pipeline service.

(5) The options for phasing in the extension of integrity management requirements beyond high-consequence areas, including the most effective and efficient options for decreasing risks to an increasing number of people living or working in proximity to pipeline facilities.

(6) The appropriateness of applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high-consequence areas.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, based on the evaluation conducted under subsection (a), containing the Secretary's analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

(e) TECHNICAL CORRECTION.—Section 60109(c)(3)(B) is amended to read as follows:

''(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). The Secretary may extend such deadline for an additional 6 months if the operator submits written notice to the Secretary with sufficient justification of the need for the extension.''.

(f) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term ''review period'' means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, issue final regulations described in paragraph (3)(B).

(3) STANDARDS.—

(A) FINDINGS.—As soon as practicable following the review period, the Secretary shall issue final regulations described in subparagraph (B), if the Secretary finds, in the report required under subsection (c), that—

(i) integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(ii) with respect to gas transmission pipeline facilities, applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(B) REGULATIONS.—Regulations issued by the Secretary under subparagraph (A), if any, shall—

(i) expand integrity management system requirements, or elements thereof, beyond high-consequence areas; and

(ii) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3)(B), if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ''imminent hazard'' means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to the reassessment interval specified in section 60109(c)(3)(B) of title 49, United States Code;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in implementing the recommendations in GAO Report 06–945 and the current relevance of those recommendations that have not been implemented.

SEC. 6. PUBLIC EDUCATION AND AWARENESS.

(a) NATIONAL PIPELINE MAPPING SYSTEM.—Section 60132 is amended by adding at the end the following:

''(d) MAP OF HIGH-CONSEQUENCE AREAS.—The Secretary shall—

''(1) maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information; and

''(2) update the map biennially.

''(e) PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.''.

(b) INFORMATION TO EMERGENCY RESPONSE AGENCIES.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

(c) RESPONSE PLANS.—

(1) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60138. Response plans

''(a) IN GENERAL.—The Secretary of Transportation shall—

''(1) maintain on file a copy of the most recent response plan (as defined in part 194 of title 49, Code of Federal Regulations) prepared by an owner or operator of a pipeline facility; and

''(2) provide upon written request to a person a copy of the plan, which may exclude, as the Secretary determines appropriate—

''(A) proprietary information;

''(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations;

''(C) specific response resources and tactical resource deployment plans; and

''(D) the specific amount and location of worst case discharges (as defined in part 194 of title 49, Code of Federal Regulations), including the process by which an owner or operator determines the worst case discharge.

''(b) RELATIONSHIP TO FOIA.—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60137 the following:

''60138. Response plans.''.

SEC. 7. CAST IRON GAS PIPELINES.

(a) FOLLOW-UP SURVEYS.—Section 60108(d) is amended by adding at the end the following:

''(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.''.

(b) STATUS REPORT.—Not later than December 31, 2013, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) identifies the total mileage of cast iron gas pipelines in the United States; and

(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

SEC. 8. LEAK DETECTION.

(a) LEAK DETECTION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

(2) CONTENTS.—The report shall include—

(A) an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

(B) an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

(b) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term ''review period'' means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (a); or

(B) the date that is 2 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary, during the review period, shall not issue final regulations described in paragraph (3).

(3) STANDARDS.—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations that—

(A) require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and

(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3) if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ''imminent hazard'' means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.

(a) REVISION OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) MINIMUM REQUIREMENTS.—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than 1 hour following the time of such confirmed discovery;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimate of the amount of the product released, an estimate of the number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 48 hours of the accident or incident, to the extent practicable.

(c) UPDATING OF REPORTS.—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.

SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking ''Administrator or'' and inserting ''Administrator, the Secretary of Transportation, or''.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking ''operating or'' and inserting ''operating, the Secretary of Transportation, or''.

SEC. 11. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended by adding at the end the following:

''(4) Any other geospatial or technical data, including design and material specifications, that the Secretary determines are necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.''.

(b) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132, as amended by this Act, is further amended by adding at the end the following:

''(f) PUBLIC DISCLOSURE LIMITED.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.''.

SEC. 12. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by this Act, is further amended by adding at the end the following:

''(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

''(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.''.

SEC. 13. COST RECOVERY FOR DESIGN REVIEWS.

(a) IN GENERAL.—Section 60117(n) is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid

pipeline facility or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.

''(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

''(i) has design and construction costs totaling at least $2,500,000,000, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—

''(I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or

''(II) a good faith estimate developed by the person proposing a hazardous liquid pipeline facility and submitted to the Secretary; or

''(ii) uses new or novel technologies or design, as determined by the Secretary.

''(2) NOTIFICATION.—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

''(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

''(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

''(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

''(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).''.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term ''new or novel technologies or design'' as used in section 60117(n)(1)(B)(ii) of title 49, United States Code, as amended by subsection (a) of this section.

SEC. 14. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) nonpetroleum fuel, including biofuel, that is flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and''.

SEC. 15. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended—

(1) by striking ''The Secretary shall regulate'' and inserting the following:

''(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall regulate''.

(2) by adding at the end the following new paragraph:

''(2) TRANSPORTATION IN GASEOUS STATE.—

''(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

''(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by pipeline at production, refining, or manufacturing facilities.''.

SEC. 16. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether the regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting the review, the Secretary shall conduct an analysis of whether any increase in the risk of a release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

SEC. 17. STUDY OF NONPETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of nonpetroleum hazardous liquids by pipeline facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport nonpetroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

SEC. 18. CLARIFICATIONS.

(a) INSPECTION AND MAINTENANCE.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER AND OPERATOR.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

SEC. 19. MAINTENANCE OF EFFORT.

Section 60107(b) is amended by adding at the end the following: ''For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.''.

SEC. 20. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 of title 49, United States Code, to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 of such title to arrange for a transcript of the hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e) of such title;

(D) implementing a separation of functions between personnel involved with the investigation and prosecution of an enforcement case and advising the Secretary on findings and determinations; and

(E) prohibiting ex-parte communication relevant to the question to be decided in such a case by parties to an investigation or hearing.

(2) PRESIDING OFFICIAL.—The regulations issued under this subsection shall—

(A) define the term ''presiding official'' to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official be an attorney on the staff of the Deputy Chief Counsel of the Pipeline and Hazardous Materials Safety Administration that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) EXPEDITED REVIEW.—The regulations issued under this subsection shall define the term ''expedited review'' for the purposes of paragraph (1)(C).

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

''(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.''.

SEC. 21. GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) REVIEW.—The Secretary of Transportation shall conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

(2) RECOMMENDATIONS.—The report shall include the Secretary's recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) the economic impacts, technical practicability, and challenges of applying existing Federal regulations to gathering lines that are not currently subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

(c) OFFSHORE GATHERING LINES.—Section 60108(c) is amended by adding at the end the following:

''(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.''.

SEC. 22. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board's recommendation on excess flow valves in applications other than service lines serving one single family residence, the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.''.

SEC. 23. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

''§ 60139. Maximum allowable operating pressure

''(a) VERIFICATION OF RECORDS.—

''(1) IN GENERAL.—The Secretary of Transportation shall require each owner or operator of a pipeline facility to conduct, not later than 6 months after the date of enactment of this section, a verification of the records of the owner or operator relating to the interstate and intrastate gas transmission pipelines of the owner or operator in class 3 and class 4 locations and class 1 and class 2 high-consequence areas.

''(2) PURPOSE.—The purpose of the verification shall be to ensure that the records accurately reflect the physical and operational characteristics of the pipelines described in paragraph (1) and confirm the established maximum allowable operating pressure of the pipelines.

''(3) ELEMENTS.—The verification process under this subsection shall include such elements as the Secretary considers appropriate.

''(b) REPORTING.—

''(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this section, each owner or operator of a pipeline facility shall identify and submit to the Secretary documentation relating to each pipeline segment of the owner or operator described in subsection (a)(1) for which the records of the owner or operator are insufficient to confirm the established maximum allowable operating pressure of the segment.

''(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.

''(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(1) IN GENERAL.—In the case of a transmission line of an owner or operator of a pipeline facility identified under subsection (b)(1), the Secretary shall—

''(A) require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and

''(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.

''(2) INTERIM ACTIONS.—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

''(d) TESTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.

''(2) CONSIDERATIONS.—In developing the regulations, the Secretary shall consider safety testing methodologies, including, at a minimum—

''(A) pressure testing; and

''(B) other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness.

''(3) COMPLETION OF TESTING.—The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account potential consequences to public safety and the environment and that minimize costs and service disruptions.

''(e) HIGH-CONSEQUENCE AREA DEFINED.—In this section, the term 'high-consequence area' means an area described in section 60109(a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60138 the following:

''60139. Maximum allowable operating pressure.''.

SEC. 24. LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.

Section 60102, as amended by this Act, is further amended by adding at the end the following:

''(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 1 year after the date of enactment of this subsection, the Secretary may not issue guidance or a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site.''.

SEC. 25. PIPELINE SAFETY TRAINING FOR STATE AND LOCAL GOVERNMENT PERSONNEL.

(a) IN GENERAL.—To further the objectives of chapter 601 of title 49, United States Code, the Secretary of Transportation may provide the services of personnel from the Pipeline and Hazardous Materials Safety Administration to provide training for State and local government personnel at a pipeline safety training facility that is established and operated by an agency or instrumentality of the United States, a unit of State or local government, or an educational institution.

(b) REIMBURSEMENTS FOR TRAINING EXPENDITURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may require reimbursement from sources other than the Federal Government for all expenses incurred by the Secretary in providing training for State and local government personnel under subsection (a), including salaries, expenses, transportation for Pipeline and Hazardous Materials Safety Administration personnel, and the cost of training materials.

(2) AUTHORIZATION OF APPROPRIATIONS.—Amounts collected as reimbursement under paragraph (1) are authorized to be appropriated for the purposes set forth in chapter 601 of title 49, United States Code.

SEC. 26. REPORT ON MINORITY-OWNED, WOMAN-OWNED, AND DISADVANTAGED BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, based upon available information, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a comprehensive report assessing the levels and types of participation and methods of facilitating the participation of minority-owned business enterprises, woman-owned business enterprises, and disadvantaged business enterprises in the construction and operation of pipeline facilities in the United States.

SEC. 27. REPORT ON PIPELINE PROJECTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a comprehensive study regarding the process for obtaining Federal and State permits for projects to construct pipeline facilities.

(b) EVALUATION.—In conducting the study, the Comptroller General shall evaluate how long it takes to issue permits for pipeline construction projects, the relationship between the States and the Federal Government in issuing such permits, and any recommendations from the States for improving the permitting process.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

SEC. 28. COVER OVER BURIED PIPELINES.

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

"§ 60140. Cover over buried pipelines

''(a) HAZARDOUS LIQUID PIPELINE INCIDENTS INVOLVING BURIED PIPELINES.—

''(1) STUDY.—The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

''(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR DEPTH OF COVER OVER BURIED PIPELINES.—

''(1) IN GENERAL.—If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.

''(2) LEGISLATIVE RECOMMENDATIONS.—

''(A) DEVELOPMENT.—If the Secretary determines under paragraph (1) that the current requirements for the depth of cover over buried pipelines are insufficient, the Secretary shall develop legislative recommendations for improving the safety of buried pipelines at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark.

''(B) CONSIDERATION OF FACTORS.—In developing legislative recommendations under subparagraph (A), the Secretary shall consider the factors specified in section 60102(b)(2).

''(C) REPORT TO CONGRESS.—If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60139 the following:

''60140. Cover over buried pipelines.''.

SEC. 29. SEISMICITY.

In identifying and evaluating all potential threats to each pipeline segment pursuant to parts 192 and 195 of title 49, Code of Federal Regulations, an operator of a pipeline facility shall consider the seismicity of the area.

SEC. 30. TRIBAL CONSULTATION FOR PIPELINE PROJECTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.

SEC. 31. PIPELINE INSPECTION AND ENFORCEMENT NEEDS.

(a) INSPECTION AND ENFORCEMENT NEEDS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides information on—

(1) the total number of full-time equivalent positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration;

(2) out of the total number of such positions, how many of the positions are not filled and the reasons why the positions are not filled;

(3) the actions the Administrator of the Pipeline and Hazardous Materials Safety Administration is taking to fill the positions; and

(4) any additional inspection and enforcement resource needs of the Pipeline and Hazardous Materials Safety Administration.

(b) STAFFING.—Subject to the availability of funds, the Secretary may increase the number of positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration by 10 full-time equivalent employees, if—

(1) on or before September 30, 2014, the Secretary fills the 135 full-time equivalent positions for pipeline inspection and enforcement personnel specified in section 18(e) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (120 Stat. 3498); and

(2) in preparing the report under subsection (a), the Secretary finds that additional pipeline inspection and enforcement personnel are necessary.

SEC. 32. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—

''(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $90,679,000, of which $4,746,000 is for carrying out such section 12 and $36,194,000 is for making grants.

''(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2007 through 2010'' and inserting ''2012 through 2015''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a) by striking ''2007 through 2010.'' and inserting ''2012 through 2015.'';

(2) in subsection (b) by striking ''2007 through 2010.'' and inserting ''2012 through 2015.''; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) in subsection (a)(1) by striking ''$50,000'' and inserting ''$100,000'';

(2) in subsection (b)—

(A) by inserting ''to grant recipients and their contractors'' after ''this section''; and

(B) by inserting '', for direct advocacy for or against a pipeline construction or expansion project,'' after ''for lobbying''; and

(3) in subsection (d) by striking ''$1,000,000 for each of the fiscal years 2003 through 2010'' and inserting ''$1,500,000 for each of fiscal years 2012 through 2015''.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

''(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

''(B) CONSULTATION.—The Secretary shall comply with the consultation requirements of paragraph (2) when preparing the program plan and in the selection and prioritization of research and development projects.

''(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure at least 30 percent of the costs of program-wide research and development activities are carried out using non-Federal sources.''.

(2) in subsection (f) by striking ''2003 through 2006.'' and inserting ''2012 through 2015.''.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶166.27 KOTZEBUE, ALASKA PROPERTY

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; as amended.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, recognized Mr. HASTINGS of Washington, and Mr. SABLAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, December 15, 2011.

The point of no quorum was considered as withdrawn.

¶166.28 RATTLESNAKE MOUNTAIN PUBLIC ACCESS

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, recognized Mr. HASTINGS of Washington, and Mr. SABLAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, December 15, 2011.

The point of no quorum was considered as withdrawn.

¶166.29 SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE

Mr. HASTINGS of Washington, moved to suspend the rules and pass the bill of the Senate (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, recognized Mr. HASTINGS of Washington, and Mr. SABLAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, December 15, 2011.

The point of no quorum was considered as withdrawn.

¶166.30 H.R. 2668—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. Austin SCOTT of Georgia, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶166.31 RECESS—9:35 P.M.

The SPEAKER pro tempore, Mr. GRIFFITH of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶166.32 AFTER RECESS—11:39 P.M.

The SPEAKER pro tempore, Mr. DOLD, called the House to order.

¶166.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DIAZ-BALART, for today through December 16.

And then,

¶ 166.34 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. DOLD, by unanimous consent, at 11 o'clock and 40 minutes p.m., declared the House adjourned.

¶ 166.35 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. BLUMENAUER (for himself, Mr. POE of Texas, Mr. PAYNE, Mr. BURTON of Indiana, Mr. CARNAHAN, Mr. SIRES, Mr. MCCAUL, Mr. BERMAN, Mr. MCGOVERN, Mr. CONYERS, Ms. BASS of California, Ms. LEE of California, and Mr. SMITH of Washington):

H.R. 3658. A bill to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PAULSEN (for himself, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. SCHOCK, and Mrs. BLACK):

H.R. 3659. A bill to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. BURTON of Indiana, Mr. CONNOLLY of Virginia, Mrs. ELLMERS, Mr. JONES, and Mr. WELCH):

H.R. 3660. A bill to establish the United States Office for Contingency Operations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, 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. TIBERI (for himself, Mr. NEAL, Mr. BUCHANAN, Mr. RANGEL, Mr. GERLACH, Mr. CROWLEY, Mr. TERRY, Mr. PASCRELL, and Mr. CLEAVER):

H.R. 3661. A bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. RUNYAN, Mr. AKIN, Mr. THORNBERRY, Mrs. HARTZLER, Mr. SHUSTER, Mr. AUSTIN SCOTT of Georgia, Mr. ROONEY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. PLATTS, Mr. BROOKS, Mr. HUNTER, Mr. WEST, Mr. CONAWAY, Mr. FLEMING, Mr. MILLER of Florida, Mr. LAMBORN, Mr. KLINE, Mr. RIGELL, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. PALAZZO, and Mrs. BLACKBURN):

H.R. 3662. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, 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. HURT (for himself, Mrs. HARTZLER, Mr. LUETKEMEYER, and Mr. LANKFORD):

H.R. 3663. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to minimize infringement on the exercise and enjoyment of property rights in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself and Mr. COHEN):

H.R. 3664. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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 Ms. DELAURO (for herself, Mr. WELCH, and Mr. BOSWELL):

H.R. 3665. A bill to require the Commodity Futures Trading Commission to impose fees and assessments to recover the cost of appropriations to the Commission; to the Committee on Agriculture.

By Mr. HULTGREN (for himself and Ms. KAPTUR):

H.R. 3666. A bill to direct the Secretary of Transportation to establish a program to assist veterans to acquire commercial driver's licenses, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCMORRIS RODGERS (for herself and Mr. THOMPSON of California):

H.R. 3667. A bill to provide for a Medicare primary care graduate medical education pilot project in order to improve access to the primary care workforce; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3668. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. QUIGLEY, Mr. BUCSHON, Mr. SCHRADER, Mr. OWENS, Mr. CARNEY, Mr. HIMES, and Mr. WEBSTER):

H.R. 3669. A bill to improve the accuracy and transparency of the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, Oversight and Government Reform, and Ways and Means, 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. WALZ of Minnesota (for himself, Mr. BILIRAKIS, and Mr. OWENS):

H.R. 3670. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Homeland Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 3671. A bill making consolidated appropriations for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. ROGERS of Kentucky:

H.R. 3672. A bill making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. MCKEON:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540; considered and agreed to.

By Mr. SHUSTER:

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845; considered and agreed to.

By Mr. ROGERS of Kentucky:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H. Res. 495. A resolution recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and Jihad; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 496. A resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress; to the Committee on House Administration.

¶ 166.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. DOYLE.
H.R. 210: Mr. FATTAH and Mr. LEWIS of Georgia.
H.R. 376: Mr. PLATTS.
H.R. 420: Mr. YOUNG of Florida.
H.R. 476: Mr. MARCHANT.
H.R. 507: Mr. CONNOLLY of Virginia, Mrs. BIGGERT, Mr. ENGEL, and Mr. CARNAHAN.
H.R. 640: Mr. MCDERMOTT.
H.R. 654: Mr. DEFAZIO.
H.R. 665: Mr. DANIEL E. LUNGREN of California and Mr. FARENTHOLD.
H.R. 719: Mr. SHULER.
H.R. 750: Mr. AMODEI.
H.R. 805: Mr. GONZALEZ.
H.R. 835: Mr. YARMUTH, Mr. HINOJOSA, Mrs. CAPITO, Mr. MARKEY, Mr. CUMMINGS, Mr. MEEKS, Mr. WHITFIELD, Ms. ROS-LEHTINEN, Mr. WITTMAN, and Mr. QUIGLEY.
H.R. 938: Mr. CARNAHAN, Mr. HINOJOSA, and Mr. SCOTT of Virginia.
H.R. 995: Mr. KEATING.
H.R. 1044: Mr. SCHOCK.
H.R. 1063: Mrs. MCMORRIS RODGERS and Mr. SHIMKUS.
H.R. 1130: Mr. HOLT.
H.R. 1134: Mr. SCOTT of South Carolina.
H.R. 1148: Mr. GUINTA, Mr. CLAY, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1154: Mr. GONZALEZ.
H.R. 1175: Mr. DUFFY and Mr. LONG.
H.R. 1181: Mr. BOUSTANY.
H.R. 1206: Mrs. ELLMERS.
H.R. 1265: Mr. DIAZ-BALART and Mr. GARDNER.
H.R. 1288: Mr. HANNA and Mr. FRANK of Massachusetts.
H.R. 1289: Ms. LEE of California.
H.R. 1426: Mr. MCCOTTER.
H.R. 1477: Mr. THOMPSON of California.
H.R. 1509: Mr. LANCE.
H.R. 1511: Mr. PLATTS, Mr. BUCSHON, Ms. SCHWARTZ, and Mr. NUNNELEE.
H.R. 1529: Ms. HOCHUL.
H.R. 1558: Mr. BERG.
H.R. 1578: Mr. CONYERS.
H.R. 1604: Mr. DANIEL E. LUNGREN of California.
H.R. 1614: Mr. DUFFY and Ms. CLARKE of New York.
H.R. 1653: Mr. MURPHY of Connecticut and Mr. THOMPSON of California.
H.R. 1697: Mrs. MILLER of Michigan.
H.R. 1704: Mr. ENGEL and Mrs. BIGGERT.
H.R. 1738: Mr. ENGEL.
H.R. 1739: Mr. QUIGLEY.
H.R. 1802: Mr. ADERHOLT and Mr. BONNER.
H.R. 1834: Mr. OLSON.
H.R. 1862: Mr. BURGESS.
H.R. 1878: Ms. NORTON.
H.R. 1897: Mr. GONZALEZ.
H.R. 1956: Mr. PAULSEN.
H.R. 1960: Mr. SCALISE.
H.R. 1964: Mr. AUSTIN SCOTT of Georgia.
H.R. 1981: Mr. KLINE.
H.R. 2028: Mr. HOLT.
H.R. 2059: Mr. WITTMAN.
H.R. 2069: Mr. WEBSTER.
H.R. 2086: Mrs. MCCARTHY of New York and Ms. SPEIER.
H.R. 2198: Mr. FINCHER.
H.R. 2284: Mr. COSTA.
H.R. 2313: Mr. BUCHANAN, Mrs. ELLMERS, and Mr. YOUNG of Florida.
H.R. 2334: Mr. HIMES.
H.R. 2366: Mr. LANCE.
H.R. 2412: Mrs. MCCARTHY of New York.
H.R. 2479: Mr. LEWIS of Georgia.
H.R. 2485: Mr. BISHOP of New York.
H.R. 2492: Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. DICKS, Mr. ROE of Tennessee, Mr. PAULSEN, Mr. YARMUTH, Mrs. CAPITO, Mr. CUMMINGS, Mr. MEEKS, Mr. TONKO, Mr. MARKEY, Mr. MICHAUD, Mr. DEFAZIO, and Mr. SCHIFF.
H.R. 2499: Ms. CHU.
H.R. 2505: Mr. THOMPSON of Pennsylvania and Mr. KLINE.
H.R. 2513: Mr. GONZALEZ.
H.R. 2514: Mrs. MILLER of Michigan.
H.R. 2528: Mr. ROGERS of Michigan and Mr. FARENTHOLD.
H.R. 2536: Mr. CONNOLLY of Virginia, Ms. NORTON, and Mr. ENGEL.
H.R. 2770: Mr. BERG.
H.R. 2809: Mr. GRIJALVA, Mr. CONYERS, Mr. SIRES, and Mr. MORAN.
H.R. 2866: Ms. CLARKE of New York.
H.R. 2874: Mr. WITTMAN.
H.R. 2898: Mr. POMPEO.
H.R. 2948: Mr. ENGEL.
H.R. 2954: Mr. PASTOR of Arizona.
H.R. 2959: Mr. FARENTHOLD.
H.R. 2966: Ms. ROS-LEHTINEN, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. WITTMAN, and Mr. QUIGLEY.
H.R. 2969: Mr. CICILLINE.
H.R. 2982: Mr. BURTON of Indiana.
H.R. 3001: Mr. HUIZENGA of Michigan, Mr. MARINO, Mr. ROSKAM, Mr. SMITH of New Jersey, Mr. DIAZ-BALART, Mrs. LUMMIS, Mrs. SCHMIDT, Mr. BROOKS, Mr. FLORES, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ACKERMAN, Mr. MANZULLO, Mr. SIRES, Mrs. NAPOLITANO, Mr. MILLER of North Carolina, and Mr. SCHILLING.
H.R. 3003: Mr. WALDEN.
H.R. 3020: Mr. DIAZ-BALART.
H.R. 3053: Mr. REYES.
H.R. 3059: Mr. YOUNG of Florida.
H.R. 3096: Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, and Mr. MARCHANT.
H.R. 3145: Mrs. LOWEY.
H.R. 3159: Mrs. LOWEY.
H.R. 3200: Mr. SCOTT of Virginia.
H.R. 3207: Mr. TIBERI.
H.R. 3221: Ms. CHU.
H.R. 3266: Ms. SCHAKOWSKY.
H.R. 3307: Mr. OWENS.
H.R. 3359: Mr. PETERS.
H.R. 3366: Mr. LEWIS of Georgia.
H.R. 3418: Mr. ENGEL.
H.R. 3435: Mr. CONNOLLY of Virginia, Mr. ACKERMAN, Mr. PASTOR of Arizona, Mr. TIERNEY, Mr. AL GREEN of Texas, Mr. SABLAN, and Mr. PAYNE.
H.R. 3440: Mr. HECK and Mr. NUNNELEE.
H.R. 3454: Mr. BROOKS.
H.R. 3465: Mr. LYNCH.
H.R. 3466: Mr. PAYNE.
H.R. 3480: Mr. PALAZZO and Mr. MCKINLEY.
H.R. 3483: Mr. MICHAUD.
H.R. 3484: Mr. GARAMENDI, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. HAHN, Ms. WOOLSEY, Mr. THOMPSON of California, Mr. SCHIFF, Mr. GEORGE MILLER of California, Ms. RICHARDSON, Ms. ESHOO, Ms. MATSUI, and Ms. LORETTA SANCHEZ of California.
H.R. 3485: Mr. BACA.
H.R. 3506: Mr. YOUNG of Florida.
H.R. 3510: Mr. FORTENBERRY, Mr. RUSH, and Mr. BISHOP of New York.
H.R. 3521: Mr. AKIN and Mr. JOHNSON of Illinois.
H.R. 3533: Mr. GARAMENDI, Mr. RYAN of Ohio, Mr. VISCLOSKY, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MURPHY of Connecticut, Ms. SLAUGHTER, and Mr. CRITZ.
H.R. 3542: Ms. BASS of California, Mr. BLUMENAUER, Mr. CONYERS, Mr. KUCINICH, and Ms. WATERS.
H.R. 3548: Mr. LANKFORD.
H.R. 3550: Mr. YOUNG of Florida.
H.R. 3568: Mr. MORAN and Mr. GRIJALVA.
H.R. 3569: Mr. PETERSON , Ms. LEE of California, Mr. YOUNG of Alaska, Mr. PIERLUISI, Mr. GENE GREEN of Texas, Mr. REYES, Mr. HINOJOSA, Mr. HONDA, Mr. CUELLAR, Ms.

RICHARDSON, Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, Mr. CLAY, Mr. CLEAVER, Mr. SIRES, Mr. FATTAH, Mr. BOREN, Mr. COSTA, Mr. RAHALL, Mr. YARMUTH, Mr. PERLMUTTER, Mr. SHULER, Mr. CARDOZA, Mr. BECERRA, Mr. GONZALEZ, Mr. DAVID SCOTT of Georgia, Mr. BRALEY of Iowa, Mr. RICHMOND, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. SABLAN, Mrs. NAPOLITANO, Mr. PALLONE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, Mr. ANDREWS, Mr. MEEKS, Mr. ROSS of Arkansas, Mr. RANGEL, Mr. BRADY of Pennsylvania, Mr. TOWNS, and Ms. ROYBAL-ALLARD.

H.R. 3575: Mr. ROKITA.

H.R. 3577: Mr. KINZINGER of Illinois, Mr. SENSENBRENNER, and Mr. PAULSEN.

H.R. 3583: Mr. JOHNSON of Illinois, Mr. LABRADOR, Mr. RIBBLE, Mrs. BLACKBURN, and Mr. ROKITA.

H.R. 3589: Mr. HULTGREN, Mr. HONDA, and Mr. ROSKAM.

H.R. 3596: Mr. GRIMM.

H.R. 3608: Mr. LAMBORN.

H.R. 3609: Mr. CHAFFETZ and Mr. JOHNSON of Illinois.

H.R. 3626: Mr. LEWIS of Georgia, Mr. HIGGINS, Mr. MCGOVERN, Ms. CHU, and Mr. PAYNE.

H.R. 3638: Ms. BASS of California, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, and Ms. WOOLSEY.

H.R. 3643: Mr. CHANDLER.

H.J. Res. 88: Mr. GRIJALVA.

H.J. Res. 90: Mr. GRIJALVA, Ms. LEE of California, and Mr. JOHNSON of Georgia.

H. Con. Res. 63: Mr. WALZ of Minnesota.

H. Con. Res. 85: Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, and Mrs. CAPPS.

H. Con. Res. 87: Mr. JONES.

H. Res. 111: Mr. GRIMM.

H. Res. 253: Mr. PLATTS, Mr. JOHNSON of Ohio, and Mr. WITTMAN.

H. Res. 298: Mr. CONNOLLY of Virginia, Ms. CHU, and Ms. SCHAKOWSKY.

H. Res. 304: Mr. SMITH of New Jersey.

H. Res. 456: Mr. RANGEL.

H. Res. 460: Mr. JOHNSON of Illinois, Mr. BACA, Mr. PASTOR of Arizona, Mr. MARINO, Mrs. ELLMERS, Ms. SPEIER, and Mr. SIRES.

H. Res. 474: Mr. CARNAHAN and Mr. COSTELLO.

H. Res. 489: Mr. HENSARLING, Mr. HUIZENGA of Michigan, Mr. MCINTYRE, Mr. BACHUS, Mr. YOUNG of Florida, Mr. CRAVAACK, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. WESTMORELAND, Mr. MULVANEY, Mr. FLORES, Mr. MARCHANT, Mr. STUTZMAN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROOKS, Mr. MANZULLO, Mr. AUSTIN SCOTT of Georgia, Mr. DESJARLAIS, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. HUELSKAMP, Mr. MILLER of Florida, and Mr. KELLY.

H. Res. 492: Mr. BURTON of Indiana.

THURSDAY, DECEMBER 15, 2011 (167)

¶167.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mrs. ELLMERS, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 15, 2011.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

Whereupon, pursuant to the order of the House of January 5, 2011, Members were recognized for morning-hour debate.

¶167.2 RECESS—11:41 A.M.

The SPEAKER pro tempore, Mrs. ELLMERS, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 41 minutes a.m., until noon.

¶167.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶167.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, December 14, 2011.

Mr. PALAZZO, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. PALAZZO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶167.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4307. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order; Stay of Regulations [Documented No.: AMS-FV-10-0008-1A] (RIN: 0581-AD00) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4308. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment [Docket Number: EERE-2011-BT-STD-0047] (RIN: 1904-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4309. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans [CMS-9998-IFC2] (RIN: 0938-AR35) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4310. A letter from the Program Manager, Department of Heath and Human Services, transmitting the Department's final rule — Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act [CMS-9998-FC] (RIN: 0938-AQ71) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia and Ohio; Determinations of Attainment of the 1997 Annual Fine Particle Standard for the Parkersburg-Marietta and Wheeling Nonattainment Areas [EPA-R03-OAR-2011-0469; FRL-9498-7) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revisions to Control Volatile Organic Compound Emissions for Surface Coating and Graphic Arts [EPA-R06-OAR-2010-0775; FRL-9496-8) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4313. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard [EPA-R06-OAR-2010-0776; FRL-9498-2) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District [EPA-R09-2011-0846; FRL-9493-2] received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4315. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance Traumatic Injury Protection Program — Genitourinary Losses (RIN: 2900-AO20) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4316. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and Claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-57) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶167.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WESTMORELAND, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representative,
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 December 15, 2011 at 5:15 p.m.:

That the Senate agreed to the conference report accompanying the bill H.R. 1540.

That the Senate agreed to H. Con. Res. 92.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶167.7 RECESS—12:33 P.M.

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause

12(a) of rule I, declared the House in recess at 12 o'clock and 33 minutes p.m., until approximately 1:15 p.m.

¶167.8 AFTER RECESS—1:15 P.M.

The SPEAKER pro tempore, Mr. WESTMORELAND, called the House to order.

¶167.9 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Mr. PAULSEN moved to suspend the rules and pass the bill (H.R. 3659) to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WESTMORELAND, recognized Mr. PAULSEN and Mr. DOGGETT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶167.10 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, December 14, 2011.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 330; Nays ..... 83; Answered present 2 }

¶167.11 [Roll No. 933

YEAS—330

Aderholt, Akin, Alexander, Altmire, Amodei, Austria, Baca, Bachus, Barletta, Barrow, Bartlett, Barton (TX), Bass (NH), Becerra, Berg, Berkley, Berman, Biggert, Bilbray, Bilirakis, Bishop (GA), Bishop (UT), Black, Blackburn, Blumenauer, Bonner, Bono Mack, Boren, Boswell, Boustany, Brady (TX), Braley (IA), Brooks, Broun (GA), Brown (FL), Buchanan, Bucshon, Buerkle, Burton (IN), Butterfield, Calvert, Camp, Campbell, Canseco, Cantor, Capito, Capps, Carnahan, Carney, Carson (IN), Carter, Cassidy, Chabot, Chaffetz, Cicilline, Clarke (MI), Clarke (NY), Clay, Cleaver, Cohen, Cole, Connolly (VA), Cooper, Costello, Courtney, Cravaack, Crawford, Crenshaw, Critz, Crowley, Cuellar, Culberson, Cummings, Davis (CA), Davis (IL), DeGette, DeLauro, Denham, DesJarlais, Deutch, Dicks, Dingell, Doggett, Doyle, Dreier, Duncan (SC), Duncan (TN), Edwards, Ellison, Ellmers, Emerson, Engel, Eshoo, Farr, Fattah, Fincher, Flake, Fleischmann, Fleming, Flores, Fortenberry, Frank (MA), Franks (AZ), Frelinghuysen, Fudge, Gallegly, Garamendi, Gibbs, Gingrey (GA), Gonzalez, Goodlatte, Gosar, Gowdy, Graves (GA), Green, Al, Green, Gene, Griffith (VA), Guinta, Hahn, Hall, Hanabusa, Harper, Harris, Hartzler, Hastings (FL), Hastings (WA), Hayworth, Heinrich, Hensarling, Herger, Higgins, Himes, Hinchey, Hinojosa, Hirono, Hochul, Holden, Holt, Honda, Hoyer, Hultgren, Hurt, Inslee, Israel, Issa, Jackson (IL), Jackson Lee (TX), Jenkins, Johnson (GA), Johnson (IL), Johnson, Sam, Jones, Jordan, Kaptur, Keating, Kelly, Kildee, Kind, King (IA), King (NY), Kingston, Kinzinger (IL), Kissell, Kline, Labrador, Lamborn, Landry, Langevin, Lankford, Larsen (WA), Larson (CT), LaTourette, Latta, Levin, Lewis (CA), Lewis (GA), Lipinski, Loebsack, Lofgren, Zoe, Long, Lowey, Lucas, Luetkemeyer, Luján, Lummis, Lungren, Daniel E., Mack, Maloney, Manzullo, Marchant, Marino, Matsui, McCarthy (CA), McCarthy (NY), McCaul, McClintock, McCollum, McHenry, McIntyre, McKeon, McKinley, McMorris Rodgers, McNerney, Meeks, Mica, Michaud, Miller (MI), Miller (NC), Miller, Gary, Miller, George, Moran, Murphy (CT), Murphy (PA), Nadler, Napolitano, Neal, Neugebauer, Noem, Nugent, Nunes, Nunnelee, Olson, Palazzo, Pallone, Pascrell, Pastor (AZ), Paulsen, Pelosi, Perlmutter, Petri, Pingree (ME), Pitts, Platts, Polis, Pompeo, Posey, Price (GA), Price (NC), Quigley, Rangel, Rehberg, Reichert, Reyes, Richardson, Richmond, Rigell, Rivera, Roby, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Rokita, Rooney, Ros-Lehtinen, Roskam, Ross (AR), Ross (FL), Rothman (NJ), Roybal-Allard, Royce, Runyan, Ruppersberger, Rush, Ryan (WI), Scalise, Schakowsky, Schiff, Schmidt, Schock, Schrader, Schwartz, Schweikert, Scott (SC), Scott (VA), Scott, Austin, Scott, David, Sensenbrenner, Serrano, Sessions, Sewell, Sherman, Shimkus, Shuler, Shuster, Simpson, Sires, Slaughter, Smith (NE), Smith (NJ), Smith (TX), Smith (WA), Southerland, Speier, Stark, Stearns, Stutzman, Sullivan, Sutton, Thompson (PA), Thornberry, Tierney, Tonko, Tsongas, Turner (NY), Turner (OH), Upton, Van Hollen, Walberg, Walden, Walsh (IL), Walz (MN), Wasserman Schultz, Waters, Watt, Waxman, Webster, Welch, West, Westmoreland, Whitfield, Wilson (FL), Wilson (SC), Wittman, Wolf, Womack, Woolsey, Yarmuth, Young (FL), Young (IN)

NAYS—83

Adams, Baldwin, Bass (CA), Benishek, Bishop (NY), Brady (PA), Burgess, Capuano, Cardoza, Castor (FL), Chandler, Chu, Clyburn, Coffman (CO), Conaway, Conyers, Costa, DeFazio, Dent, Dold, Donnelly (IN), Duffy, Farenthold, Fitzpatrick, Forbes, Foxx, Gardner, Garrett, Gerlach, Gibson, Graves (MO), Griffin (AR), Grijalva, Grimm, Hanna, Heck, Herrera Beutler, Huelskamp, Huizenga (MI), Hunter, Johnson (OH), Kucinich, Lance, Latham, Lee (CA), LoBiondo, Lynch, Markey, Matheson, McCotter, McDermott, Meehan, Miller (FL), Moore, Mulvaney, Olver, Pearce, Peters, Peterson, Poe (TX), Quayle, Rahall, Reed, Renacci, Ribble, Roe (TN), Ryan (OH), Sánchez, Linda T., Sanchez, Loretta, Sarbanes, Schilling, Stivers, Terry, Thompson (CA), Thompson (MS), Tiberi, Tipton, Towns, Velázquez, Visclosky, Woodall, Yoder, Young (AK)

ANSWERED "PRESENT"—2

Amash, Owens

NOT VOTING—18

Ackerman, Andrews, Bachmann, Coble, Davis (KY), Diaz-Balart, Filner, Giffords, Gohmert, Granger, Guthrie, Gutierrez, Johnson, E. B., McGovern, Myrick, Paul, Payne, Pence

So the Journal was approved.

¶167.12 H.R. 886—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412; Nays ..... 1; Answered present 1 }

¶167.13 [Roll No. 934]

AYES—412

Adams, Aderholt, Akin, Alexander, Altmire, Amodei, 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, Blumenauer, Bonner, Bono Mack, Boren, Boswell, Boustany, Brady (PA), Brady (TX), Braley (IA), Brooks, Broun (GA), Brown (FL), Buchanan, Bucshon, Buerkle, Burgess, Burton (IN), Butterfield, Calvert, Camp, Campbell, Canseco, Cantor, Capito, Capps, Capuano, Cardoza, Carnahan, Carney, Carson (IN), Carter, Cassidy, Castor (FL), Chabot

Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—1

Amash

ANSWERED ''PRESENT''—1

Mulvaney

NOT VOTING—19

Ackerman
Andrews
Bachmann
Coble
Davis (KY)
Diaz-Balart
Dicks
Dold
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
King (IA)
McGovern
Myrick
Paul
Payne
Pence

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶167.14 H.R. 2719—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays ..... 0 }

¶167.15 [Roll No. 935]

AYES—416

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—17

Ackerman
Andrews
Bachmann
Coble
Crowley
Davis (KY)
Diaz-Balart
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
McGovern
Myrick
Paul
Payne
Pence

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶167.16 H.R. 443—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WESTMORELAND pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WESTMORELAND, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 4

¶167.17 [Roll No. 936]

AYES—407

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—4

Amash
Huelskamp
Mulvaney
Woodall

NOT VOTING—22

Ackerman
Andrews
Bachmann
Coble
Davis (KY)
Diaz-Balart
Filner
Franks (AZ)
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Landry
Larson (CT)
McGovern
Miller (NC)
Myrick
Paul
Payne
Pence
Posey
Serrano

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶167.18 RECESS—4:37 P.M.

The SPEAKER pro tempore, Mrs. HARTZLER, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 37 minutes p.m., subject to the call of the Chair.

¶167.19 AFTER RECESS—10:56 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶167.20 SUBMISSION OF CONFERENCE REPORT—H.R. 2055

Mr. ROGERS of Kentucky, submitted a conference report (Rept. No. 112–331) on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶167.21 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DREIER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representative, 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 December 15, 2011 at 5:15 p.m.:

That the Senate agreed to the conference report accompanying the bill H.R. 1540.

That the Senate agreed to H. Con. Res. 92.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶167.22 RECESS—10:58 P.M.

The SPEAKER pro tempore, Mr. DREIER, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 58 minutes p.m., subject to the call of the Chair.

FRIDAY, DECEMBER 16 (LEGISLATIVE DAY OF DECEMBER 15), 2011

¶167.23 AFTER RECESS—12:56 A.M.

The SPEAKER pro tempore, Ms. FOXX, called the House to order.

¶167.24 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2055, AND PROVIDING FOR CONSIDERATION OF H.R. 3672 AND H. CON. RES. 94

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 112–332) the resolution (H. Res. 500) providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; and providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672.

When said resolution and report were referred to the House Calendar and ordered printed.

¶167.25 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 384. An Act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

¶167.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today after 2 p.m.;

To Ms. Eddie Bernice JOHNSON of Texas, for today and December 16;

To Mrs. NAPOLITANO, for December 16; and

To Mr. DIAZ-BALART, for today.

And then,

¶167.27 ADJOURNMENT

On motion of Mr. DREIER, at 12 o'clock and 58 minutes a.m., Friday, December 16 (legislative day of December 15), 2011, the House adjourned.

¶167.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2055. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112–331). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 500. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes: providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes (Rept. 112–332). Referred to the House Calendar.

¶167.29 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. COFFMAN of Colorado:

H.R. 3673. A bill to prohibit an increase in the compensation of Members of Congress from taking effect unless Congress consents to the increase by concurrent resolution; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Rules, 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. DANIEL E. LUNGREN of California (for himself, Mr. KING of New York, Mr. MCCAUL, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. MARINO, Mr. LONG, Mr. TURNER of New York, Mr. STIVERS, and Mr. LANGEVIN):

H.R. 3674. A bill to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to cybersecurity, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, the Judiciary, and Intelligence (Permanent Select), 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. SCALISE:

H.R. 3675. A bill to repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. LANDRY (for himself, Mr. DUNCAN of South Carolina, Mr. BUCSHON, Mr. HUELSKAMP, Mr. GRAVES of Georgia, Mr. WALSH of Illinois, Mr. ROKITA, Mr. LABRADOR, Mr. HARRIS, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. GOWDY, Mr. MULVANEY, Mr. REED, Mr. GOHMERT, Mr. CLARKE of Michigan, and Mr. GOSAR):

H.R. 3676. A bill to amend the detainee provisions of the National Defense Authorization Act for Fiscal Year 2012 to specifically state that United States citizens may not be detained against their will without all the rights of due process afforded to citizens in a court ordained or established by or under Article III of the Constitution of the United States; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. BRADY of Pennsylvania, Ms. LEE of California, and Mr. TIERNEY):

H.R. 3677. A bill to authorize the Secretary of Housing and Urban Development to establish a national program to create jobs and increase economic development in underserved areas by promoting cooperative development; to the Committee on Financial Services.

By Mr. MCNERNEY:

H.R. 3678. A bill to amend the Plant Protection Act to direct the Secretary of Agriculture to provide assistance to certain owners as compensation for economic losses due to quarantine, and for other purposes; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KING of New York, Ms. SPEIER, Ms. NORTON, Ms. BORDALLO, Mr. BLUMENAUER, Mr. WELCH, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. LUJÁN, Mr. HINCHEY, Mr. OLVER, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. MCDERMOTT, Mr. SMITH of Washington, Ms. WILSON of Florida, Mr. HONDA, and Mr. HOLT):

H.R. 3679. A bill to amend the Public Health Service Act to establish the position of National Nurse for Public Health; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS (for herself and Ms. DEGETTE):

H.R. 3680. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and Science, Space, and Technology, 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. WEBSTER:

H.R. 3681. A bill to amend the Internal Revenue Code of 1986 to allow a credit to passthru entities for hiring individuals who are unemployed and receive unemployment benefits; to the Committee on Ways and Means.

By Mr. DUFFY:

H.R. 3682. A bill to repeal the Patient Protection and Affordable Care Act and provide for comprehensive health reform, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, 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 Ms. BUERKLE:

H.R. 3683. A bill to amend title XVIII of the Social Security Act to delay implementation of the Medicare hospital readmissions reduction program for 5 years, to require Congressional approval for additional applicable conditions, and to provide for a report on potential impact of such program; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. REED):

H.R. 3684. A bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, and Mr. AMODEI):

H.R. 3685. A bill to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. KEATING:

H.R. 3686. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. COURTNEY):

H.R. 3687. A bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NADLER:

H.R. 3688. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3689. A bill to authorize the Administrator of the Environmental Protection Agency to waive any emission standard or other requirement under section 112 of the Clean Air Act (42 U.S.C. 7412) applicable to the control of asbestos emissions in the demolition or renovation of a condemned building for which there is a reasonable expectation of structural failure; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 3690. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself, Mr. KIND, Ms. MCCOLLUM, Mr. KLINE, Mr. CRAVAACK, Mr. MCGOVERN, Mrs. BACHMANN, Mr. WALZ of Minnesota, and Mr. ELLISON):

H.R. 3691. A bill to amend title XVIII of the Social Security Act with respect to application of the frailty adjustment to certain Medicare Advantage plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. BASS of New Hampshire):

H.R. 3692. A bill to establish an entrepreneur-based immigrant category for alien entrepreneurs who have completed or are in the process of completing a degree in Science, Engineering, Math or a technology-related field; to the Committee on the Judiciary.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3693. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 1-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3694. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 5-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi (for himself, Mr. CUMMINGS, Mr. DUNCAN of Tennessee, and Mr. PIERLUISI):

H.R. 3695. A bill to amend title 14, United States Code, to modify the process for congressional nomination of individuals for appointment as cadets at the Coast Guard Academy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COFFMAN of Colorado:

H.J. Res. 93. A joint resolution proposing an amendment to the Constitution of the United States relating to limits on the number of terms a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOEHNER:

H. Res. 497. A resolution to provide for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol; to the Committee on House Administration.

By Mr. CARTER:

H. Res. 498. A resolution recognizing and commending Baylor University quarterback Robert Griffin III for winning the 2011 Heisman Trophy and for his academic and athletic accomplishments; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. QUIGLEY):

H. Res. 499. A resolution congratulating the students, staff, faculty, and alumni of the City Colleges of Chicago on the 100th anniversary of the institution; to the Committee on Education and the Workforce.

¶167.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. AL GREEN of Texas and Ms. SCHAKOWSKY.

H.R. 104: Mr. DINGELL.

H.R. 177: Mr. HARRIS.

H.R. 191: Mr. RANGEL.

H.R. 265: Ms. CLARKE of New York.

H.R. 266: Mr. SABLAN.

H.R. 267: Mr. SABLAN.

H.R. 452: Mrs. ADAMS.

H.R. 507: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 620: Mr. JONES.

H.R. 721: Mr. RIVERA, Mr. WITTMAN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 733: Mr. CARDOZA, Mr. HURT, and Mr. REED.

H.R. 735: Mr. REHBERG.

H.R. 876: Ms. CHU.

H.R. 890: Mr. BUCHANAN, Mr. CRENSHAW, and Mr. PETERSON.

H.R. 1063: Mr. SCOTT of South Carolina and Mr. JOHNSON of Ohio.

H.R. 1148: Mr. TIERNEY and Mr. INSLEE.

H.R. 1193: Mr. RIVERA.

H.R. 1206: Mr. FRELINGHUYSEN.

H.R. 1259: Mrs. EMERSON and Mr. ROYCE.

H.R. 1288: Mr. ACKERMAN.

H.R. 1294: Mr. ENGEL.

H.R. 1295: Mr. ENGEL.

H.R. 1332: Mr. MARKEY, Mr. LEWIS of California, Mrs. MCMORRIS RODGERS, Mr. HANNA, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. DOGGETT, Mr. BRALEY of Iowa, Mr. JONES, Mr. DOLD, Mr. DEUTCH, Ms. CASTOR of Florida, and Mr. ENGEL.

H.R. 1418: Mr. LOBIONDO.

H.R. 1463: Mrs. ELLMERS.

H.R. 1513: Ms. HIRONO, Ms. PINGREE of Maine, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. SLAUGHTER, and Mr. CUMMINGS.

H.R. 1524: Mr. GRIJALVA.

H.R. 1672: Mr. MEEKS, Mr. HANNA, Mr. SERRANO, Ms. HOCHUL, and Mr. SMITH of New Jersey.

H.R. 1697: Mr. LATOURETTE and Mr. AKIN.

H.R. 1704: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 1738: Mrs. BIGGERT, Mr. FITZPATRICK, and Mr. THOMPSON of Pennsylvania.

H.R. 1744: Mr. FLEISCHMANN.

H.R. 1834: Mr. BROUN of Georgia.

H.R. 1956: Mr. GRAVES of Missouri.

H.R. 1978: Mr. GRIJALVA and Mr. FILNER.

H.R. 2020: Mr. LARSON of Connecticut.

H.R. 2040: Mrs. BLACK.

H.R. 2093: Mr. MARCHANT.

H.R. 2098: Mr. HOLT and Ms. WOOLSEY.

H.R. 2182: Mr. HIMES.

H.R. 2268: Mr. WILSON of South Carolina.

H.R. 2284: Mr. BILIRAKIS.

H.R. 2313: Mr. GALLEGLY and Mr. GUINTA.

H.R. 2412: Mr. PAYNE and Mr. HOLT.

H.R. 2418: Mr. LATHAM.

H.R. 2429: Ms. JENKINS.

H.R. 2453: Mr. JOHNSON of Ohio, Mr. ROSKAM, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. COLE, Mr. GRIFFIN of Arkansas, Mr. PALAZZO, Mr. NUNES, Mr. REHBERG, Mr. SCHWEIKERT, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALDEN, Mr. MCCLINTOCK, Mr. HARRIS, Mr. LANDRY, Mr. STUTZMAN, Mr. KINGSTON, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. AMODEI, Mr. WHITFIELD, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. GARRETT, Mr. MCCOTTER, Mr. CASSIDY, Ms. HAYWORTH, Mr. BASS of New Hampshire, Mr. PETRI, Mr. DENT, Mr. BOUSTANY, Mr. DENHAM, Mr. GUTHRIE, Mr. SCHOCK, Mr. TERRY, Mr. YOUNG of Florida, Mr. SHUSTER, Mr. THORNBERRY, Mr. CULBERSON, Mr. BARTON of Texas, Mr. SIMPSON, Mr. MCHENRY, Mr. PAULSEN, Mr. CONNOLLY of Virginia, Mr. YODER, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. ROHRABACHER, Mr. KING of Iowa, Mr. DAVIS of Kentucky, Mr. OLSON, Mr. STIVERS, Mrs. NOEM, Mr. FRANKS of Arizona, Mrs. BLACK, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. GARDNER, Mr. MCKINLEY,

Mr. KINZINGER of Illinois, Mr. KING of New York, Mr. TURNER of New York, Mr. FLEMING, Mr. NEUGEBAUER, Mr. GIBSON, Mrs. CAPITO, Mr. FARENTHOLD, Mr. AUSTIN SCOTT of Georgia, Mr. STEARNS, Mr. BURGESS, Mr. BACHUS, Mr. RENACCI, Mr. GRIFFITH of Virginia, Ms. JENKINS, Mr. HUELSKAMP, Mr. FLEISCHMANN, Mr. GRIMM, Mr. HUIZENGA of Michigan, Mr. YOUNG of Alaska, Mr. BENISHEK, Mr. CAMPBELL, Mr. LANCE, Mr. FRELINGHUYSEN, Mr. CONAWAY, Mr. NUGENT, Ms. BUERKLE, Mrs. ADAMS, Mr. MANZULLO, and Mr. ADERHOLT.

H.R. 2484: Mr. YOUNG of Florida.

H.R. 2492: Mr. MCNERNEY, Mr. QUIGLEY, and Mrs. BIGGERT.

H.R. 2499: Ms. BERKLEY.

H.R. 2536: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 2543: Mr. DEFAZIO.

H.R. 2786: Mrs. MALONEY and Mr. ISRAEL.

H.R. 2874: Mr. PENCE.

H.R. 2881: Ms. WATERS.

H.R. 2996: Mr. JONES.

H.R. 3053: Mr. PAYNE.

H.R. 3082: Mr. RIBBLE.

H.R. 3122: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3129: Mr. MORAN.

H.R. 3162: Mr. BACHUS.

H.R. 3242: Ms. LEE of California.

H.R. 3269: Mr. SCALISE, Mr. HONDA, Mr. ROKITA, Mr. MCNERNEY, Mr. THORNBERRY, Mr. TIERNEY, Mr. YODER, Mr. ROE of Tennessee, Mr. YOUNG of Florida, Mr. SCOTT of South Carolina, Mr. HIMES, Mr. BUCHANAN, Mr. CLARKE of Michigan, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. HINCHEY, Mr. SARBANES, and Mr. MCCOTTER.

H.R. 3276: Mr. BILIRAKIS, Mr. WEST, Mr. DIAZ-BALART, Mr. BUCHANAN, and Mr. YOUNG of Florida.

H.R. 3324: Mr. HONDA.

H.R. 3368: Mr. CLARKE of Michigan.

H.R. 3399: Mr. HOLDEN and Mr. CHANDLER.

H.R. 3400: Mr. DESJARLAIS, Mr. GUINTA, Mr. COLE, and Mr. PITTS.

H.R. 3423: Mr. TERRY, Mr. GRIFFIN of Arkansas, Mr. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Mr. DONNELLY of Indiana, Mr. HULTGREN, Mr. TURNER of New York, Mr. JACKSON of Illinois, Mr. BRALEY of Iowa, Mr. BACHUS, Mrs. LOWEY, Mr. STARK, Mr. HONDA, and Ms. PINGREE of Maine.

H.R. 3425: Mr. FARR.

H.R. 3442: Mrs. NAPOLITANO, Mr. MCDERMOTT, Ms. LORETTA SANCHEZ of California, and Mr. LOEBSACK.

H.R. 3521: Mr. MULVANEY, Mr. SHERMAN, Ms. BASS of California, Mr. CICILLINE, Mr. HUELSKAMP, and Mr. LANCE.

H.R. 3547: Mr. QUIGLEY, Mr. POLIS, and Mr. STARK.

H.R. 3572: Mr. DOGGETT, Mr. ELLISON, Mr. GARAMENDI, Mr. COURTNEY, Mr. YARMUTH, Mr. NADLER, Mr. KEATING, and Mr. CLARKE of Michigan.

H.R. 3573: Ms. LEE of California, Mr. GRIJALVA, and Ms. WOOLSEY.

H.R. 3577: Mr. GOHMERT, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. MULVANEY, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. BARTLETT, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. HUELSKAMP, Mr. JOHNSON of Illinois, Mr. YOUNG of Indiana, and Mr. HUIZENGA of Michigan.

H.R. 3581: Mr. ROKITA.

H.R. 3582: Mr. HANNA, Mr. FLORES, Mr. FLEMING, Mr. MARCHANT, Mr. MULVANEY, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DESJARLAIS, Mr. ROKITA, and Mr. GOSAR.

H.R. 3589: Mr. FORTENBERRY and Ms. BUERKLE.

H.R. 3606: Mr. DOLD, Ms. HAYWORTH, and Mr. ROYCE.

H.R. 3627: Mr. HONDA and Mr. SESSIONS.

H.R. 3638: Mr. CAPUANO, Mr. JOHNSON of Georgia, and Ms. SCHAKOWSKY.

H.R. 3639: Mr. WEST and Mr. WOMACK.

H.J. Res. 8: Ms. HOCHUL.

H.J. Res. 86: Ms. ESHOO.

H.J. Res. 88: Mr. COOPER.

H.J. Res. 92: Mr. GRIJALVA.

H. Con. Res. 85: Mr. GENE GREEN of Texas and Mr. PETERSON.

H. Con. Res. 87: Mr. MICHAUD and Mr. FALEOMAVAEGA.

H. Res. 282: Mr. BERMAN.

H. Res. 475: Mr. JONES, Mr. SCHILLING, Mr. GRIFFIN of Arkansas, and Mr. BOUSTANY.

H. Res. 490: Mr. LONG, Mr. GOHMERT, Mr. WALSH of Illinois, Mr. GOWDY, Mr. GRAVES of Georgia, Mr. FINCHER, Mr. AKIN, Mr. HARRIS, Mr. COLE, Mr. TIBERI, Mr. LAMBORN, Mr. FLEMING, Mr. AUSTIN SCOTT of Georgia, Mr. POSEY, Mr. KING of Iowa, Mr. BROOKS, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. FLORES, Mr. MULVANEY, Mr. STUTZMAN, Mr. GINGREY of Georgia, Mr. DESJARLAIS, Mr. KELLY, Mrs. NOEM, Mr. TURNER of New York, Mr. AMODEI, Mr. CRAWFORD, Mr. BENISHEK, Mr. BARTON of Texas, Mr. CARTER, Mr. POMPEO, Mr. ROKITA, Mr. SENSENBRENNER, Mr. HULTGREN, Mr. MCCOTTER, Mr. SESSIONS, Mr. TIPTON, Mr. MICA, Mrs. BLACK, Ms. BUERKLE, Mr. PALAZZO, Mr. HUELSKAMP, Mr. WESTMORELAND, Mr. ROSS of Florida, Mr. MCHENRY, Mr. COFFMAN of Colorado, Mr. POE of Texas, Mr. QUAYLE, and Mr. REHBERG.

H. Res. 492: Mr. JONES.

FRIDAY, DECEMBER 16, 2011 (168)

¶168.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DOLD, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 16, 2011.

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

JOHN A. BOEHNER,
Speaker.

¶168.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DOLD, announced he had examined and approved the Journal of the proceedings of Thursday, December 15, 2011.

Pursuant to clause 1 of rule I, the Journal was approved.

¶168.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4317. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting proposed amendments to title 12, chapter VI of the Code of Federal Regulations; to the Committee on Agriculture.

4318. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4319. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4320. A letter from the Chairman and President, Export-Import Bank, transmitting the semiannual report of the Inspector General for the period ending September 30, 2011; to the Committee on Oversight and Government Reform.

4321. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104–65, as amended by Public Law 110–81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2010, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

4322. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104–65, as amended by Public Law 110–81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on January 1, 2010; to the Committee on the Judiciary.

4323. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2011 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102–86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

4324. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report on the Retirement Benefits for Former Employees of Air America, pursuant to Public Law 111–84, section 1057(b)(1) 123 Stat. 2464; to the Committee on Intelligence (Permanent Select).

4325. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Privacy Office fourth quarterly report for fiscal year 2011; to the Committee on Homeland Security.

4326. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil Rights and Civil Liberties for the Third Quarter of 2011; jointly to the Committees on Homeland Security and the Judiciary.

¶168.4 AMENDMENT OF THE SENATE TO H.R. 1892

Mr. ROGERS of Michigan, moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2012''.

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

Sec. 1. Short title; Table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.
TITLE III—GENERAL PROVISIONS
Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Annual report on hiring of National Security Education Program participants.
Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
Sec. 305. Preparation of nuclear proliferation assessment statements.
Sec. 306. Cost estimates.
Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 309. Enhanced procurement authority to manage supply chain risk.
Sec. 310. Burial allowance.
Sec. 311. Modification of certain reporting requirements.
Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.
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Sec. 502. Sense of Congress regarding integration of fusion centers.
Sec. 503. Strategy to counter improvised explosive devices.
Sec. 504. Sense of Congress regarding the priority of railway transportation security.
Sec. 505. Technical amendments to the National Security Act of 1947.
Sec. 506. Technical amendments to title 18, United States Code.
Sec. 507. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2012, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1892 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

(c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE CLASSIFIED ANNEX.—In addition to any other purpose authorized by law, the Director of the Federal Bureau of Investigation may expend funds authorized in this Act as specified in the Federal Bureau of Investigation Policy Implementation section of the classified annex accompanying this Act.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2012 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

(1) in a student program, trainee program, or similar program;

(2) in a reserve corps or as a reemployed annuitant; or

(3) in details, joint duty, or long-term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012 the sum of $576,393,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2013.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 777 full-time or full-time equivalent personnel as of September 30, 2012. Personnel serving in such elements may be

permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2012 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2013.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2012, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY EDUCATION PROGRAM PARTICIPANTS.

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

''(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

''(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

''(3) In this subsection, the term 'covered department' means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.''.

SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

''(w) NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.''.

SEC. 306. COST ESTIMATES.

(a) IN GENERAL.—Section 506A of the National Security Act of 1947 (50 U.S.C. 415a–1) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following new subparagraph:

''(B) For major system acquisitions requiring a service or capability from another acquisition or program to deliver the end-to-end functionality for the intelligence community end users, independent cost estimates shall include, to the maximum extent practicable, all estimated costs across all pertinent elements of the intelligence community. For collection programs, such cost estimates shall include the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program. If such costs for processing, exploitation, dissemination, and storage are scheduled to be executed in other elements of the intelligence community, the independent cost estimate shall identify and annotate such costs for such other elements accordingly.''; and

(2) in subsection (e)(2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) in subparagraph (A), as so designated, by striking ''associated with the acquisition of a major system,'' and inserting ''associated with the development, acquisition, procurement, operation, and sustainment of a major system across its proposed life cycle,''; and

(C) by adding at the end the following:

''(B) In accordance with subsection (a)(2)(B), each independent cost estimate shall include all costs required across elements of the intelligence community to develop, acquire, procure, operate, and sustain the system to provide the end-to-end intelligence functionality of the system, including—

''(i) for collection programs, the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program; and

''(ii) costs for processing, exploitation, dissemination, and storage scheduled to be executed in other elements of the intelligence community.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506H the following new section:

''SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

''SEC. 506I. (a) IN GENERAL.—The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

''(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

''(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

''(b) UPDATES.—Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.''.

(2) INITIAL UPDATE.—The initial update required by section 506I(b) of such Act, as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 10 U.S.C. 801 note).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506H the following new item:

''Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.''.

SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REQUIREMENT FOR NOTIFICATION.—The President shall submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other foreign country or to a freely associated State the following information:

(1) The name of the individual to be transferred or released.

(2) The country or the freely associated State to which such individual is to be transferred or released.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount

of any financial assistance related to such agreement.

(4) The agencies or departments of the United States responsible for ensuring that the agreement described in paragraph (3) is carried out.

(b) DEFINITION.—In this section, the term ''freely associated States'' means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this section shall be construed to supersede or otherwise affect the following provisions of law:

(1) Section 1028 of the National Defense Authorization Act for Fiscal Year 2012.

(2) Section 8120 of the Department of Defense Appropriations Act, 2012.

SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means any element of the intelligence community other than an element within the Department of Defense.

(2) COVERED ITEM OF SUPPLY.—The term ''covered item of supply'' means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) COVERED PROCUREMENT.—The term ''covered procurement'' means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) COVERED PROCUREMENT ACTION.—The term ''covered procurement action'' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) COVERED SYSTEM.—The term ''covered system'' means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) SUPPLY CHAIN RISK.—The term ''supply chain risk'' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) AUTHORITY.—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) SAVINGS.—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

(g) SUNSET.—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

SEC. 310. BURIAL ALLOWANCE.

(a) AUTHORIZATION TO PROVIDE.—

(1) IN GENERAL.—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

(2) DESCRIPTION.—A decedent described in this paragraph is an individual—

(A) who served as a civilian officer or employee of such an agency or department;

(B) who died as a result of an injury incurred during such service; and

(C) whose death—

(i) resulted from hostile or terrorist activities; or

(ii) occurred in connection with an intelligence activity having a substantial element of risk.

(b) USE OF BURIAL ALLOWANCE.—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

(c) AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.—A burial allowance paid under subsection (a) shall be—

(1) in an amount not greater than—

(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

(B) the actual costs of transportation referred to in subsection (b); and

(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.

SEC. 311. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 1041(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 403–1b(b)) is amended by striking paragraphs (3) and (4).

(b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 904(d)(1) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is amended by striking ''on an annual basis''.

(c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking ''reports referred to in subsections (a) and (b)'' and inserting ''report referred to in subsection (a)''.

(d) REPORT ON TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.—Paragraph (3)(D) of section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)), as amended by section 306 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2661), is amended by striking ''The'' and inserting ''For each of the fiscal years 2010, 2011, and 2012, the''.

SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANALYSIS CONDUCTED BY THE INTELLIGENCE COMMUNITY.

(a) REVIEW.—The Director of National Intelligence shall direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the intelligence community during the 12 month period beginning on the date of the enactment of this Act.

(b) RECOMMENDATIONS.—Not later than 15 months after the date of the enactment of this Act, the Director of the National Intelligence shall submit to the congressional intelligence committees—

(1) a report on the results of the review conducted under subsection (a); and

(2) any actions taken by the Director to implement the recommendations, if any, of the Director's Senior Advisory Group based on such results.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

(a) CONSULTATION.—The Director of National Intelligence shall consult with the heads of the Federal land management agencies on the appropriate actions the intelligence community can take to assist such agencies in responding to the threat from covered entities that are currently or have previously used public lands in the United States to further the operations of such entities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the consultation under subsection (a). Such report shall include—

(1) an assessment of the intelligence community collection efforts dedicated to covered entities, including any collection gaps or inefficiencies; and

(2) an assessment of the ability of the intelligence community to assist Federal land management agencies in identifying and protecting public lands from illegal drug grows and other activities and threats of covered entities, including through the sharing of intelligence information.

(c) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means an international drug trafficking organization or other actor involved in drug trafficking generally.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' includes—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; and

(E) the Bureau of Reclamation of the Department of the Interior.

(3) PUBLIC LANDS.—The term ''public lands'' means land under the management of a Federal land management agency.

SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORTING REQUIREMENTS TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

For each of the fiscal years 2010, 2011, and 2012, the requirements of section 3515 of title 31, United States Code, to submit an audited financial statement shall not apply to the Office of the Director of National Intelligence if the Director of National Intelligence determines and notifies Congress that audited financial statements for such years for such Office cannot be produced on a cost-effective basis.

SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h) is amended by adding at the end the following new subsection:

''(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.''.

SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMATION OFFICER IN THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Chief Information Officer, Small Business Administration the following new item:

''Chief Information Officer of the Intelligence Community.''.

SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

''(1) in the matter preceding subparagraph (A), by substituting 'an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),' for 'such Executive agency'; and

''(2) in subparagraph (A), by substituting 'the intelligence community' for 'such agency'.''.

Subtitle B—Central Intelligence Agency

SEC. 411. ACCEPTANCE OF GIFTS.

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403l(a)) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by striking the second and third sentences and inserting the following:

''(2) Any gift accepted under this section (and any income produced by any such gift)—

''(A) may be used only for—''

''(i) artistic display;

''(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

''(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

''(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

''(3) An individual described in this paragraph is an individual who—

''(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

''(i) resulted from hostile or terrorist activities;

''(ii) occurred in connection with an intelligence activity having a significant element of risk; or

''(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

''(B) is a family member of such an employee or former employee; or

''(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

''(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

''(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).''; and

(2) by adding at the end the following new subsection:

''(f) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

''(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

''(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.''.

SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY OFFICERS.

(a) IN GENERAL.—Section 104A(g) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ''in the Directorate of Intelligence career service or the National Clandestine Service career service'' after ''an individual'';

(ii) by inserting ''or promoted'' after ''appointed''; and

(iii) by striking ''individual—'' and inserting ''individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.'';

(B) by striking subparagraphs (A) and (B); and

(2) in paragraph (2), by striking ''position or category of positions'' both places that term appears and inserting ''position, category of positions, or occupation''.

(b) EFFECTIVE DATE.—Section 611(b) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 50 U.S.C. 403–4a note) is amended—

(1) by inserting ''or promotions'' after ''appointments''; and

(2) by striking ''that is one year after the date''.

(c) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence—

(A) by striking ''positions'' and inserting ''individual waivers''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service''; and

(2) in the second sentence, by striking ''position or category of positions'' and inserting ''position, category of positions, or occupation''.

(d) REPORT ON TRANSFERS.—Not later than 45 days after the date of the enactment of this Act, and on an annual basis for each of the following 3 years, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the number of Senior Intelligence Service employees of the Agency who—

(1) were transferred during the reporting period to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine Service career service; and

(2) did not meet the foreign language requirements specified in section 104A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)(1)) at the time of such transfer.

SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new subsection:

''(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall

establish and maintain on the homepage of the Agency's publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.''.

SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION.

(a) FINDINGS.—Congress finds the following:

(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ''the central front in our enduring struggle against terrorism and extremism''.

(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ''Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.''.

(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

(11) President Obama said, ''For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community's capabilities and teamwork;

(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).

SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF THE INSPECTOR GENERAL.

(a) STUDY.—The Inspector General of the Office of Personnel Management, in consultation with the Inspector General of the Central Intelligence Agency, shall carry out a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the Central Intelligence Agency. Such study shall include—

(1) identification of any barriers or disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the Central Intelligence Agency; and

(2) a comparison of the personnel authorities of the Inspector General of the Central Intelligence Agency with personnel authorities of Inspectors General of other agencies and departments of the United States, including a comparison of the benefits available to experienced investigators within the Office of the Inspector General of the Central Intelligence Agency with similar benefits available within the offices of Inspectors General of such other agencies or departments.

(b) RECOMMENDATIONS.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Office of Personnel Management shall submit to the congressional intelligence committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(1) a report on the results of the study conducted under subsection (a); and

(2) any recommendations for legislative action based on such results.

(c) FUNDING.—Of the funds authorized to be appropriated by this Act, the Director of National Intelligence shall transfer to the Inspector General of the Office of Personnel Management such sums as may be necessary to carry out this section.

Subtitle C—National Security Agency

SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECURITY AGENCY SECURITY PERSONNEL.

(a) AUTHORITY TO TRANSPORT APPREHENDED PERSONS.—Paragraph (5) of section 11(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

''(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).''.

(b) CONFORMING AMENDMENT RELATING TO TORT LIABILITY.—Paragraph (1) of section 11(d) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) transport an individual pursuant to subsection (a)(2).''.

Subtitle D—Other Elements

SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AS ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(K) of the National Security Act of 1947 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

''(K) The Office of Intelligence and Analysis of the Department of Homeland Security.''.

SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPATION IN THE DEPARTMENT OF JUSTICE LEAVE BANK.

Subsection (b) of section 6372 of title 5, United States Code, is amended to read as follows:

''(b)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

''(2) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation may authorize an individual employed by the Bureau to participate in a leave bank program administered by the Department of Justice under this subchapter if in the Director's judgment such participation will not adversely affect the protection of intelligence sources and methods.''.

SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

''§ 429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority

''(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of Defense may transfer appropriations of the Department of Defense which are available for the activities of Defense intelligence elements to an account or accounts established for receipt of such transfers. Each such account may also receive transfers from the Director of National Intelligence if made pursuant to Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), and transfers and reimbursements arising from transactions, as authorized by law, between a Defense intelligence element and another entity. Appropriation balances in each such account may be transferred back to the account or accounts from which such appropriations originated as appropriation refunds.

''(b) RECORDATION OF TRANSFERS.—Transfers made pursuant to subsection (a) shall be recorded as expenditure transfers.

''(c) AVAILABILITY OF FUNDS.—Funds transferred pursuant to subsection (a) shall remain available for the same time period and for the same purpose as the appropriation from which transferred, and shall remain subject to the same limitations provided in the act making the appropriation.

''(d) OBLIGATION AND EXPENDITURE OF FUNDS.—Unless otherwise specifically authorized by law, funds transferred pursuant to subsection (a) shall only be obligated and expended

in accordance with chapter 15 of title 31 and all other applicable provisions of law.

''(e) DEFENSE INTELLIGENCE ELEMENT DEFINED.—In this section, the term 'Defense intelligence element' means any of the Department of Defense agencies, offices, and elements included within the definition of 'intelligence community' under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

''429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority.''.

SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE INTELLIGENCE WORKFORCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committee on Armed Services of the Senate a report on the training standards of the defense intelligence workforce. Such report shall include—

(1) a description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and

(2) an assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.

(b) DEFINITIONS.—In this section:

(1) DEFENSE INTELLIGENCE COMPONENTS.—The term ''defense intelligence components'' means—

(A) the National Security Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office;

(E) the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps; and

(F) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(2) DEFENSE INTELLIGENCE WORKFORCE.—The term ''defense intelligence workforce'' means the personnel of the defense intelligence components.

TITLE V—OTHER MATTERS

SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE OF UNMANNED AERIAL VEHICLES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with the Director of National Intelligence, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) STRATEGY.—

(1) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

(2) CONTENTS.—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) REPORT AND IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(6) (50 U.S.C. 401a(6)), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(2) in section 506(b) (50 U.S.C. 415a(b)), by striking ''Director of Central Intelligence.'' and inserting ''Director of National Intelligence.''; and

(3) in section 506A(c)(2)(C) (50 U.S.C. 415a–1(c)(2)(C), by striking ''National Foreign Intelligence Program'' both places that term appears and inserting ''National Intelligence Program''.

SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 351(a) of title 18, United States Code, is amended—

(1) by inserting ''the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence,'' after ''in such department,''; and

(2) by striking ''Central Intelligence,'' and inserting ''the Central Intelligence Agency,''.

SEC. 507. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore, Mr. DOLD, recognized Mr. ROGERS of Michigan, and Mr. RUPPERSBERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. DOLD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Michigan, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOLD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶168.5 AMENDMENTS OF THE SENATE TO H.R. 2867

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes:

Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike ''(c)'' and insert ''(b)''.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.''.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

On page 7, line 9, strike ''2013'' and insert ''2014''.

The SPEAKER pro tempore, Mr. DOLD, recognized Ms. ROS-LEHTINEN and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. DOLD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶168.6 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2055, AND PROVIDING FOR CONSIDERATION OF H.R. 3672 AND H. CON. RES. 94

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 500):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon adoption of this resolution, it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672. All points of order against consideration of the concurrent resolution are waived. The concurrent resolution shall be considered as read. All points of order against provisions in the concurrent resolution are waived. The previous question shall be considered as ordered on the concurrent resolution to its adoption without intervening motion except: (1) 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit which may not contain instructions.

SEC. 4. The Clerk shall not transmit to the Senate a message that the House has passed H.R. 3672 until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of House Concurrent Resolution 94 as adopted by the House.

SEC. 5. It shall be in order at any time on the legislative day of December 16, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure continuing appropriations for the fiscal year ending September 30, 2012.

SEC. 6. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of December 31, 2011, providing for consideration or disposition of any of the following measures:

(1) A measure relating to expiring provisions of the Internal Revenue Code of 1986.

(2) A measure relating to the Medicare payment system for physicians.

(3) A measure relating to appropriations for the fiscal year ending September 30, 2012.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 179

¶168.7 [Roll No. 937]

YEAS—239

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

NAYS—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bachmann
Clay
Coble
Davis (KY)
Diaz-Balart
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Myrick
Napolitano
Paul
Pingree (ME)
Speier

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 252 / Nays 164

¶168.8 [Roll No. 938]

YEAS—252

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

NAYS—164

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

NOT VOTING—17

Bachmann
Bishop (UT)
Coble
Connolly (VA)
Davis (KY)
Diaz-Balart
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Myrick
Napolitano
Paul
Pingree (ME)
Speier
Velázquez

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶168.9 AMENDMENT OF THE SENATE TO H.R. 1892—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendment of the Senate?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays 23

¶168.10 [Roll No. 939]

YEAS—396

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa

Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—23

Amash
Blumenauer
Capuano
Clarke (NY)
Cohen
Conyers
DeFazio
Duncan (TN)
Fattah
Gibson
Grijalva
Jones
Kucinich
Lee (CA)
Lewis (GA)
McGovern
Miller, George
Moore
Olver
Payne
Stark
Waters
Woolsey

NOT VOTING—14

Bachmann
Coble
Davis (KY)
Diaz-Balart
Filner
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Myrick
Napolitano
Paul
Pingree (ME)
Speier

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶168.11 S. 278—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS of New Hampshire, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS of New Hampshire, announced that two-thirds of those present had voted in the affirmative.

Mr. DICKS demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶168.12 [Roll No. 940]

AYES—413

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
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
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)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
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
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
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
Tiberi
Tierney
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
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—20

Bachmann
Coble
Costello
Davis (KY)
Diaz-Balart
Emerson
Filner
Giffords
Gohmert
Guthrie
Gutierrez
Hoyer
Johnson, E. B.
Maloney

McClintock	Napolitano	Pingree (ME)
Myrick	Paul	Speier

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶168.13 MESSAGE FROM THE SENATE

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

H.R. 3421. An Act 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.

H. Con. Res. 93. A concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1612. An Act to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity.

¶168.14 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS FY 2012

Mr. ROGERS of Kentucky, pursuant to House Resolution 500, called up the following conference report (Rept. No. 112–331):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies 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 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.
Sec. 5. Availability of funds.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related agencies
Title VIII—General provisions
Title IX—Overseas contingency operations

DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent agencies
Title V—General provisions

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

Title I—Departmental management and operations
Title II—Security, enforcement, and investigations
Title III—Protection, preparedness, response, and recovery
Title IV—Research and development, training, and services
Title V—General provisions

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related agencies
Title IV—General provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies
Title V—General provisions

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012

Title I—Legislative branch
Title II—General provisions

DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012

Title I—Department of State and related agency
Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance
Title VII—General provisions
Title VIII—Overseas contingency operations

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.

SEC. 5. AVAILABILITY OF FUNDS.

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

TITLE I

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $43,298,409,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,803,334,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,635,136,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,096,708,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by

section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,289,407,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,935,544,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $644,722,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,712,705,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,585,645,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,088,929,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $31,072,902,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $38,120,821,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,542,937,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,985,486,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,152,008,000: Provided, That not more than $47,026,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,071,733,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,305,134,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $271,443,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,274,359,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,924,932,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,098,780,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,861,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $346,031,000, to remain available until transferred: Provided,

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $308,668,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $525,453,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,716,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $326,495,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $107,662,000, to remain available until September 30, 2013.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $508,219,000, to remain available until September 30, 2014: Provided, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $105,501,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,360,334,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,223,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,070,405,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,884,424,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,924,214,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands

and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,675,734,000, to remain available for obligation until September 30, 2014.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,224,432,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $626,848,000, to remain available for obligation until September 30, 2014.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (AP), $554,798,000;

Virginia Class Submarine, $3,221,314,000;

Virginia Class Submarine (AP), $1,461,361,000;

CVN Refuelings (AP), $529,652,000;

DDG–1000 Program, $453,727,000;

DDG–51 Destroyer, $1,980,709,000;

DDG–51 Destroyer (AP), $100,723,000;

Littoral Combat Ship, $1,755,093,000;

LPD–17, $1,837,444,000;

LHA–Replacement, $1,999,191,000;

Joint High Speed Vessel, $372,332,000;

Oceanographic Ships, $89,000,000;

Moored Training Ship, $131,200,000;

LCAC Service Life Extension Program, $84,076,000;

Service Craft, $3,863,000; and

For outfitting, post delivery, conversions, and first destination transportation, $270,639,000.

Completion of Prior Year Shipbuilding Programs, $73,992,000.

In all: $14,919,114,000, to remain available for obligation until September 30, 2016: Provided, That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,013,385,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,422,570,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,950,000,000, to remain available for obligation until September 30, 2014: Provided, That of the amount made available under this heading, $63,500,000 made available for C–130J aircraft shall be transferred to the Department of Homeland Security, Coast Guard, ''Acquisition, Construction, and Improvements'': Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,080,877,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $499,185,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,403,564,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,893,428,000, to remain available for obligation until September 30, 2014.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $169,964,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,745,492,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,753,940,000, to remain available for obligation until September 30, 2013: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special

Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,535,996,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,193,955,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $191,292,000, to remain available for obligation until September 30, 2013.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,575,010,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,100,519,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,482,059,000; of which $30,582,235,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2013, and of which up to $16,512,141,000 may be available for contracts entered into under the TRICARE program; of which $632,518,000, to remain available for obligation until September 30, 2014, shall be for procurement; and of which $1,267,306,000, to remain available for obligation until September 30, 2013, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,554,422,000, of which $1,147,691,000 shall be for operation and maintenance, of which no less than $71,211,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $19,211,000 for activities on military installations and $52,000,000, to remain available until September 30, 2013, to assist State and local governments and $406,731,000, to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which $401,768,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,209,620,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: Provided further, That $23,000,000 may not be obligated or expended until the Secretary of Defense submits an implementation plan for the expansion of prescription drug testing to the congressional defense committees.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $346,919,000, of which $341,419,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2014, shall be for procurement; and of which $4,500,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $513,700,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $547,891,000.

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except

military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

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

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

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

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

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

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

(TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

UH–60M/HH–60M and MH–60R/MH–60S Helicopter Airframes; and MH–60R/S Mission Avionics and Common Cockpits.

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

SEC. 8012. (a) During fiscal year 2012, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.

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

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

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

(TRANSFER OF FUNDS)

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

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section,

the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

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

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

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

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

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

SEC. 8022. (a) Of the funds made available in this Act, not less than $37,745,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,838,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,990,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $917,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

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

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

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2012 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2012, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $150,245,000.

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

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

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

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

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2012. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

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

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

Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

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

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

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.

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

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

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

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

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

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

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

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

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

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

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

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

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

(B) $10,000,000; and

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

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

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

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

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

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

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''National Defense Sealift Fund, 2002/XXXX'', $20,444,000;

''National Defense Sealift Fund, 2003/XXXX'', $8,500,000;

''National Defense Sealift Fund, 2004/XXXX'', $6,500,000;

''Aircraft Procurement, Army, 2010/2012'', $5,100,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $4,353,000;

''Procurement of Ammunition, Army, 2010/2012'', $21,674,000;

''Other Procurement, Army, 2010/2012'', $58,647,000;

''Aircraft Procurement, Navy, 2010/2012'', $90,000,000;

''Aircraft Procurement, Air Force, 2010/2012'', $32,897,000;

''Missile Procurement, Air Force, 2010/2012'', $3,889,000;

''Other Procurement, Air Force, 2010/2012'', $12,200,000;

''Procurement, Defense-Wide, 2010/2012'', $716,000;

''Aircraft Procurement, Army, 2011/2013'', $21,500,000;

''Missile Procurement, Army, 2011/2013'', $99,800,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2011/2013'', $18,834,000;

''Procurement of Ammunition, Army, 2011/2013'', $15,000,000;

''Other Procurement, Army, 2011/2013'', $438,436,000;

''Aircraft Procurement, Navy, 2011/2013'', $78,000,000;

''Weapons Procurement, Navy, 2011/2013'', $34,276,000;

''Procurement of Ammunition, Navy and Marine Corps, 2011/2013'', $28,262,000;

''Other Procurement, Navy, 2011/2013'', $59,598,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2011/2015'': Littoral Combat Ship Advance Procurement: $110,351,000;

''Aircraft Procurement, Air Force, 2011/2013'', $220,213,000;

''Missile Procurement, Air Force, 2011/2013'', $193,900,000;

''Other Procurement, Air Force, 2011/2013'', $52,868,000;

''Procurement, Defense-Wide, 2011/2013'', $4,312,000;

''Research, Development, Test and Evaluation, Army, 2011/2012'', $356,625,000;

''Research, Development, Test and Evaluation, Navy, 2011/2012'', $65,687,000;

''Research, Development, Test and Evaluation, Air Force, 2011/2012'', $258,094,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2011/2012'', $254,284,000;

''Defense Health Program, 2011/2012'', $257,000:

Provided, That the funds rescinded from the National Defense Sealift accounts are those described under the heading ''National Defense Sealift Fund'' in Public Law 107–117, Public Law 107–248, and Public Law 108–87, or for the purposes described in section 115 of division H of Public Law 108–199, as amended by section 1017 of division A of Public Law 109–13.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

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

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

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

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

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

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

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

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

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation

discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $124,493,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That

contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2012.

SEC. 8069. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8070. (a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding the following new section at its end—

"§1790. MILITARY PERSONNEL CITIZENSHIP PROCESSING.

"AUTHORIZATION OF PAYMENTS.—Using funds provided for operation and maintenance and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by the United States Citizenship and Immigration Services (USCIS) of applications for naturalization described in sections 328(b)(4) and 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and 1440(b)(4)). Such reimbursements shall be deposited and remain available as provided by sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m)). Such reimbursements shall be based on actual costs incurred by USCIS for processing applications for naturalization, and shall not exceed $7,500,000 per fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after the item relating to section 1789 the following new item:

"1790. Military personnel citizenship processing.".

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $235,700,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $110,525,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $66,220,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $58,955,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy, 2005/2012": LPD–17 Amphibious Transport Dock Program $18,627,000;

(2) Under the heading "Shipbuilding and Conversion, Navy, 2006/2012": LPD–17 Amphibious Transport Dock Program $23,437,000; and

(3) Under the heading "Shipbuilding and Conversion, Navy, 2008/2012": LPD–17 Amphibious Transport Dock Program $31,928,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. (a) Of the amounts appropriated in title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Budget Activities 4, 5 and 7, $50,000,000 shall be transferred to Program Element 0605601A: Provided, That no funds may be transferred until 30 days after the Secretary of the Army provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(b) Of the amounts appropriated in title IV of this Act under the heading "Research, Development, Test and Evaluation, Air Force", for Budget Activities 4, 5 and 7, $34,000,000 shall be transferred to Program Element 0605807F: Provided, That no funds may be transferred until 30 days after the Secretary of the Air Force provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8082. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response

from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

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

SEC. 8086. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8087. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2013.

SEC. 8088. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. During the current fiscal year, not to exceed $200,000,000 from funds available under ''Operation and Maintenance, Defense-Wide'' may be transferred to the Department of State ''Global Security Contingency Fund'': Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State ''Global Security Contingency Fund'', notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8090. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

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

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

SEC. 8091. The amounts appropriated in title II of this Act are hereby reduced by $515,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From ''Operation and Maintenance, Army'', $515,000,000.

SEC. 8092. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

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

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

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

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

SEC. 8093. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that—

(1) creates a new start effort;

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

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

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

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

SEC. 8094. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8095. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8099. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8100. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains proprietary information.

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

SEC. 8101. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

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

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve

through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

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

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

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

SEC. 8102. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

(b) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

SEC. 8103. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $135,631,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8105. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871), as amended by Public Law 112–10, is amended by striking ''2 years'' both places it appears and inserting ''3 years''.

SEC. 8106. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: Provided, That not later than 90 days after the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the Office of the Director of National Intelligence strategic human capital plan and the Office of Director of National Intelligence current and future grade structure, to include General Schedule 15 positions.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8108. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8109. The Inspector General of the Department of Defense shall conduct a review of Anti-deficiency Act violations and their causes in the Department of Defense Military Personnel accounts. Based on the findings of the review, the Inspector General shall submit to the congressional defense committees a report containing the results of the review and recommendations for corrective actions to be implemented.

SEC. 8110. Of the amounts appropriated for ''Operation and Maintenance, Defense-Wide'', $33,000,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for this purpose, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8111. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG–2012–024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 8112. (a) None of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure to relocate Air Force program offices, or acquisition management functions of major weapons systems, to a central location, or to any location other than the Air Force Material Command site where they are currently located until 30 days after the Secretary of the Air Force submits the initial report under subsection (b).

(b) The Secretary of the Air Force shall submit to the congressional defense committees a report which includes the following: a listing of all Air Force Material Command functions to be transferred and an identification of the locations where these functions will be transferred from and to; a listing of all Air Force Material Command personnel positions to be transferred and an identification of the locations these positions will be transferred from and to; and the cost benefit analysis and the life-cycle cost analysis underpinning the Secretary of the Air Force's decision to relocate Air Force Material Command functions and personnel.

SEC. 8113. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume quarterly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8114. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated, for an additional amount for ''Research, Development, Test and Evaluation, Army'', to remain available until September 30, 2013. Such funds may be available for the Secretary of the Army to conduct research on alternative energy resources for deployed forces.

SEC. 8115. The Secretary of Defense shall study and report to the Congressional Defense Committees the feasibility of using commercially available telecommunications expense management solutions across the Department of Defense by March 1, 2012.

SEC. 8116. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8117. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8118. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8119. 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. 8120. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) In this section:

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

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

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

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

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

(B) is—

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

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

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

SEC. 8121. (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. 8122. Of the funds made available to the Department of Defense under ''Operation and Maintenance, Defense-Wide'' in title II, $1,000,000 may be available to the Department to competitively commission an independent assessment of the current and prospective situation on the ground in Afghanistan and Pakistan, including the strategic environment in and around Afghanistan and Pakistan; the security, political, and economic and reconstruction developments in those two countries; and relevant policy recommendations relating thereto.

SEC. 8123. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the approximately $100,000,000,000 in efficiency savings identified by the military departments in the defense budget covering fiscal years 2012 through 2016 that are to be reinvested in the priorities of the military departments. Such report shall include an analysis of—

(1) each savings identified by the military departments, including—

(A) the budget account from which such savings will be derived;

(B) the number of military personnel and full-time civilian employees of the Federal Government affected by such savings;

(C) the estimated reductions in the number and funding of contractor personnel caused by such savings; and

(D) a specific description of activities or services that will be affected by such savings, including the locations of such activities or services; and

(2) each reinvestment planned to be funded with such savings, including—

(A) with respect to such reinvestment in procurement and research, development, test and evaluation accounts, the budget account to which such savings will be reinvested, including, by line item, the number of items to be procured, as shown in annual P–1 and R–1 documents;

(B) with respect to such reinvestment in military personnel and operation and maintenance accounts, the budget account and the sub-activity (as shown in annual–1 and O–1 budget documents) to which such savings will be reinvested;

(C) the number of military personnel and full-time civilian employees of the Federal Government affected by such reinvestment;

(D) the estimated number and funding of contractor personnel affected by such reinvestment; and

(E) a specific description of activities or services that will be affected by such reinvestment, including the locations of such activities or services.

SEC. 8124. 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. 8125. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8126. There is hereby established in the Treasury of the United States the ''Military Intelligence Program Transfer Fund''. In addition to amounts provided elsewhere in this Act, there is appropriated $310,758,000 for the ''Military Intelligence Program Transfer Fund'': Provided, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to ''Operation and Maintenance, Defense-Wide'' or ''Research, Development, Test and Evaluation, Defense-Wide'' and only for the purposes described in the classified annex accompanying this Act: Provided further, That the Secretary shall notify the congressional defense committees in writing of the details of any such transfer not fewer than 15 days prior to making such transfers: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8127. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8128. None of the funds made available by this Act for international military education and training, foreign military financing, excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, Democratic Republic of the Congo, and Burma may be used to support any military training or operations that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008, and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1).

SEC. 8129. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $7,195,335,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,259,234,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $714,360,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,492,381,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $207,162,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $44,530,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $25,421,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'' $26,815,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $664,579,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $9,435,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $44,794,156,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $7,674,026,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,935,210,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $10,879,347,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,252,211,000: Provided, That each amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the funds provided under this heading: Not to exceed $1,690,000,000, to remain available until September 30, 2013, for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, Operation New Dawn, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement to provide notification shall not apply with respect to a reimbursement

for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $217,500,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $74,148,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $36,084,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $142,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $377,544,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $34,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2013: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,200,000,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,137,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $126,556,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $37,117,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $208,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,334,345,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $480,935,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $41,070,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'',

$317,100,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $236,125,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,233,996,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,235,777,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $41,220,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $109,010,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,088,510,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $405,768,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2014: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $2,600,170,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $18,513,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $53,884,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $259,600,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $194,361,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $435,013,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,228,288,000, which shall be for operation and maintenance, to remain available until September 30, 2012: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $456,458,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,441,984,000, to remain available until September 30, 2014: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $11,055,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary

in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2012.

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

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

SEC. 9005. Not to exceed $400,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 9010. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to $20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9012. Notwithstanding any other provision of law, up to $150,000,000 of funds made available in this title under the heading ''Operation and Maintenance, Army'' may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9013. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'' up to $524,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

SEC. 9014. The amounts appropriated in title IX of this Act are hereby reduced by $4,042,500,000 to reflect reduced troop strength in theater: Provided, That the reductions shall be applied to the military personnel and operation and maintenance appropriations only: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to reducing funds for this purpose, notify the congressional defense committees in writing of the details of any such reduction by appropriation and budget line item.

SEC. 9015. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985:

''Overseas Contingency Operations Transfer Fund, 2010'', $356,810,000;

''Procurement of Ammunition, Army, 2010/2012'', $21,000,000;

''Other Procurement, Air Force, 2010/2012'', $2,250,000.

This division may be cited as the ''Department of Defense Appropriations Act, 2012''.

DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012

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 river and harbor, flood and storm damage reduction,

shore protection, aquatic ecosystem restoration, and related efforts.

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

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); $1,694,000,000, 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 Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) 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, $252,000,000, 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, $2,412,000,000, 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 of Engineers established by the Land and Water Conservation Fund 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 the areas 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: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

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.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of 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 allocable to the civil works program, $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

(INCLUDING TRANSFERS OF FUNDS)

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 2012, 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) 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.—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 made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, 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) 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 ''Corps of Engineers—Civil—Construction'' up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading ''Corps of Engineers—Civil—Flood Control and Coastal Emergencies'' in Public Law 109–234 and Public Law 110–252 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 heading ''Corps of Engineers—Civil—Flood Control and Coastal Emergencies'' in Public Law 110–28, to be used with funds provided for the West Bank and Vicinity project under the heading ''Corps of Engineers—Civil—Construction'' in Public Law 110–252 and Public Law 110–329, 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 transfer to the Fish and Wildlife Service, 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. 108. 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. 109. (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 benefitting 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. 110. None of the funds made available in this Act may be used by the Corps of Engineers to relocate, or study the relocation of, any regional division headquarters of the Corps located at a military installation or any permanent employees of such headquarters.

SEC. 111. (a) Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,'' approved June 22, 1936, (33 U.S.C. 701h), is amended by—

(1) inserting ''for work, which includes planning and design,'' before ''to be expended'';

(2) striking ''flood control or environmental restoration work'' and inserting ''water resources development study or project''; and

(3) inserting '': Provided further, That the term 'States' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes'' before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.

SEC. 112. 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, 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. 113. 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. 114. 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. 115. 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. 116. 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 for 5 years after enactment of this Act to allow for 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. 117. (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.

SEC. 118. None of the funds made available to the Corps of Engineers by this Act may be used for the removal or associated mitigation of Federal Energy Regulatory Commission Project number 2342.

SEC. 119. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

SEC. 120. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

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, $27,154,000, 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. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

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, $895,000,000, 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 programwide 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.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

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 2012, 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 ''2013''; 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 2013''.

SEC. 205. 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. 206. 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. 207. (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. 208. (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''.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSION OF FUNDS)

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, $1,825,000,000, to remain available until expended: Provided, That $165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That for the purposes of allocating weatherization assistance

funds appropriated by this Act to States and tribes, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)): Provided further, That of the unobligated balances available under this heading, $9,909,000 are hereby rescinded: Provided further, 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.

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, $139,500,000, 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, $768,663,000, to remain available until expended: Provided, That $91,000,000 shall be available until September 30, 2013 for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

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), $534,000,000, to remain available until expended: Provided, That $120,000,000 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

(INCLUDING RESCISSION OF FUNDS)

Of the amounts deposited in the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) in fiscal year 2011 which remain available for obligation under that section, $500,000,000 are hereby permanently rescinded.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

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 2012; 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 (42 U.S.C. 6250a) are hereby permanently rescinded: Provided further, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

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, $235,721,000, 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, $472,930,000, 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, $4,889,000,000, to remain available until expended: Provided, That $185,000,000 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, $275,000,000: Provided, That $20,000,000 shall be available until September 30, 2013 for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That 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 2012 appropriation 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.

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 September 30, 2013, 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 $111,623,000 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 $126,000,000.

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, $42,000,000, 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; $7,233,997,000, to remain available until expended: Provided, That of such amount not more than $89,425,000 may be made available for

the B–61 Life Extension Program until the Administrator of the National Nuclear Security Administration submits to the Committees on Appropriations of the House of Representatives and the Senate a final report on the Phase 6.2a design definition and cost study.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

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, $2,324,303,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded: Provided further, 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.

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, $1,080,000,000, to remain available until expended: Provided, That $40,000,000 shall be available until September 30, 2013 for program direction.

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, $410,000,000, 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 ambulance and one fire truck for replacement only, $5,023,000,000, 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, $823,364,000: Provided, That $114,086,000 shall be available until September 30, 2013 for program direction.

POWER MARKETING ADMINISTRATIONS

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.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in this section, the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the ''Conference'' column in the ''Department of Energy'' table included under the heading ''Title III—Department of Energy'' in the joint explanatory statement accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(e) Notwithstanding subsection (c), none of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity,

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act, or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. 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. 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 the Department of Energy's (DOE) 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 ''$2,500,000''.

SEC. 308. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 309. Of the amounts appropriated in this title, $73,300,000 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. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 311. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of $1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: Provided, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: Provided further, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 312. (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. 313. None of the funds made available by this Act may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 314. (a) The Secretary of Energy may openly compete and issue an award to 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) Not later than 30 days before the issuance of such award, the Secretary of Energy shall certify to the Committees on Appropriations of the House of Representatives and the Senate that the award will not reduce the reliability or accessibility of the Strategic Petroleum Reserve, raise costs of oil in the local market, or negatively impact the supply of oil to current users.

(c) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

SEC. 315. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

SEC. 316. 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).

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, $68,263,000, 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 inspector general services with the Office of Inspector General for the Nuclear Regulatory Commission for fiscal years 2012 and 2013: Provided further, That at the expiration of such agreement, the Defense Nuclear Facilities Safety Board shall procure inspector general services annually thereafter.

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, $11,677,000, 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, $10,679,000, 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.

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, $1,497,000, 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, $250,000, to remain available until expended.

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 of the amount appropriated herein, not more than $9,000,000 may be made available for salaries and other support costs for the Office of the Commission: Provided further, 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: Provided further, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

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, $10,860,000, to remain available until September 30, 2013: 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.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) None of the funds provided in this title for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Nuclear Regulatory Commission shall require reactor licensees to re-evaluate the seismic, tsunami, flooding, and other external hazards at their sites against current applicable Commission requirements and guidance for such licenses as expeditiously as possible, and thereafter when appropriate, as determined by the Commission, and require each licensee to respond to the Commission that the design basis for each reactor meets the requirements of its license, current applicable Commission requirements and guidance for such license. Based upon the evaluations conducted pursuant to this section and other information it deems relevant, the Commission shall require licensees to update the design basis for each 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.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. 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 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. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'').

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2012''.

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities, $308,388,000: Provided, That of the amount appropriated under this heading, $100,000,000 is for the Office of Terrorism and Financial Intelligence, of which not to exceed $26,608,000 is available for administrative expenses: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed $350,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program: Provided further, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2013, is for secure space requirements: Provided further, That of the amount appropriated under this heading, up to $3,400,000, to remain available until September 30, 2014, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That notwithstanding any other provision of law, of the amount appropriated under this heading, up to $1,000,000 may be contributed to the Organization for Economic Cooperation and Development for the Department's participation in programs related to global tax administration.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,641,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $151,696,000, of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $110,788,000, of which not to exceed $34,335,000 shall remain available until September 30, 2014: Provided, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $950,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $217,805,000, of which not to exceed $4,210,000 shall remain available until September 30, 2014, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,878,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, $2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $20,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,635,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $10,000,000 shall remain available until September 30, 2014 to reduce improper payments: Provided, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than $8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $165,635,000. In addition, $165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding section 4707(e) of title 12, United States Code with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, $221,000,000, to remain available until September 30, 2013; of which $12,000,000, notwithstanding section 4707(e) of title 12, United States Code, shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with

experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding section 108(d) of such Act, up to $22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which $18,000,000 shall be for the Bank Enterprise Awards program; and of which up to $22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit; of which up to $10,315,000 may be used for the cost of direct loans; and of which up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, 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 gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That of the funds awarded under this heading, not less than 10 percent shall be used for projects that serve populations living in persistent poverty counties (where such term is defined as any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses).

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,239,703,000, of which not less than $5,600,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $9,750,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than $205,000,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which $15,481,000 shall be for expenses necessary to implement the tax credit in title II of division A of the Trade Act of 2002 (Public Law 107–210).

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,299,367,000, of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,947,416,000, of which up to $250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to $65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2014, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: Provided further, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2013, a summary of cost and schedule performance information for its major information technology systems.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for CADE2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''12 years'' and inserting ''14 years''.

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this

Act, for the Department of the Treasury's 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. 115. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. Section 5114(c) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended by striking ''for a period of not more than 4 years''.

SEC. 117. In the current fiscal year and each fiscal year hereafter, any person who forwards to the Bureau of Engraving and Printing a mutilated paper currency claim equal to or exceeding $10,000 for redemption will be required to provide the Bureau their taxpayer identification number.

SEC. 118. Section 5318(g)(2)(A) of title 31, United States Code, is amended—

(1) by striking clause (i) and inserting the following:

''(i) neither the financial institution, director, officer, employee, or agent of such institution (whether or not any such person is still employed by the institution), nor any other current or former director, officer, or employee of, or contractor for, the financial institution or other reporting person, may notify any person involved in the transaction that the transaction has been reported; and''; and

(2) in clause (ii)—

(A) by striking ''no officer or employee of'' and inserting ''no current or former officer or employee of or contractor for''; and

(B) by inserting ''or for'' before ''any State''.

SEC. 119. Section 5319 of title 31, United States Code (relating to availability of reports), is amended by inserting after ''title 5'' the following: '', and may not be disclosed under any State, local, tribal, or territorial 'freedom of information', 'open government', or similar law''.

SEC. 120. Section 5331(a) of title 31, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) who is engaged in a trade or business, and'';

(2) by redesignating paragraph (2) as subparagraph (B);

(3) in subparagraph (B), as so redesignated, by adding ''or'' at the end; and

(4) by inserting after subparagraph (B), as so redesignated, the following new paragraph:

''(2) who is required to file a report under section 6050I(g) of the Internal Revenue Code of 1986,''.

SEC. 121. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: Provided, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: Provided further, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

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

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $56,974,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,425,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $112,952,000, of which $10,403,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $89,456,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not

been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,500,000: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): Provided further, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: Provided further, That each HIDTA designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $105,550,000, to remain available until expended, which shall be available as follows: $92,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,400,000 for drug court training and technical assistance; $9,000,000 for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,250,000 shall be made available as directed by section 1105 of Public Law 109–469.

INTEGRATED, EFFICIENT AND EFFECTIVE USES OF INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient and effective uses of information technology in the Federal Government, $5,000,000, to remain available until expended: Provided, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes: Provided further, That the Director of the Office of Management and Budget shall submit quarterly reports to the Committees on Appropriations of the House and the Senate identifying the savings achieved by the Office of Management and Budget's government-wide information technology reform efforts: Provided further, That such report shall include savings identified by fiscal year, agency and appropriation.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $307,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and the Senate a report on the implementation of Executive Order 13563 (76 Fed. Reg. 3821; relating to Improving Regulation and Regulatory Review) by April 2, 2012. The report shall include information on—

(a) increasing public participation in the rulemaking process and reducing uncertainty;

(b) improving coordination across Federal agencies to eliminate redundant, inconsistent, and overlapping regulations; and

(c) identifying existing regulations that have been reviewed and determined to be outmoded, ineffective, or excessively burdensome.

SEC. 203. Within 120 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2014, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2014 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 204. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 205. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 206. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 207. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, $5,244,639 are rescinded.

SEC. 208. From the unobligated balances of prior year appropriations made available for Other Federal Drug Control Programs, $359,958 for a chronic users study and $5,723,403 for the National Anti-Drug Youth Media Campaign are rescinded.

SEC. 209. Of the unobligated balances available under the heading ''Executive Office of the

President and Funds Appropriated to the President—Partnership Fund for Program Integrity Innovation'' in title II of division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117), $10,000,000 are rescinded. In addition to the amounts made available under such heading in this Act, $10,000,000 are appropriated, to remain available until September 30, 2013.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2012''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,819,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $32,511,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $21,447,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $5,015,000,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $5,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,031,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $51,908,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $500,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $82,909,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,000,000; of which $1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', 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 sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''20 years'' and inserting ''21 years''; and

(2) in the seventh sentence (related to the District of Hawaii), by striking ''17 years'' and inserting ''18 years''.

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

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $30,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State

tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $232,841,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,830,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $114,209,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $66,712,000, of which not to exceed $2,500 is for official reception and representation expenses; and $39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $3,000,000 of the funds provided under this heading among the items and entities funded under this heading but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS (INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies: Provided further, That not more than $10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading ''Federal Payment to the District of Columbia Courts'' for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,983,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which $153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $59,435,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than $1,500,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,241,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $60,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10).

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,916,966,000 (of which $6,208,646,000 shall be from local funds, (including $526,594,000 from dedicated taxes), $1,015,449,000 shall be from Federal grant funds, $1,499,115,000 from Medicaid payments, $2,040,504,000 shall be from other funds, and $25,677,000 shall be from private funds, and $127,575,000 shall be from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: Provided further, That of these funds the District's intra-District authority shall be $619,632,000: in addition, for capital construction projects, an

increase of $4,007,501,000, of which $2,934,011,000 shall be from local funds, $223,858,000 from the District of Columbia Highway Trust Fund, $33,140,000 from the Local Transportation Fund, $816,492,000 from Federal grant funds, and a rescission of $2,849,882,000 of which $1,796,345,000 shall be from local funds, $749,426,000 from Federal grant funds, $252,694,000 from the District of Columbia Highway Trust Fund, and $51,416,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of $1,157,619,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under ''District of Columbia Funds Division of Expenses'' as included in the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2012''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $2,900,000, to remain available until September 30, 2013, of which not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $450,000, to remain available until expended.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $114,500,000, of which $500,000 shall remain available until September 30, 2013, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 100–140 (15 U.S.C. 8004).

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

''(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United Service under chapter 9 of such Act (22 U.S.C. 4081 et seq.).''.

SEC. 502. (a) EXTENSION OF GRANT PROGRAM.—Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(e)) is amended by striking ''2011'' and inserting ''2012''.

(b) NEW SWIMMING POOLS.—Section 1405(b) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(b)) is amended by inserting ''constructed after the date that is 6 months after the date of enactment of the Financial Services and General Government Appropriations Act, 2012'' after ''swimming pools''.

SEC. 503. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 504. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $11,500,000, of which $2,750,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002, and of which $1,250,000 shall be for the Office of Inspector General.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $339,844,000: Provided, That $339,844,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at $0: Provided further, That any offsetting collections received in excess of $339,844,000 in fiscal year 2012 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2012: Provided further, That of the amount appropriated under this heading, not less than $9,750,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2011'', each place it appears and inserting ''December 31, 2013''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,367,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $24,723,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $311,563,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $108,000,000 of offsetting collections derived from 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, shall be retained and used for necessary expenses in this appropriation: Provided

further, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: 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 not more than $182,563,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,017,967,000, of which: (1) $50,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): Provided, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) $280,000,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services, of which $260,000,000 is for Basic Repairs and Alterations and $20,000,000 is for a Judiciary Capital Security program: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,210,198,000 for rental of space which shall remain available until expended; and (5) $2,350,968,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $61,115,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $69,500,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $58,000,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $12,400,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,671,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, $34,100,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $90,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2012 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public

Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (i)(6) by:

(1) deleting ''for training''; and

(2) deleting ''paragraph (2)'' and inserting in lieu thereof ''subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title''.

SEC. 527. Of the amounts made available under the heading ''Policy and Operations'' for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether appropriated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, $4,600,000 are rescinded.

SEC. 528. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $748,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,258,000, to remain available until September 30, 2013, together with not to exceed $2,345,000, to remain available until September 30, 2013, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,200,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 (20 U.S.C. 5604(7)).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $373,300,000: Provided, That all remaining balances appropriated in prior fiscal years under the heading ''Electronic Records Archives'' shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,100,000, to remain available until expended: Provided, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108–199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: Provided further, That from amounts made available under this heading in Public Law 111–8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,664,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $97,774,000, of which $6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which $642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, and of which $1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White

House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,142,000, and in addition, not to exceed $21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,972,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $900,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and to develop and test information technology resources and oversight mechanisms to enhance transparency of and detect and remediate waste, fraud, and abuse in Federal spending, $28,350,000, to remain available until September 30, 2013.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,321,000,000, to remain available until expended; of which not less than $6,795,000 shall be for the Office of Inspector General; of which not to exceed $45,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence: Provided, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $1,321,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $23,984,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $417,348,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2012: Provided further, That $112,500,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, to remain available until September 30, 2013: Provided further, That $20,000,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That $7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: Provided further, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

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, $16,267,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 85–536) and section 503 of the Small Business Investment Act of 1958 (Public Law 85–699), $207,100,000, to remain available until expended: 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 subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: Provided further, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: Provided further, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $3,000,000,000: Provided further, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $117,300,000, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs

and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $110,300,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $6,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration 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 paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Section 7(d)(5)(D) of the Small Business Act (15 U.S.C. 636(d)(5)(D)) is amended by striking ''three years'' and inserting ''7 years''.

SEC. 532. Beginning in fiscal year 2013 and each fiscal year thereafter, the budget request for the Small Business Administration shall provided a detailed justification of any proposed changes from the enacted level by individual appropriation. The detailed justification shall include at a minimum a description of each credit and non-credit program including amount of funding and costs by appropriation account and fiscal year. For activities funded in multiple appropriations, the budget justification shall specify the amount included in each enacted appropriation, the amount proposed in the budget year and a justification for any proposed changes.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $78,153,000, which shall not be available for obligation until October 1, 2012: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $51,079,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSIONS)

SEC. 601. 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. 602. 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. 603. 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. 604. 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. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. 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 the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. 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. 608. 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 the Committee on Appropriations of either the House of Representatives or the Senate 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 or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, 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 House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That at a minimum 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 appropriation; and (3) 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. 609. 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 Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties

of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $998,000 are rescinded.

SEC. 619. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: ''The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.''.

SEC. 620. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 621. For purposes of Public Law 109–285, the period described in section 5134(f)(1)(B) of title 31, United States Code, shall be treated as a 2-year, 9-month period.

SEC. 622. The Help America Vote Act of 2002 (Public Law 107–252) is amended by:

(1) inserting in section 255(b)(42 U.S.C. 15405) ''posted on the Commission's website with a notice'' after ''cause to have the plan'';

(2) inserting in section 253(d)(42 U.S.C. 15403) ''notice of'' prior to ''the State plan'';

(3) inserting in section 254(a)(11)(42 U.S.C. 15404) ''notice of'' prior to ''the change''; and

(4) inserting in section 254(a)(11)(C)(42 U.S.C. 15404) ''notice of'' prior to ''the change''.

SEC. 623. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), $25,000,000 are rescinded.

SEC. 624. The Department of the Treasury, the Executive Office of the President, the Judiciary, the Federal Communications Commission, the Federal Trade Commission, the General Services Administration, the National Archives and Records Administration, the Securities and Exchange Commission, and the Small Business Administration shall provide the Committees on Appropriations of the House and the Senate a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 625. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term ''Executive agency covered by this Act'' means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 626. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled ''Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts'' unless the Interagency Working Group on Food Marketed to Children complies with Executive Order 13563.

SEC. 627. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 628. None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

SEC. 629. None of the funds made available by this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 630. 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 with respect to which any unpaid Federal tax liability 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. 631. 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 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. 632. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking the date specified in such section and inserting ''August 1, 2012''.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: Provided further, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60

days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 712. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, or Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation or the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, or the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other 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. 715. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking ''Executive Order No. 12958'' and inserting ''Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto'';

(2) after ''the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);'' inserting ''sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);''; and

(3) after ''Subversive Activities'' inserting ''Control''.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 716. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 717. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 718. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 719. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 720. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: Provided further, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during fiscal year 2012 shall remain available for obligation through September 30, 2013: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-governmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 734. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other 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. 735. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 736. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 737. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 738. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 739. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 740. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 31 U.S.C. 501 note) is amended in subsection (a)(3), by inserting after ''exercise of an option'' the following: '', and task orders issued under any such contract,''.

SEC. 741. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 742. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 743. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms ''contribution'', ''expenditure'', ''independent expenditure'', ''electioneering communication'', ''candidate'', ''election'', and ''Federal office'' has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

SEC. 744. Notwithstanding any other provision of law, until September 30, 2013, of the amounts made available for information technology investments under the heading ''Independent Agencies, Commodity Futures Trading Commission'' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (division A of Public Law 112–55), the Chairman of the Commodity Futures Trading Commission may transfer not to exceed $10,000,000 under such heading for salaries and expenses of such Commission: Provided, That any transfer pursuant to this section shall be subject to the notification procedures set forth in section 730 of such Act with respect to a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with such procedures.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, 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 expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming

of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 809. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

(1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;

(4) improvement in basic District services, including rat control and abatement; and

(5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 810. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 811. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 812. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 813. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 814. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 815. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 816. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended—

(1) in the title, by striking ''BIENNIAL'';

(2) in subsection (a), by striking ''Biennial management'' and inserting ''Management'';

(3) in subsection (a), by striking ''States.'' and inserting ''States every five years.''; and

(4) in subsection (b)(6), by striking ''2'' and inserting ''5''.

SEC. 817. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2012''.

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,159,000: Provided, That not to exceed $51,000 shall be for official reception and representation expenses, of which $17,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That of the total amount made available under this heading, $1,800,000 shall remain available until March 30, 2012, for the Office of Counternarcotics Enforcement, of which up to $1,800,000 may, notwithstanding section 503 of this Act, be transferred to the Office of Policy: Provided further, That amounts transferred pursuant to the preceding proviso shall remain available until September 30, 2012: Provided further, That the Assistant Secretary for Policy shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than March 30, 2012, an expenditure plan for the Office of Policy which includes a detailed description of any funds transferred to the Office for counternarcotics enforcement and activities related to risk management and analysis: Provided further, That $30,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan for implementation of the biometric air exit system, as mandated in Public Law 110–53, including the estimated costs of implementation.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized

by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $235,587,000, of which not to exceed $2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,000,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $14,172,000 shall remain available until September 30, 2014, for the Human Resources Information Technology program: Provided further, That the Under Secretary for Management shall, pursuant to the requirements contained in the joint statement of managers accompanying this Act, provide to the Committees on Appropriations of the Senate and the House of Representatives a Comprehensive Acquisition Status Report with the President's budget for fiscal year 2013 as submitted under section 1105(a) of title 31, United States Code, and quarterly updates to such report not later than 30 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $50,860,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $257,300,000; of which $105,500,000 shall be available for salaries and expenses; and of which $151,800,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each of fiscal years 2012 through 2015, for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $338,068,000; of which not to exceed $4,250 shall be for official reception and representation expenses; and of which $141,521,000 shall remain available until September 30, 2013.

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.), $117,000,000, of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,680,118,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $38,250 shall be for official reception and representation expenses; of which not less than $287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, with the congressional budget justification, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year and the 3 subsequent fiscal years, for inspection and detection technology supporting operations under this heading, including all non-intrusive inspection and radiation detection technology, that provides—

(1) the funding level for all inspection and detection technology equipment by source;

(2) the inventory of inspection and detection technology equipment by type and age;

(3) the proposed appropriations for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance;

(4) projected funding levels for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance for each of the 3 subsequent fiscal years; and

(5) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology; and

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $334,275,000, to remain available until September 30, 2014, of which not less than $140,000,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $25,000,000 may not be obligated for the Automated Commercial Environment program until the Commissioner of U.S. Customs and Border Protection submits to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $400,000,000, to remain available until September 30, 2014: Provided, That of the total amount made available under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed plan for expenditure, prepared by the Commissioner of U.S. Customs and Border Protection, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next 3 fiscal years, including a description of the purpose of such funds;

(2) the deployment plan, by border segment, that aligns each deployment to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements related to achieving operational control, and explaining how each tactical infrastructure or technology deployment will address such known capability gaps; and

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

(B) includes a phase-out and life-cycle recapitalization schedule delineated by fiscal year for existing and new tactical infrastructure and technology deployments that each deployment is intended to replace or recapitalize; and

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $503,966,000, to remain available until September 30, 2014: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the 5-year strategic plan for the air and marine program directed in conference report 109–241 accompanying Public Law 109–90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $236,596,000, to remain available until September 30, 2016: Provided, That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,528,874,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $12,750 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $189,064,000 shall remain available until September 30, 2013: Provided further, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: Provided further, That of the total amount provided, not less than $2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $21,710,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,253,956,000, to remain available until September 30, 2013, of which not to exceed $8,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,167,631,000 shall be for screening operations, of which $543,103,000 shall be available for explosives detection systems; $204,768,000 shall be for checkpoint support; and not to exceed $1,086,325,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $222,738,000 shall be available for the purchase and installation of these systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,223,956,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2013: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: Provided further, That the preceding proviso shall not apply to personnel hired as part-time employees: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $134,748,000, to remain available until September 30, 2013.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $163,954,000, to remain available until September 30, 2013.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,031,926,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Administrator of the Transportation Security Administration submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2012: Provided further, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $966,115,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,051,054,000, of which $598,000,000 shall be for defense-related activities, of which $258,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $17,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a revised future-years capital investment plan for fiscal years 2013 through 2017, as specified under the heading Coast Guard ''Acquisition, Construction, and Improvements'' of this Act is submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,500,000, to remain available until September 30, 2016.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; $134,278,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment; as authorized by law; $1,403,924,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $20,000,000 shall remain available until September 30, 2016, for military family housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which $642,000,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which $289,900,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which $161,140,000 shall be available until September 30, 2016, for other acquisition programs; of which $180,692,000 shall be available until September 30, 2016, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which $110,192,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the sixth National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

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

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $27,779,000, to remain available until September 30, 2016, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,440,157,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,661,237,000, of which not to exceed $21,250 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2013: Provided further, That up to $19,307,000 for National Special Security Events shall remain available until September 30, 2013: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $43,843,000, to remain available until September 30, 2014, is for information integration and technology transformation: Provided further, That $20,000,000 made available in the preceding proviso shall not be obligated to purchase or install information technology equipment until the Department of Homeland Security Chief Information Officer submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $5,380,000, to remain available until September 30, 2016.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $50,695,000: Provided, That not to exceed $4,250 shall be for official reception and representation expenses: Provided further, That, subject to section 503 of this Act, the Secretary of Homeland Security may transfer up to $4,241,000 to the Office of Policy under the heading Departmental Management and Operations ''Office of the Secretary and Executive Management'' for activities related to risk management and analysis: Provided further, That in the preceding proviso notification shall take place not later than 90 days after the date of enactment of this Act: Provided further, That any funds not transferred pursuant to the penultimate proviso shall be available solely to close out the Office of Risk Management and Analysis not later than September 30, 2012, and shall not be available for further transfer or reprogramming pursuant to section 503 of this Act.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $888,243,000, of which $200,000,000 shall remain available until September 30, 2013: Provided, That the Under Secretary for the National Protection and Programs Directorate shall submit a plan for expenditure for the National Cyber Security Division and the Office of Infrastructure Protection, to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives not later than December 31, 2011, that the operations of the Federal Protective Service will be fully funded in fiscal year 2012 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff''): Provided further, That an expenditure plan for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: Provided further, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2013 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $306,802,000, of which $9,400,000 is for development of a comprehensive plan for implementation of biometric air exit and improvements to biographic entry-exit capabilities: Provided, That of the total amount made available under this heading, $194,295,000 is to remain available until September 30, 2014: Provided further, That of the total amount provided, $50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year, and the following 3 fiscal years, for the United States Visitor and Immigrant Status Indicator Technology program that includes—

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $167,449,000; of which $29,671,000 is for salaries and expenses and $90,164,000 is for BioWatch operations: Provided, That $47,614,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: Provided further, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That the Assistant Secretary for the Office of Health Affairs shall submit an expenditure plan for fiscal year 2012

to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, $895,350,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That the Administrator of the Federal Emergency Management Agency may reprogram funds made available under this heading between programs, projects, and activities prior to April 16, 2012, notwithstanding section 503 of this Act: Provided further, That $1,400,000 of the funds available for the Office of the Administrator of the Federal Emergency Management Agency shall not be available for obligation until the Administrator of the Federal Emergency Management Agency submits to the Committees on Appropriations of the Senate and the House of Representatives the National Preparedness Report required by Public Law 109–295 and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities in fiscal year 2012: Provided further, That for purposes of planning, coordination, execution, and decision making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107–296): Provided further, That of the total amount made available under this heading, $41,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; $5,493,000 shall be for the Office of National Capital Region Coordination; not to exceed $12,000,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center; and not less than $13,662,000 shall be for expenses related to modernization of automated systems: Provided further, That the Administrator of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security Chief Information Officer, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan, not later than 180 days after the date of enactment of this Act, for the funds specified in the preceding proviso related to modernization of automated systems, that includes—

(1) a comprehensive plan to automate and modernize information systems to resolve current inefficiencies, integrate data, and aid in better performance of executing the Agency-wide mission;

(2) a description of the appropriations for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed and underway covering a period of no less than 3 years;

(4) a detailed accounting of operations and maintenance and contractor services costs; and

(5) the current or planned acquisition programs including—

(A) how the programs align to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address a known capability gap;

(B) how programs provide quantifiable information that aids in understanding national emergency management capabilities;

(C) how programs ensure information sharing among homeland security partners; and

(D) life-cycle costs for all acquisitions.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $1,349,681,000, which shall be distributed, according to threat, vulnerability, and consequence, at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program.

(5) Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163), including Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with 46 U.S.C. 70107.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(10) Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c).

(11) Buffer Zone Protection Program Grants.

(12) Organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack:

Provided, That of the amount provided under this heading, $50,000,000 shall be for Operation Stonegarden and no less than $100,000,000 shall be for areas at the highest threat of a terrorist attack: Provided further, That $231,681,000 shall be for training, exercises, technical assistance, and other programs, of which $155,500,000 shall be for training of State, local, and tribal emergency response providers: Provided further, That for grants under paragraphs (1) through (12), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That 6.8 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Salaries and Expenses'' account for program administration: Provided further, That for grants under paragraphs (1) and (2), the installation of communication towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2012: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency in existing chemical, biological, radiological, nuclear, explosives, mass casualty, and medical surge courses pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $675,000,000, to remain available until September 30, 2013, of which $337,500,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $337,500,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account

as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $44,038,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $700,000,000, to remain available until expended, of which $24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: Provided, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the matter under this heading in title III of division E of Public Law 110–161 is amended by striking the fourth proviso: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities;

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99–177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month beginning with the first full month after the date of enactment of this Act:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event; and

(D) the date on which funds appropriated will be exhausted.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $97,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2013: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

(1) $132,000,000 for operating expenses;

(2) $1,007,571,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $60,000,000, which shall remain available until expended for flood mitigation actions; of which not less than $10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which $40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $35,500,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed $3,000,000 of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $102,424,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $238,957,000; of which up to $48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $10,200 shall be for official reception and representation

expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 111–83 (123 Stat. 2166), is further amended by striking ''December 31, 2012'' and inserting ''December 31, 2014'': Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $32,456,000, to remain available until September 30, 2016: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $135,000,000: Provided, That not to exceed $8,500 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, $533,000,000, of which $356,500,000, to remain available until September 30, 2014; and of which $176,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $38,000,000: Provided, That not to exceed $2,500 shall be for official reception and representation expenses: Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall:

(1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2012, and planned for fiscal year 2013, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2012 and 2013.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $215,000,000, to remain available until September 30, 2014.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $37,000,000, to remain available until September 30, 2014.

TITLE V

GENERAL PROVISIONS

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

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, 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. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security 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 a new program, project, or activity;

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

(3) increases funds 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 of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security 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 or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 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 reduces the numbers of personnel by 10 percent as approved by the Congress; or

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

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. 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 for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by 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 an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or

delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds or a task or delivery order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated; or

(3) announce publicly the intention to make or award items under paragraph (1) or (2), including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'', and ''Transportation Security Support'' for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2011'' and inserting ''2012''.

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the ''Office of the Secretary and Executive Management'', the ''Office of the Under Secretary for Management'', or the ''Office of the Chief Financial Officer'', may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: Provided, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) The responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of subsection 509(c) and subsections 503(c)(3) and (c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) Not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate; and

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 522. None of the funds made available in this or any other Act for fiscal years 2012 and thereafter may be used to enforce section 4025(1) of Public Law 108–458 unless the Administrator of the Transportation Security Administration reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 523. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil

Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 525. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 526. None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 527. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2011,'' and inserting ''Until September 30, 2012,'';

(2) by striking subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this section), by striking ''September 30, 2011,'' and inserting ''September 30, 2012,''.

SEC. 528. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 529. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 48 hours of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 530. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 531. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 532. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 533. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 534. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1 (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 535. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 536. If the Administrator of the Transportation Security Administration determines that an airport does not need to participate in the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Administrator shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 537. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 538. (a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 539. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 540. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), is further amended by striking ''on October 4, 2011'' and inserting ''on October 4, 2012''.

SEC. 541. 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. 542. None of the funds made available in 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. 543. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 544. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 545. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,''; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the ''Administrator'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 546. For fiscal year 2012 and thereafter, for purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 547. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 548. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Administrator shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Administrator certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 549. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 550. (a) None of the funds made available in this Act may be obligated for construction of the National Bio- and Agro-defense Facility until the Department of Homeland Security—

(1) completes 50 percent of design planning for the National Bio- and Agro-defense Facility;

(2) submits to the Committees on Appropriations of the Senate and the House of Representatives a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment; and

(3) submits to the Committees on Appropriations of the Senate and the House of Representatives the results of the National Academy of Sciences' review of the risk assessment as described in subsection (c).

(b) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (a) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(c) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (a). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 551. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, $10,000,000 shall be available to United States Citizenship and Immigration Services in fiscal year 2012 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 552. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, $7,500,000, to remain available until September 30, 2013.

SEC. 553. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

SEC. 554. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 555. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 556. (a) For an additional amount for data center migration, $70,000,000.

(b) Funds made available in subsection (a) for data center migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 557. For fiscal year 2012 and thereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: Provided, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are to be deposited into a separate account entitled ''Advanced Training Center Revolving Fund'', and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 558. Section 559(e) of Public Law 111–83 is amended—

(a) in the matter preceding the first proviso, by striking ''law, sell'' and inserting ''law, hereafter sell''; and

(b) in the first proviso—

(1) by striking ''shall be deposited'' and inserting ''shall hereafter be deposited''; and

(2) by striking ''subject to appropriation,'' and inserting ''without further appropriations,''.

SEC. 559. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 560. For an additional amount for the ''Office of the Under Secretary for Management'', $55,979,000, to remain available until expended, for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of department headquarters at St. Elizabeths and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 561. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

SEC. 562. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act

using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the hiring, rehiring, or retention of firefighters.

SEC. 563. For fiscal year 2012 and thereafter, notwithstanding section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event that a spill of national significance occurs, any payment of amounts from the Oil Spill Liability Trust Fund pursuant to section 1012(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs incurred by the Coast Guard for such spill, shall be credited directly to the accounts of the Coast Guard current at the time such removal costs were incurred or when reimbursement is received: Provided, That such amounts shall be merged with and, without further appropriations, made available for the same time period and the same purpose as the appropriation to which it is credited.

SEC. 564. (a) CIVIL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(2) by inserting '', or section 46314(a)'' after ''44909)''.

(b) CRIMINAL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46314(b)(2) of title 49, United States Code, is amended by inserting ''with intent to evade security procedures or restrictions or'' after ''of this section''.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) NOTICE OF PENALTIES.—

''(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under section 46301(a)(5)(A)(i) and subsection (b) of this section are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

''(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).''.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the ''Disaster Assistance Recoupment Fairness Act of 2011''.

(b) DEBTS SINCE 2005.—

(1) DEFINITION.—In this section, the term ''covered assistance'' means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.

(2) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(A) subject to subparagraph (B) and paragraph (3), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) PRESUMPTION OF REPAYMENT.—In determining whether to waive a debt under paragraph (2), the Administrator of the Federal Emergency Management Agency shall presume that, if the adjusted gross income (as defined under section 62 of the Internal Revenue Code of 1986) of the household of the debtor for the last taxable year ending in or with the calendar year preceding the date on which the income is determined exceeds $90,000, the debtor should be required to make at least a partial payment on the debt.

(4) REPORTING.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date that is 18 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the cost-effectiveness of the efforts of the Federal Emergency Management Agency to recoup improper payments under the Individuals and Household Program under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 566. (a) Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and subject to subsection (b), recipients of Small Business Administration Disaster loans for disaster-related damage to their homes may be eligible for reimbursement at the discretion of the state, under Section 404 of that Act, for documented and eligible mitigation work performed on their home.

(b) LIMITATIONS.—

(1) Any reimbursement provided to or on behalf of a homeowner pursuant to subsection (a) shall not exceed the amount of the disaster loan that may be used and was used for disaster mitigation activities; and

(2) Subsection (a) shall only apply if the disaster loan and assistance provided under section 404 were made available in response to the same disaster declaration.

(3) Shall be applicable only to disasters declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on August 28, 2006.

(c) If a state chooses to use funds under section 404 to reimburse homeowners as provided in subsection (a), it shall make payments in the following order:

(1) First, to the Small Business Administration on behalf of the eligible homeowner for the purpose of reducing, but not below zero, the homeowner's outstanding debt obligation to the Small Business Administration for the disaster loan; and

(2) Second, any remaining reimbursement shall be paid directly to the homeowner.

SEC. 567. None of the funds made available under this Act or any prior appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 568. The Commissioner of U.S. Customs and Border Protection and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement each shall submit to the Committees on Appropriations of the Senate and the House of Representatives with the congressional budget justification, a multi-year investment and management plan, to include each year starting with the current fiscal year and the 3 subsequent fiscal years, for their respective Offices of Information Technology to include for that office—

(1) the funding level by source for all funds to be executed;

(2) the funding included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in the current fiscal year or underway; and

(4) a detailed accounting of operation and maintenance costs.

SEC. 569. The Secretary of Homeland Security shall ensure enforcement of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

(RESCISSIONS)

SEC. 570. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $2,577,000 from Coast Guard ''Acquisition, Construction, and Improvements'';

(2) $5,355,296 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses'';

(3) $99,012 from U.S. Immigration and Customs Enforcement ''Violent Crime Reduction Programs'';

(4) $3,332,541 from U.S. Customs and Border Protection ''Salaries and Expenses'';

(5) $3,121,248 from Department of Homeland Security ''Office for Domestic Preparedness'';

(6) $678,213 from Federal Emergency Management Agency ''National Predisaster Mitigation Fund'';

(7) $5,201,000 from ''Working Capital Fund'';

(8) $95,998 from ''Counterterrorism Fund'';

(9) $41,091 from U.S. Customs and Border Protection ''Violent Crime Reduction Fund''; and

(10) $153,095 from U.S. Immigration and Customs Enforcement ''Violent Crime Reduction Trust Fund''.

(RESCISSIONS)

SEC. 571. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 147) are rescinded:

(1) $178,783 from ''Analysis and Operations'';

(2) $1,619,907 from U.S. Customs and Border Protection ''Salaries and Expenses'';

(3) $296,022 from Transportation Security Administration ''Federal Air Marshals'';

(4) $37,800,412 from Coast Guard ''Operating Expenses'';

(5) $879,153 from Coast Guard ''Acquisition, Construction, and Improvements'';

(6) $1,104,347 from United States Secret Service ''Salaries and Expenses'';

(7) $97,046 from National Protection and Programs Directorate ''Management and Administration'';

(8) $78,764 from National Protection and Programs Directorate ''Infrastructure Protection and Information Security'';

(9) $117,133 from Office of Health Affairs ''Salaries and Expenses'';

(10) $1,301,581 from ''United States Citizenship and Immigration Services'';

(11) $369,032 from Federal Law Enforcement Training Center ''Salaries and Expenses'';

(12) $279,098 from Science and Technology ''Management and Administration'';

(13) $1,072,938 from Domestic Nuclear Detection Office ''Management and Administration''; and

(14) $216,744 from Federal Emergency Management Agency ''Management and Administration''.

(RESCISSIONS)

SEC. 572. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $10,000,000 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses'';

(2) $10,000,000 from U.S. Immigration and Customs Enforcement ''Automation Modernization'';

(3) $5,000,000 from U.S. Customs and Border Protection ''Automation Modernization'': Provided, That no funds shall be rescinded from prior year appropriations provided for the TECS modernization program;

(4) $71,300,000 from Transportation Security Administration ''Aviation Security'' account 70x0550;

(5) $7,000,000 from U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'';

(6) $2,427,336 from Coast Guard ''Acquisition, Construction, and Improvements'';

(7) $5,000,000 from the ''Office of the Chief Information Officer'' related to Emerge2; and

(8) $27,400,000 from National Protection and Programs Directorate ''United States Visitor and Immigrant Indicator Technology''.

SEC. 573. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) are each amended by striking ''September 30, 2011'' and inserting ''the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012''.

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2012''.

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $961,900,000, to remain available until expended; of which $3,000,000 shall be available in fiscal year 2012 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.

In addition, $32,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2012 so as to result in a final appropriation estimated at not more than $961,900,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,576,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $22,380,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $112,043,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,228,142,000, to remain available until September 30, 2013 except as otherwise provided herein: Provided, That not to exceed $20,902,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $7,472,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2010; of which not to exceed $1,500,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed $1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are not indigenous to the United States: Provided further, That, in fiscal year 2012 and hereafter of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of

enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That in fiscal year 2012 and hereafter, of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $23,088,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $54,720,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $5,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $160,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), $47,757,000, to remain available until expended, of which $22,757,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which $25,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,980,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401 et seq.), $35,554,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $3,792,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $9,481,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $61,421,000, to remain available until expended: Provided, That of the amount provided herein, $4,275,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,741,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $10,016,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2012 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2013, shall be reapportioned, together with funds appropriated in 2014, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,240,152,000, of which $9,832,000 for planning and interagency coordination in support of Everglades restoration and $97,883,000 for maintenance, repair, or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2013.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $59,975,000: Provided, That section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2011'' and inserting ''2013''.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $56,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2013.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), $159,621,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the project to repair damage to the Washington Monument may be issued that includes the full scope of the project, so long as the solicitation and contract shall contain the clause ''availability of appropriated funds'' found in CFR section 52.232.18 of title 48.

From funds previously made available under this heading, $4,000,000 are rescinded.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2012 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $102,060,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $45,000,000 is for the State assistance program and of which $9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized

to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,069,744,000, to remain available until September 30, 2013; of which $51,569,700 shall remain available until expended for satellite operations; and of which $7,292,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $59,792,000, to remain available until September 30, 2013; and an amount not to exceed $101,082,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $101,082,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $101,082,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion or rental revenues that would have been collected by the Secretary at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $61,473,000, to remain available until September 30, 2013; and an amount not to exceed $59,081,000 to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $59,081,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $59,081,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected by the Secretary at the rental rates in effect before August 5, 1993.

For an additional amount, $62,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2012, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach $62,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That to the extent that amounts realized from such fees exceed $62,000,000, the amounts realized in excess of $62,000,000 shall be credited to this appropriation and remain available until expended: Provided further, That for fiscal year 2012, not less than 50 percent of the inspection fees collected by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,923,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $122,950,000, to remain available until September 30, 2013: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: Provided further, That, in fiscal year 2012, up to $40,000 collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated 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 $122,910,000: Provided further, That, in subsequent fiscal years, all amounts collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $27,443,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,371,532,000, to remain available until September 30, 2013 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,911,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $219,560,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2012, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $590,484,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2012, and shall remain available until September 30, 2013; and of which not to exceed $48,049,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,327,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2011 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2011, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2013, may be transferred during fiscal year 2014 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2014: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $123,828,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2012, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, and 111–11, and for implementation of other land and water rights settlements, $32,855,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $7,114,000, of which $964,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: 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 or insured, not to exceed $73,365,796.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995, except that any school or school program that was closed and removed from the Bureau school system between 1951 and 1972, and its respective tribe's relationship with the Federal Government was terminated, shall be reinstated to the Bureau system and supported at a level based on its grade structure and average student enrollment for the 2009–2010, 2010–2011 and 2011–2012 school years. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based

on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law, $262,317,000, to remain available until September 30, 2013; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,712,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which $38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, That, for fiscal year 2012, up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That, notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2012 and deposit the amount deducted to miscellaneous receipts of the Treasury.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $87,997,000, of which: (1) $78,517,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,480,000 shall be available until September 30, 2013 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: 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 such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $66,296,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $49,471,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $152,319,000, to remain available until expended, of which not to exceed $31,171,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2012, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $566,495,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the

authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into noncompetitive sole-source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of the Interior shall obligate all unobligated balances previously made available under this heading that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That of the funds made available under this heading for wildland fire suppression in fiscal year 2011, $82,000,000 are rescinded.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, $92,000,000, to remain available until expended: Provided, That such amounts are available only for transfer to the ''Wildland Fire Management'' account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the ''Wildland Fire Management'' account will be exhausted within 30 days.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,149,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,263,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, information technology improvements of general benefit to the Department, strengthening the Department's acquisition workforce capacity and capabilities, and consolidation of facilities and operations throughout the Department, $62,019,000, to remain available until expended: Provided, That such funds shall be available for training, recruitment, retention, and hiring members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act as amended (41 U.S.C. 401 et seq.): Provided further, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House of Representatives and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2012. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

PAYMENT OF FEES

SEC. 106. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

EVERGLADES ECOSYSTEM RESTORATION

SEC. 107. This and any subsequent fiscal year, the National Park Service is authorized to implement modifications to the Tamiami Trail as described in, and in accordance with, the preferred alternative identified in the final environmental impact statement noticed in the Federal Register on December 14, 2010, (75 Fed. Reg. 77896), relating to restoration efforts of the Everglades ecosystem.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 109. (a) In fiscal year 2012, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the ''Ocean Energy Management'' account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2012 shall be:

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2012. Fees for fiscal year 2012 shall be:

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

OIL AND GAS LEASING INTERNET PROGRAM

SEC. 110. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior shall have the authority to establish an oil and gas leasing Internet program, under which the Secretary may conduct lease sales through methods other than oral bidding.

INDIAN PROBATE JUDGES

SEC. 111. Section 108 of Public Law 109–54 (the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006) is amended by striking ''in fiscal years 2006 through 2010, for the purpose of reducing the backlog of'' and inserting ''for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating''.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 112. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may establish accounts and transfer funds among and between the offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the report accompanying this Act.

AUTHORIZED USE OF INDIAN EDUCATION FUNDS

SEC. 113. Beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to the Bureau of Indian Education for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 114. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5-year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

(b) During fiscal year 2012 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

SEC. 115. (a)(1) Notwithstanding any other provision of law or Federal regulation, including section 586(c) of title 40, United States Code, the Director of the BIE, or the Director's designee, is authorized to enter into agreements with public and private persons and entities that provide for such persons and entities to rent or lease the land or facilities of a Bureau-operated school for such periods of time as the school is Bureau operated, in exchange for a consideration (in the form of funds) that benefits the school, as determined by the head of the school.

(2) Funds received under paragraph (1) shall be retained by the school and used for school purposes otherwise authorized by law. Any funds received under paragraph (1) are hereby made available until expended for such purposes, notwithstanding section 3302 of title 31, United States Code.

(3) Nothing in this section shall be construed to allow for the diminishment of, or otherwise affect, the appropriation of funds to the budget accounts for the operation and maintenance of Bureau-operated schools. No funds shall be withheld from the distribution to the budget of any Bureau-operated school due to the receipt by the school of a benefit in accordance with this section.

(b) Notwithstanding any provision of title 5, United States Code, or any regulation promulgated under such title, education personnel who are under the direction and supervision of the Secretary of the Interior may participate in a fundraising activity for the benefit of a Bureau-operated school in an official capacity as part of their official duties. When participating in such an official capacity, the employee may use the employee's official title, position, and authority. Nothing in this subsection shall be construed to authorize participation in political activity (as such term is used in section 7324 of title 5, United States Code) otherwise prohibited by law.

(c) The Secretary of the Interior shall promulgate regulations to carry out this section not later than 16 months after the date of the enactment of this Act. Such regulations shall include—

(1) standards for the appropriate use of Bureau-operated school lands and facilities by third parties under a rental or lease agreement;

(2) provisions for the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a school in accordance with this section (including, in appropriate cases, the establishment and administration of trust funds);

(3) accountability standards to ensure ethical conduct; and

(4) provisions for monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

(d) Provisions of this section shall apply to fiscal years 2012 through 2014.

AUTHORIZED USE OF FUNDS

SEC. 116. Section 3006 of Public Law 111–212 is amended by striking ''For fiscal years 2010 and 2011'' and inserting ''For fiscal years 2010 through 2012''.

MASS MARKING OF SALMONIDS

SEC. 117. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

PROHIBITION ON USE OF FUNDS

SEC. 118. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

YUKON-CHARLEY NATIONAL PRESERVE

SEC. 119. None of the funds made available by this Act may be used by the Secretary of the Interior to implement or enforce regulations concerning boating within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States, pursuant to section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) or any other authority. This section does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within the Yukon-Charley National Preserve.

REPUBLIC OF PALAU

SEC. 120. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2012 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the ''Compact'').

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2012 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

HIRING AUTHORITIES

SEC. 121. (a) DIRECT HIRE AUTHORITY.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in paragraph (1) directly to a position with a land managing agency of the Department of the Interior for which the candidate meets Office of Personnel Management qualification standards.

(2) Paragraph (1) applies with respect to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(A) completed a rigorous undergraduate or graduate summer internship with a land managing agency, such as the National Park Service Business Plan Internship;

(B) successfully fulfilled the requirements of the internship program; and

(C) subsequently earned an undergraduate or graduate degree from an accredited institution of higher education.

(3) The direct hire authority under this subsection may not be exercised with respect to a specific qualified candidate after the end of the two-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be.

(b) LOCAL HIRE AUTHORITY.—Section 1308 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3198) is amended—

(1) in subsection (a), by striking ''establish a program'' and inserting ''establish an excepted service appointment authority,'';

(2) in subsection (b), by striking ''competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position'' and inserting ''excepted service as defined in section 2103 of such title'';

(3) in subsection (e), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph (2):

''(2) CONVERSION TO COMPETITIVE SERVICE.—Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.''.

(c) GULF OF MEXICO REGION.—For fiscal years 2012 and 2013, funds made available in this title for the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior in the Gulf of Mexico Region in the Geophysicist (GS–1313), Geologist (GS–1350), and Petroleum Engineer (GS–0881) job series at grades 5 through 15 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with the subsections (e) through (h) of section 5305 of title 5, United States Code.

BUREAU OF LAND MANAGEMENT ACTIONS REGARDING GRAZING ON PUBLIC LANDS

SEC. 122. (a) EXHAUSTION OF ADMINISTRATIVE REVIEW REQUIRED.—

(1) For fiscal years 2012 and 2013 only, a person may bring a civil action challenging a decision of the Bureau of Land Management concerning grazing on public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))) in a Federal district court only if the person has exhausted the administrative hearings and appeals procedures established by the Department of the Interior, including having filed a timely appeal and a request for stay.

(2) An issue may be considered in the judicial review of a decision referred to in paragraph (1) only if the issue was raised in the administrative review process described in such paragraph.

(3) An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the agency failed or was unable to make information timely available during the administrative review process for issues of material fact. For the purposes of this paragraph, the term ''timely'' means within 120 calendar days after the date that the challenge to the agency action or amendment at issue is received for administrative review.

(b) ACCEPTANCE OF DONATION OF CERTAIN EXISTING PERMITS OR LEASES.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior shall accept the donation of any valid existing permits or leases authorizing grazing on public lands within the California Desert Conservation Area. With respect to each permit or lease donated under this paragraph, the Secretary shall terminate the grazing permit or lease, ensure a permanent end (except as provided in paragraph (2)), to grazing on the land covered by the permit or lease, and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, section 10(a)(1)(B) permit, or section 7 consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) If the land covered by a permit or lease donated under paragraph (1) is also covered by another valid existing permit or lease that is not donated under such paragraph, the Secretary of the Interior shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under paragraph (1). To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under paragraph (1), the Secretary shall not allow grazing use to exceed the authorized level under the remaining valid existing permit or lease that is not donated.

TRAILING LIVESTOCK OVER PUBLIC LAND

SEC. 123. During fiscal years 2012 through 2013 only, the Bureau of Land Management may, at its sole discretion, review planning and implementation decisions regarding the trailing of livestock across public lands, including, but not limited to, issuance of crossing or trailing authorizations or permits, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Temporary trailing or crossing authorizations across public lands shall not be subject to protest and/or appeal under subpart E of part 4 of title 43, Code of Federal Regulations, and subpart 4160 of part 4100 of such title.

LEASE AUTHORIZATION

SEC. 124. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the ''Monument'') at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

WILD LANDS FUNDING PROHIBITION

SEC. 125. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: Provided, That nothing in this section shall restrict the Secretary's authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research

and development, $795,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $19,000 for official reception and representation expenses, $2,682,514,000, to remain available until September 30, 2013: Provided, That of the funds included under this heading, not less than $410,375,000 shall be for Geographic Programs specified in the explanatory statement accompanying this Act.

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, as amended, $42,000,000, to remain available until September 30, 2013.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $36,428,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,215,753,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2011, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,215,753,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,955,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2013, and $23,016,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2013.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $104,309,000, to remain available until expended, of which $73,809,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $30,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,274,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,618,727,000, to remain available until expended, of which $1,468,806,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $919,363,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That for fiscal year 2012, to the extent there are sufficient eligible project applications, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2012, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $5,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $95,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $30,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,090,558,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,396,000 shall be for carrying out section 128 of CERCLA, as amended, $9,980,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,463,000 of the funds available for grants under section 106 of the Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $1,550,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2012 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2012, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2012, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2012, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2012, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other

structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That for fiscal year 2012 and hereafter, the Administrator may transfer funds provided for tribal set-asides through funds appropriated for the Clean Water State Revolving Funds and for the Drinking Water State Revolving Funds between those accounts in such manner as the Administrator deems appropriate, but not to exceed the transfer limits given to States under section 302(a) of Public Law 104–182.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2012, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances available to the Administrator of the Environmental Protection Agency, $50,000,000 are permanently rescinded: Provided, That of these funds, $5,000,000 shall be rescinded from unobligated balances within the ''Hazardous Substance Superfund'' account; $5,000,000 shall be rescinded from unobligated Brownfields balances within the ''State and Tribal Assistance Grants'' account; $5,000,000 shall be rescinded from unobligated Mexico Border balances within the ''State and Tribal Assistance Grants'' account; $5,000,000 shall be rescinded from unobligated Diesel Emissions Reduction Act balances within the ''State and Tribal Assistance Grants'' account; $20,000,000 shall be rescinded from unobligated categorical grant balances within the ''State and Tribal Assistance Grants'' account; and $10,000,000 shall be rescinded from unobligated Clean Water State Revolving Funds balances within the ''State and Tribal Assistance Grants'' account: Provided further, 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.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

Notwithstanding section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604), the Administrator may authorize the expenditure or transfer of up to $10,000,000 from any appropriation in this title, in addition to the amounts included in the ''Inland Oil Spill Programs'' account, for removal activities related to actual oil spills 5 days after notifying the House and Senate Committees on Appropriations of the intention to expend or transfer such funds: Provided, That no funds shall be expended or transferred under this authority until the Administrator determines that amounts made available for expenditure in the ''Inland Oil Spill Programs'' account will be exhausted within 30 days: Provided further, That such funds shall be replenished to the appropriation that was the source of the expenditure or transfer, following EPA's receipt of reimbursement from the Oil Spill Liability Trust Fund pursuant to the Oil Pollution Act of 1990.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $295,773,000, to remain available until expended: Provided, That of the funds provided, $64,372,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $253,331,000, to remain available until expended, as authorized by law; of which $53,388,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,556,628,000, to remain available until expended: Provided, That of the funds provided, $336,049,000 shall be for forest products: Provided further, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That of the funds provided, up to $68,000,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: Provided further, That of the funds provided for forest products, up to $44,585,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $394,721,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning (including decommissioning unauthorized roads not part of the transportation system), and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $45,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: Provided further, That funds becoming available in fiscal year 2012 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That of the funds provided for decommissioning of roads, up to $13,000,000 may be transferred to the ''National Forest System'' to support the Integrated Resource Restoration pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $52,605,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $955,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 460l–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,577,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,737,631,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $7,262,000 of funds appropriated under this appropriation shall be available for the Forest Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $317,584,000 is for hazardous fuels reduction activities, $21,734,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $55,564,000 is for State fire assistance, $6,366,000 is for volunteer fire assistance, $15,983,000 is for forest health activities on Federal lands and $8,366,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a community wildfire protection plan (or equivalent) and benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the ''State and Private Forestry'' appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000 may be used to make grants, using any authorities available to the Forest Service under the ''State and Private Forestry'' appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: Provided further, That no amounts may be cancelled 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: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of Agriculture shall obligate all unobligated balances previously made available under this heading (including the unobligated balances transferred to Forest Service accounts under this heading by division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329, 122 Stat. 3594)) that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That funds designated for wildfire suppression, including funds transferred from the ''FLAME Wildfire Suppression Reserve Fund'', shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: Provided further, That of the funds for hazardous fuels reduction, up to $21,000,000 may be transferred to the ''National Forest System'' to support the Integrated Resource Restoration pilot program.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, $315,886,000, to remain available until expended: Provided, That such amounts are available only for transfer to the ''Wildland Fire Management'' account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the ''Wildland Fire Management'' account will be exhausted within 30 days.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''FLAME Wildfire Suppression Reserve Fund'' will be obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center. Nothing in this paragraph shall limit the Forest Service portion of implementation costs to be paid to the Department of Agriculture for the Financial Management Modernization Initiative.

Of the funds available to the Forest Service up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103–82, as amended by Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in

support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,872,377,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $844,927,000 for contract medical care, including $51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funding provided for information technology activities and, notwithstanding any other provision of law, $4,000,000 shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): Provided further, That notwithstanding any other provision of law, the amounts made available within this account for the methamphetamine and suicide prevention and treatment initiative and for the domestic violence prevention initiative shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $472,193,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, of which not to exceed $10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $441,052,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638,

as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,054,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,337,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(I) of CERCLA during fiscal year 2012, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,153,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,147,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,750,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,533,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $636,530,000, to remain available until September 30, 2013, except as otherwise provided herein; of which not to exceed $20,137,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $175,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109, and of which $75,000,000 shall be to complete design and begin construction of the National Museum of African American History and Culture: Provided, That during fiscal year 2012 and any succeeding fiscal year, a single procurement for construction of the National Museum of African American History and Culture, as authorized under section 8 of the National Museum of African American History and Culture Act (20 U.S.C. 80r–6), may be issued that includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only,

or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $114,066,000, of which not to exceed $3,481,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $14,516,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $23,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $13,650,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $11,005,000, to remain available until September 30, 2013.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,255,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,255,000, to remain available until expended, of which $135,500,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $10,755,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $8,370,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under Chapter 91 of title 40, United States Code, $2,400,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $2,000,000.

ADMINISTRATIVE PROVISION

The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a) is amended—

(1) by deleting the last sentence in the second paragraph and replacing it with the following: ''Each eligible organization must have its principal place of business in the District of Columbia and in a facility or facilities located in the District of Columbia.''; and

(2) In the third paragraph, by deleting ''in addition to those herein named'' at the end of the sentence.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $6,108,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,154,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $50,798,000, of which $515,000 shall remain available until September 30, 2014, for the Museum's equipment replacement program; and of which $1,900,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $12,000,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $30,990,000, to remain available until expended: Provided, That beginning in fiscal year 2012 and thereafter, any procurement for the construction of the permanent memorial to Dwight D. Eisenhower, as authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79), as amended by section 8120 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117), may be issued which includes the full scope of the project: Provided further, That the solicitation and contract with respect to the procurement shall contain the ''availability of funds'' clause described in section 52.232.18 of title 48, Code of Federal Regulations: Provided further, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. 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.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2011.

MINING APPLICATIONS

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2013, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, 111–8, 111–88, and 112–10 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2011 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

AMENDMENTS TO THE TEMPORARY EMERGENCY WILDFIRE SUPPRESSION ACT

SEC. 411. The Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m et seq.) is amended—

(1) in the first section (42 U.S.C. 1856m note)—

(A) by striking ''That this'' and inserting the following:

"SECTION 1. SHORT TITLE.

''This''; and

(B) by striking ''Temporary'';

(2) by striking section 2 (42 U.S.C. 1856m) and inserting the following:

"SEC. 2. DEFINITIONS.

''In this Act:

''(1) ASSUME ANY AND ALL LIABILITY.—The term 'assume any and all liability' means—

''(A) the payment of—

''(i) any judgment, settlement, fine, penalty, or cost assessment (including prevailing party legal fees) associated with the applicable litigation; and

''(ii) any cost incurred in handling the applicable litigation (including legal fees); and

''(B) with respect to a Federal firefighter, arranging for, and paying the costs of, representation in the applicable litigation.

''(2) FEDERAL FIREFIGHTER.—The term 'Federal firefighter' means an individual furnished by the Secretary of Agriculture or the Secretary of the Interior under an agreement entered into under section 3.

''(3) FOREIGN FIRE ORGANIZATION.—The term 'foreign fire organization' means any foreign governmental, public, or private entity that has wildfire protection resources.

''(4) FOREIGN FIREFIGHTER.—The term 'foreign firefighter' means an individual furnished by a foreign fire organization under an agreement entered into under section 3.

''(5) WILDFIRE.—The term 'wildfire' means any forest or range fire.

''(6) WILDFIRE PROTECTION RESOURCES.—The term 'wildfire protection resources' means any personnel, supplies, equipment, or other resources required for wildfire presuppression and suppression activities.'';

(3) in section 3 (42 U.S.C. 1856n)—

(A) in subsection (a)—

(i) by striking ''(a)(1) The Secretary of Agriculture'' and inserting the following:

''(a) EXCHANGE OF WILDFIRE PROTECTION RESOURCES UNDER A RECIPROCAL AGREEMENT WITH A FOREIGN FIRE ORGANIZATION.—

''(1) AUTHORITY TO ENTER INTO A RECIPROCAL AGREEMENT.—The Secretary of Agriculture''; and

(ii) in paragraph (2), by striking ''(2) Any agreement'' and inserting the following:

''(2) REQUIREMENTS FOR A RECIPROCAL AGREEMENT.—Any agreement'';

(B) in subsection (b)—

(i) by striking ''(b) In the absence'' and inserting the following:

''(b) EXCHANGE OF WILDFIRE PROTECTION RESOURCES WITHOUT A RECIPROCAL AGREEMENT.—In the absence''; and

(ii) in paragraph (1), by striking ''United States, and'' and inserting ''United States; and'';

(C) in subsection (c), by striking ''(c) Notwithstanding'' and inserting the following:

''(c) REIMBURSEMENT UNDER AGREEMENTS WITH CANADA.—Notwithstanding''; and

(D) in subsection (d)—

(i) by striking, ''(d) Any service'' and inserting the following:

''(d) SERVICE PERFORMED UNDER THIS ACT BY FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Any service''; and

(ii) in the second sentence, by striking ''The'' and inserting the following:

''(2) EFFECT.—Except as provided in section 4, the'';

(4) by redesignating section 4 (42 U.S.C. 1856o) as section 5;

(5) by inserting after section 3 the following:

"SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COVERAGE.

''(a) PROTECTION FROM LIABILITY FOR FOREIGN FIREFIGHTERS AND FOREIGN FIRE ORGANIZATIONS.—Subject to subsection (b), in an agreement with a foreign fire organization entered into under section 3, the Secretary of Agriculture and the Secretary of the Interior may provide that—

''(1) a foreign firefighter shall be considered to be an employee of the United States for purposes of tort liability while the foreign firefighter is acting within the scope of an official duty under the agreement; and

''(2) any claim against the foreign fire organization or any legal organization associated with the foreign firefighter that arises out of an act or omission of the foreign firefighter in the performance of an official duty under the agreement, or that arises out of any other act, omission, or occurrence for which the foreign fire organization or legal organization associated with the foreign firefighter is legally responsible under applicable law, may be prosecuted only—

''(A) against the United States; and

''(B) as if the act or omission were the act or omission of an employee of the United States.

''(b) PROTECTION FROM LIABILITY FOR FEDERAL FIREFIGHTERS AND THE FEDERAL GOVERNMENT.—The Secretary of Agriculture and the Secretary of the Interior may provide the protections under subsection (a) if the foreign fire organization agrees—

''(1) to assume any and all liability for any legal action brought against the Federal firefighter for an act or omission of the Federal firefighter while acting within the scope of an official duty under the agreement; and

''(2) to the extent the United States or any legal organization associated with the Federal firefighter is not entitled to immunity from the jurisdiction of the courts having jurisdiction over the foreign fire organization receiving the services of the Federal firefighters, to assume any and all liability for any legal action brought against the United States or the legal organization arising out of—

''(A) an act or omission of the Federal firefighter in the performance of an official duty under the agreement; or

''(B) any other act, omission, or occurrence for which the United States or the legal organization associated with the Federal firefighter is legally responsible under the laws applicable to the foreign fire organization.''; and

(6) in section 5 (as redesignated by paragraph (4))—

(A) by striking ''under section 3(c)'' and inserting ''under this Act''; and

(B) in the proviso—

(i) by striking ''wildfire protection resources or personnel'' each place it appears and inserting ''wildfire protection resources (including personnel)'';

(ii) by inserting ''for wildfire suppression activities'' before ''unless''; and

(iii) by striking ''provide wildfire protection'' and inserting ''provide wildfire suppression''.

CONTRACTING AUTHORITIES

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, through fiscal year 2013, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, road decommissioning, trail maintenance or improvement, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624 (16 U.S.C. 6612): Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

SEC. 414. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits at the Department of the Interior and the Forest Service, shall remain in effect for fiscal years 2012 and 2013. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108–108.

PROHIBITION ON NO-BID CONTRACTS

SEC. 416. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 417. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains proprietary information.

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

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 418. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 419. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

USE OF COMPETITIVE GRANT FUNDS

SEC. 420. Section 6(d) of Public Law 96–297 (16 U.S.C. 431 note), as added by section 101 of Public Law 108–126, is amended by inserting '', except funds awarded through competitive grants,'' after ''No Federal funds''.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SEC. 421. Section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (title V of Public Law 109–54; 16 U.S.C. 580d note), as amended by section 422(1) of Public Law 111–8 (123 Stat. 748), is further amended by striking ''2011'' and inserting ''2016''.

SERVICE FIRST

SEC. 422. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), concerning Service First authorities, as amended by section 428 of Public Law 109–54 (119 Stat. 555–556) and section 418 of Public Law 111–8 (123 Stat. 747), is amended—

(1) by striking in the first sentence ''In fiscal years 2001 through 2011'', and inserting ''In fiscal year 2012 and each fiscal year thereafter''; and

(2) by striking in the first sentence ''pilot programs'' and inserting ''programs.''

FEDERAL, STATE, COOPERATIVE FOREST, RANGELAND AND WATERSHED RESTORATION IN UTAH

SEC. 423. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012), as amended, shall remain in effect until September 30, 2013.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 424. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the

House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 425. Not later than 120 days after the date on which the President's fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.

PROHIBITION ON USE OF FUNDS

SEC. 426. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

SEC. 428. Hereafter, upon issuance of final regulations, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall apply section 105(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515(a)), providing for a pre-decisional objection process, to proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and documented with a Record of Decision or Decision Notice, in lieu of subsections (c), (d), and (e) of section 322 of Public Law 102–381 (16 U.S.C. 1612 note), providing for an administrative appeal process: Provided, That if the Chief of the Forest Service determines an emergency situation exists for which immediate implementation of a proposed action is necessary, the proposed action shall not be subject to the pre-decisional objection process, and implementation shall begin immediately after the Forest Service gives notice of the final decision for the proposed action: Provided further, That this section shall not apply to an authorized hazardous fuel reduction project under title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

SILVICULTURAL ACTIVITIES

SEC. 429. From the date of enactment of this Act until September 30, 2012, the Administrator of the Environmental Protection Agency shall not require a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.

CLAIM MAINTENANCE FEE AMENDMENTS

SEC. 430. Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

(1) in subsection (a)—

(A) by striking so much as precedes the second sentence and inserting the following:

''(a) CLAIM MAINTENANCE FEE.—

''(1) LODE MINING CLAIMS, MILL SITES, AND TUNNEL SITES.—The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of $100 per claim or site, respectively.''; and

(B) by adding at the end the following:

''(2) PLACER MINING CLAIMS.—The holder of each unpatented placer mining claim located pursuant to the mining laws of the United States located before, on, or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, the claim maintenance fee described in subsection (a), for each 20 acres of the placer claim or portion thereof.''; and

(2) in subsection (b), by striking the first sentence and inserting the following: ''The claim main tenance fee under subsection (a) shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management.''.

DOMESTIC LIVESTOCK GRAZING

SEC. 431. (a) PROHIBITION REGARDING POTENTIAL DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON NATIONAL FOREST SYSTEM LAND.—Notwithstanding any other provision of law or regulation (other than the Endangered Species Act of 1973 and regulations issued under such Act), none of the funds made available by this Act or made available by any other Act for fiscal year 2012 only may be used to carry out—

(1) any new management restrictions on domestic sheep on parcels of National Forest System land (as defined in the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) with potential domestic sheep and bighorn sheep (whether native or nonnative) contact in excess of the management restrictions that existed on July 1, 2011; or

(2) any other agency regulation for managing bighorn sheep populations on any allotment of such National Forest System land if the management action will result in a reduction in the number of domestic livestock permitted to graze on the allotment or in the distribution of livestock on the allotment.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Agriculture may make such management changes as the Secretary determines to be necessary to manage bighorn sheep if the management changes—

(1) are consistent with the wildlife plans of the relevant State fish and game agency and determined in consultation with that agency; and

(2) are developed in consultation with the affected permittees.

(c) BUREAU OF LAND MANAGEMENT LANDS.—In circumstances involving conflicts between bighorn sheep and domestic sheep grazing on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the Bureau of Land Management may only modify or cancel domestic sheep grazing permits after consulting with the appropriate State fish and game agency. However, if the State in question has an approved State Wildlife Management Plan that addresses, with specificity, bighorn sheep management, then the Bureau of Land Management modification or cancellation of permits in that State shall conform to the bighorn sheep management objectives in the State Wildlife Management Plan, unless conformance would be inconsistent with Federal statute or regulation. The Bureau of Land Management shall be bound by the requirements of this subsection until September 30, 2012.

(d) VOLUNTARY CLOSURE OF ALLOTMENTS.—Nothing in this section shall be construed as limiting the voluntary closure of existing domestic sheep allotments when the closure is agreed to in writing between the permittee and the Secretary of the Interior or the Secretary of Agriculture and is carried out for the purpose of reducing conflicts between domestic sheep and bighorn sheep.

(e) WAIVER OF GRAZING PERMITS AND LEASES.—The Secretary of the Interior and the Secretary of Agriculture may accept the voluntary waiver of any valid existing lease or permit authorizing grazing on National Forest System land described in subsection (a) or public lands described in subsection (c). If the grazing permit or lease for a grazing allotment is only partially within the area of potential domestic sheep and bighorn sheep contact, the affected permittee may elect to waive only the portion of the grazing permit or lease that is within that area. The Secretary concerned shall—

(1) terminate each permit or lease waived or portion of a permit or lease waived under this subsection;

(2) ensure a permanent end to domestic sheep grazing on the land covered by the waived permit or lease or waived portion of the permit or lease unless or until there is no conflict with bighorn sheep management; and

(3) provide for the reimbursement of range improvements in compliance with section 4 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act; 43 U.S.C. 315c).

AIR EMISSIONS FROM OUTER CONTINENTAL SHELF ACTIVITIES

SEC. 432. (a) It is the purpose of this section to ensure that the energy policy of the United States focuses on the expeditious and orderly development of domestic energy resources in a manner that protects human health and the environment.

(b) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—

(1) in the first sentence, by inserting ''(other than Outer Continental Shelf sources located offshore of the North Slope Borough of the State of Alaska)'' after ''Outer Continental Shelf sources located offshore of the States along the Pacific, Arctic and Atlantic Coasts''; and

(2) in the fourth sentence, by inserting ''and this Act'' after ''regulations''.

(c) Section 328(b) of the Clean Air Act (42 U.S.C. 7627(b)) is amended in the first sentence—

(1) by striking ''Gulf Coast''; and

(2) by inserting ''or are adjacent to the North Slope Borough of the State of Alaska'' after ''Alabama''.

(d) The transfer of air quality permitting authority pursuant to this section shall not invalidate or stay—

(1) any air quality permit pending or existing as of the date of the enactment of this Act; or

(2) any proceeding related thereto.

(e)(1) The Comptroller General of the United States shall undertake a study on the process for air quality permitting in the Outer Continental Shelf.

(2) The study shall consist of a comparison of air quality permitting for Outer Continental Shelf sources (as such term is defined in section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) by the Department of the Interior with such permitting by the Environmental Protection Agency, taking into account the time elapsed between application and permit approval, the number of applications, and the experiences and assessments of the applicants.

(3) In carrying out the study, the Comptroller General shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and applicants for air quality permits.

(4) The Comptroller General shall complete the study and submit a report on the results of the

study to the Congress not later than September 30, 2014.

FUNDING PROHIBITION

SEC. 433. 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 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.

LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 434. 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 with respect to which 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.

ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 435. (a) Notwithstanding any other provision of law and until October 1, 2013, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

GENERAL REDUCTION

SEC. 436. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.16 percent of the budget authority provided for fiscal year 2012 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ''Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'', the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2012, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefore to the House and Senate Committees on Appropriations.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012''.

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as ''WIA''), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (''WANTO''), including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $3,195,383,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,605,268,000 as follows:

(A) $770,922,000 for adult employment and training activities, of which $58,922,000 shall be available for the period July 1, 2012, through June 30, 2013, and of which $712,000,000 shall be available for the period October 1, 2012 through June 30, 2013;

(B) $825,914,000 for youth activities, which shall be available for the period April 1, 2012 through June 30, 2013; and

(C) $1,008,432,000 for dislocated worker employment and training activities, of which $148,432,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which $860,000,000 shall be available for the period October 1, 2012 through June 30, 2013:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 5 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs;

(2) for federally administered programs, $487,053,000 as follows:

(A) $224,112,000 for the dislocated workers assistance national reserve, of which $24,112,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which $200,000,000 shall be available for the period October 1, 2012 through June 30, 2013: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $47,652,000 for Native American programs, which shall be available for the period July 1, 2012 through June 30, 2013;

(C) $84,451,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $78,253,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,689,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $509,000 for other discretionary purposes, which shall be available for the period July 1, 2012 through June 30, 2013: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $998,000 for carrying out the WANTO, which shall be available for the period July 1, 2012 through June 30, 2013; and

(E) $79,840,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2012 through June 30, 2013; and

(F) $50,000,000 to be available to the Secretary of Labor (referred to in this title as ''Secretary'') for the Workforce Innovation Fund to carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for beneficiaries, which shall be for the period July 1, 2012 through September 30, 2013: Provided, That amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the WIA, consortia of States, or partnerships, including regional partnerships: Provided further, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds;

(3) for national activities, $103,062,000, as follows:

(A) $6,616,000, in addition to any amounts available under paragraph (2), for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2012 through June 30, 2013: Provided, That funds made available by Public Law 112–10 that were designated for grants to address the employment and training needs of young parents may be used for other pilots, demonstrations, and research activities and for implementation activities related to the VOW to Hire Heroes Act of 2011 and may be transferred to ''State Unemployment Insurance and Employment Service Operations'' to carry out such implementation activities;

(B) $80,390,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2012 through June 30, 2013, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA: Provided, That of this amount, $20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(C) $9,581,000 for Evaluation, which shall be available for the period July 1, 2012 through June 30, 2013; and

(D) $6,475,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2012 through June 30, 2013, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $1,706,171,000, plus reimbursements, as follows:

(1) $1,572,049,000 for Job Corps Operations, which shall be available for the period July 1, 2012 through June 30, 2013;

(2) $104,990,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2012 through June 30, 2015: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2013; and

(3) $29,132,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2011 through September 30, 2012:

Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as ''OAA''), $449,100,000, which shall be available for the period July 1, 2012 through June 30, 2013, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2012 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, $1,100,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2012.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $86,231,000, together with not to exceed $3,958,441,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $3,181,154,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2012, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, or reemployment and eligibility assessments and improper payments shall be available for obligation by the States through September 30, 2014, and funds used for unemployment insurance workloads experienced by the States through September 30, 2012 shall be available for Federal obligation through December 31, 2012;

(2) $11,287,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $679,531,000 from the Trust Fund, together with $22,638,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013;

(4) $20,952,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $65,517,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $50,418,000 shall be available for the Federal administration of such activities, and $15,099,000 shall be available for grants to States for the administration of such activities; and

(6) $63,593,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the WIA and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2012 is projected by the Department of Labor to exceed 4,832,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2013.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,320,000, together with not to exceed $50,040,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $183,500,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within 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 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2012, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2012 shall be available for obligations for administrative expenses in excess of $476,901,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2012, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2013, for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2013, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to

State, Federal, and local agencies and their employees for inspection services rendered, $227,491,000.

OFFICE OF LABOR MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Management Standards, $41,367,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $105,386,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,939,000, together with $2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Worker's Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $350,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2011, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2012: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $59,488,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,253,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $26,769,000;

(3) For periodic roll management and medical review, $15,466,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $141,227,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2013, $40,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $52,147,000, to remain available until expended: Provided, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2012 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,906,000 for transfer to the Office of Workers' Compensation Programs, ''Salaries and Expenses''; not to exceed $25,217,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $327,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $565,857,000, including not to exceed $104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2012, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,729,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Mine Safety and Health Administration, $374,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; and, in addition, the Secretary may transfer from amounts provided under this heading up to $3,000,000 to ''Departmental Management'' for activities related to the Office of the Solicitor's caseload before the Federal Mine Safety and Health Review Commission; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $542,921,000, together with not to exceed $67,303,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,953,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $346,683,000, together with not to exceed $326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2012: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That $40,000,000 shall be for programs to combat exploitative child labor internationally: Provided further, That not less than $6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: Provided further, That $8,500,000 shall be used for program evaluation and shall be available for obligation through September 30, 2013: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $212,060,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2012, of which $2,444,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the WIA, $52,879,000, of which $14,622,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $19,852,000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $77,937,000, together with not to exceed $5,909,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than competitive grants for training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

SEC. 106. The Secretary shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of WIA, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act or by Public Law 112–10, either directly or through a set-aside, for technical assistance services to grantees to ''Program Administration'' when it is determined that those services will be more efficiently performed by Federal employees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to ''Departmental Management'' for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2013: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: ''Office of Job Corps'', ''State Unemployment Insurance and Employment Service Operations'', ''Employee Benefits Security Administration'', ''Office of Workers' Compensation Programs'', ''Wage and Hour Division'', ''Office of Federal Contract Compliance Programs'', ''Office of Labor Management Standards'', ''Occupational Safety and Health Administration'', ''Mine Safety and Health Administration'', and ''Veterans Employment and Training''.

SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of ''Fiduciary'' regulation (Regulatory Identification Number 1210–AB32) published by the Employee Benefits Security Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).

SEC. 110. None of the amounts made available under this Act may be used to implement the rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program'' (76 Fed. Reg. 3452 (January 19, 2011)).

SEC. 111. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column regulation (Regulatory Identification Number 1218–AC45) being developed by the Occupational Safety and Health Administration of the Department of Labor.

SEC. 112. None of the funds made available by this Act may be used to implement or enforce the proposed rule entitled ''Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors'' regulation published by the Mine Safety and Health Administration (MSHA) of the Department of Labor on October 19, 2010 (75 Fed. Reg. 64412, RIN 1219-AB64) until—

(1) the Government Accountability Office—

(A) issues, at a minimum, an interim report which—

(i) evaluates the completeness of MSHA's data collection and sampling, to include an analysis of whether such data supports current trends of the incidence of lung disease arising from occupational exposure to respirable coal mine dust across working underground coal miners; and

(ii) assesses the sufficiency of MSHA's analytical methodology; and

(B) not later than 240 days after enactment of this Act, submits the report described in subparagraph (A) to the Committees on Appropriations of the House of Representatives and the Senate; or

(2) the deadline described in paragraph (1)(B) for submission of the report has passed.

SEC. 113. None of the funds made available by this Act may be used by the Secretary to administer or enforce 29 CFR 779.372(c)(4).

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

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the ''PHS Act'') with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,598,957,000, of which $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: Provided further, That no more than $95,073,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as ''HHS'') pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $734,402,000: Provided, That sections 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as ''Secretary'') may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $863,607,000: Provided, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $79,586,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,326,665,000, of which $1,995,670,000 shall remain available to the Secretary of Health and Human Services through September 30, 2014, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,000,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $83,526,000.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social Security Act, $139,832,000, of which $41,118,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: Provided further, That notwithstanding section 338J(k) of the PHS Act, $10,055,000 shall be available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $297,400,000: Provided, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $161,815,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings ''Primary Health Care'', ''Health Workforce'', ''Maternal and Child Health'', ''Ryan White HIV/AIDS Program'', ''Health Care Systems'', and ''Rural Health''.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,841,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,489,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $579,375,000: Provided, That in addition to amounts provided herein, $12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,105,995,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $253,919,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $760,700,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $138,072,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II and III of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, $144,795,000: Provided, That in addition to amounts provided herein, $247,769,000 shall be available from amounts available under section 241 of the PHS Act to carry out Public Health Scientific Services.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, $105,598,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, $138,480,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $182,903,000: Provided, That

in addition to amounts provided herein, $110,724,000 shall be available from amounts available under section 241 of the PHS Act.

EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the PHS Act with respect to global health, $349,547,000, of which $118,023,000 for international HIV/AIDS shall remain available through September 30, 2013: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,306,906,000, of which $509,486,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, VII, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings ''Immunization and Respiratory Diseases'', ''HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention'', ''Emerging and Zoonotic Infectious Diseases'', ''Chronic Disease Prevention and Health Promotion'', ''Birth Defects, Developmental Disabilities, Disabilities and Health'', ''Environmental Health'', ''Injury Prevention and Control'', ''National Institute for Occupational Safety and Health'', ''Employees Occupational Illness Compensation Program Act'', ''Global Health'', ''Public Health Preparedness and Response'', and ''Public Health Scientific Services'', $621,445,000, of which $30,000,000 shall be available until September 30, 2013 for business services, of which $25,000,000 shall be available until September 30, 2016 for equipment, construction and renovation of facilities, and of which $80,000,000 shall be for the Preventive Health and Health Services Block Grant Program: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the Centers for Disease Control and Prevention (referred to in this title as ''CDC''): Provided further, That funds appropriated under this heading and in all other accounts of CDC may be used to support the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of CDC: Provided further, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: Provided further, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: Provided further, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2013: Provided further, That of the funds made available under this heading, up to $1,000 per eligible employee of CDC shall be made available until expended for Individual Learning Accounts: Provided further, That CDC may establish a Working Capital Fund, with the authorities equivalent to those provided in 42 U.S.C. 231, to improve the provision of supplies and service.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,081,788,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,084,851,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental disease, $411,488,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,800,447,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,629,445,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,499,215,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,434,637,000: Provided, That not less than $276,480,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,323,900,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $704,043,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $686,869,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,105,530,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $536,801,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $417,061,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $145,043,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $460,389,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,055,362,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,483,068,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $513,844,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $338,998,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, $128,299,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $276,963,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $69,754,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $338,278,000, of which $4,000,000 shall be available until September 30, 2013, for improvement of information systems: Provided, That in fiscal year 2012, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as ''NIH''): Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $576,456,000: Provided, That up to $10,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network: Provided further, That funds appropriated may be used to support the reorganization and activities required to eliminate the National Center for Research Resources: Provided further, That the Director of the NIH shall ensure that, of all funds made available to Institute, Center, and Office of the Director accounts within ''Department of Health and Human Services, National Institutes of Health'', at least $487,767,000 is provided to

the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,461,880,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That NIH is authorized to collect third-party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $193,880,000 shall be available for continuation of the National Children's Study: Provided further, That $545,962,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $125,581,000, to remain available until September 30, 2016.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $934,853,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2012: Provided further, That of the amount appropriated under this heading, $45,800,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, $2,123,993,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: Provided further, That no funds shall be available for the National All Schedules Prescription Reporting system.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $186,361,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention'' in carrying out titles III, V and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $109,106,000: Provided, That in addition to amounts provided herein, $27,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings ''Mental Health'', ''Substance Abuse Treatment'', and ''Substance Abuse Prevention''.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $369,053,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: Provided, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2013.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $184,279,110,000, to remain available until expended.

For making, after May 31, 2012, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2012 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2013, $90,614,082,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $230,741,378,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $3,879,476,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2017: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $34,000,000, to remain available through September 30, 2013, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That the Secretary is directed to collect fees in fiscal year 2012 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $44,000,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $310,377,000, to remain available through September 30, 2013, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $219,879,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which $29,730,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which $31,038,000 shall be for the Medicaid and Children's Health Insurance Program (''CHIP'') program integrity activities, and of which $29,730,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2012 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,305,035,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2013, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums

as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,478,246,000: Provided, That all but $497,000,000 of such funds shall be allocated as though the total appropriation for such payments for fiscal year 2012 was less than $1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $3,000,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $769,789,000, of which up to $9,794,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2012 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2014.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,282,627,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,433,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free hotline and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $291,248,000 shall be reserved by the States for activities authorized under section 658G, of which $106,813,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,890,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, section 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $9,926,709,000, of which $39,421,000, to remain available through September 30, 2013, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2012: Provided, That $7,983,633,000 shall be for making payments under the Head Start Act: Provided further, That for purposes of allocating funds described by the immediately preceding proviso, the term ''base grant'' as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2011 shall be calculated as described in such subsection and to which amount shall be added 50 percent of the amount of funds appropriated under the heading ''Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs'' in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12-month period beginning in fiscal year 2010: Provided further, That $713,630,000 shall be for making payments under the CSBG Act: Provided further, That $35,340,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $30,000,000 shall be for section 680(a)(2) and not less than $4,990,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $5,245,000 shall be for activities authorized by section 291 of the Help America Vote Act of 2002: Provided further, That $1,996,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,184,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,153,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2013, $2,100,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (''OAA''), section 398 and title XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,473,703,000: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That none of the funds provided shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this Act: Provided further, That the total amount available for fiscal year 2012 under this and any other Act to carry out activities related to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111–117: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $475,221,000, together with $69,211,000 from the

amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, $53,783,000 shall be for minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, $104,790,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That of the funds made available under this heading, $5,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)–(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants made under the authority of section 510(b)(2)(A)–(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $72,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $16,446,000: Provided, That in addition to amounts provided herein, $44,811,000 shall be available from amounts available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $50,178,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That at least 40 percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $41,016,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $569,452,000; of which $10,000,000 shall remain available until September 30, 2014 to support emergency operations.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111–117, up to $415,000,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority to support additional advanced research and development.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2012:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe,

functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 213. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 214. Funds which are available for Individual Learning Accounts for employees of CDC and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to appropriate accounts of CDC, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Notwithstanding any other provisions of law, discretionary funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 219. None of the funds appropriated or otherwise made available in this Act may be expended to advance the creation of a Federally Funded Research and Development Center at the Centers for Medicare and Medicaid Services, prior to a Federal Register notice being issued that outlines: how this proposal would meet the specific requirements identified in FAR 35.017–2; agency procedures that ensure small business competitiveness is maintained; and the outline of a transparent award and governance process to be employed.

SEC. 220. (a) The Secretary shall establish a publicly accessible website to provide information regarding the uses of funds made available under section 4002 of Public Law 111–148.

(b) With respect to funds provided for fiscal year 2012, the Secretary shall include on the website established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(5) Semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

SEC. 221. (a) ESTABLISHMENT OF NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES; ELIMINATION OF NATIONAL CENTER FOR RESEARCH RESOURCES.—

(1) IN GENERAL.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended—

(A) in the subpart heading, by striking ''National Center for Research Resources'' and inserting ''National Center for Advancing Translational Sciences'';

(B) by striking sections 480 and 481; and

(C) by amending section 479 to read as follows:

''SEC. 479. NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.

''(a) PURPOSE.—The purpose of the National Center for Advancing Translational Sciences (in this subpart referred to as the 'Center') is to advance translational sciences, including by—

''(1) coordinating and developing resources that leverage basic research in support of translational science; and

''(2) developing partnerships and working cooperatively to foster synergy in ways that do not create duplication, redundancy, and competition with industry activities.

''(b) CLINICAL TRIAL ACTIVITIES.—

''(1) IN GENERAL.—The Center may develop and provide infrastructure and resources for all phases of clinical trials research. Except as provided in paragraph (2), the Center may support clinical trials only through the end of phase IIA.

''(2) EXCEPTION.—The Center may support clinical trial activities through the end of phase IIB for a treatment for a rare disease or condition (as defined in section 526 of the Federal Food, Drug, and Cosmetic Act) so long as—

''(A) the Center gives public notice for a period of at least 120 days of the Center's intention to support the clinical trial activities in phase IIB;

''(B) no public or private organization provides credible written intent to the Center that the organization has timely plans to further the clinical trial activities or conduct clinical trials of a similar nature beyond phase IIA; and

''(C) the Center ensures that support of the clinical trial activities in phase IIB will not increase the Federal Government's liability beyond the award value of the Center's support.

''(c) ANNUAL REPORT.—The Center shall publish an annual report that, with respect to all research supported by the Center, includes a complete list of—

''(1) the molecules being studied;

''(2) clinical trial activities being conducted;

''(3) the methods and tools in development;

''(4) ongoing partnerships, including—

''(A) the rationale for each partnership;

''(B) the status of each partnership;

''(C) the funding provided by the Center to other entities pursuant to each partnership, and

''(D) the activities which have been transferred to industry pursuant to each partnership; and

''(5) known research activity of other entities that is or will expand upon research activity of the Center.''.

(2) LIST OF INSTITUTES AND CENTERS.—Section 401(b)(21) of the Public Health Service Act (42 U.S.C. 281(b)(21)) is amended by striking ''National Center for Research Resources'' and inserting ''National Center for Advancing Translational Sciences''.

(b) ASSIGNMENT OF CERTAIN FUNCTIONS OF FORMER NATIONAL CENTER FOR RESEARCH RESOURCES.—

(1) BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2)—

(A) is redesignated as section 404I and is moved to follow section 404H of such Act (42 U.S.C. 283j); and

(B) is amended—

(i) in subsection (a)(1), by striking ''acting through the Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' and inserting ''acting through the Office of the Director of NIH or the Director of the National Institute of Allergy and Infectious Diseases'';

(ii) in subsections (c), (d), (e), and (f)(2), by striking ''Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH or the National Institute of Allergy and Infectious Diseases,'';

(iii) in subsection (b)(2), by striking ''Director of the Center'' each place it appears and inserting ''Director of NIH'';

(iv) in subsections (b)(3)(A), (f)(1), and (g), by striking the comma at the end of ''Director of the Center,'' each place it appears;

(v) by striking ''Director of the Center'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH,'';

(vi) in subsection (b)—

(I) in paragraph (1)(A), by striking ''within the Center''; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking ''and the advisory council established under section 480 (in this section referred to as the 'Advisory Council')'' and inserting ''and the Council of Councils established under section 402(l) (in this section referred to as the 'Council')''; and

(bb) in subparagraphs (B), (C), and (D), by striking ''Advisory'' each place it appears; and

(vii) in subsection (g), by striking ''after consultation with the Advisory Council'' and inserting ''after consultation with the Council''.

(2) CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.—Section 481B of the Public Health Service Act (42 U.S.C. 287a–3)—

(A) is redesignated as section 404J and is moved to follow section 404I, as redesignated by paragraph (1); and

(B) in subsection (a), is amended—

(i) by striking ''by the National Center for Research Resources'' and inserting ''by the Director of NIH, acting through the Office of the Director of NIH,''; and

(ii) by striking ''481A'' and inserting ''404I''.

(3) SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.—Section 481C of the Public Health Service Act (42 U.S.C. 287a–3a)—

(A) is redesignated as section 404K and is moved to follow section 404J, as redesignated by paragraph (2); and

(B) in subsection (d)(4)(A)(ii), is amended by striking ''that is carried out by the National Center for Research Resources'' and inserting ''that is carried out by the Director of NIH, acting through the Office of the Director of NIH,''.

(4) SHARED INSTRUMENTATION GRANT PROGRAM.—Section 305 of the Public Health Improvement Act (42 U.S.C. 287 note)—

(A) is redesignated as section 404L of the Public Health Service Act and is moved to follow section 404K of that Act, as redesignated by paragraph (3); and

(B) is amended—

(i) by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(ii) in subsection (a), as so redesignated, by striking ''under the program described in subsection (a)'' and inserting ''under the Shared Instrumentation Grant Program'';

(iii) by striking ''Director of the National Center for Research Resources'' each place it appears and inserting ''Director of NIH, acting through the Office of the Director of NIH,''; and

(iv) in subsection (b), as so redesignated—

(I) by striking ''in subsection (a)'' and inserting ''in subsection (a), the''; and

(II) by striking ''of the Public Health Service Act (42 U.S.C. 289a)''.

(5) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 461, by striking the section heading and designation and all that follows through ''The general purpose'' and inserting the following:

"SEC. 461. NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES.

''(a) GENERAL PURPOSE.—The general purpose'';

(B) by moving subsection (g) of section 402 to the end of section 461, as amended, and redesignating that subsection as subsection (b); and

(C) in section 461(b), as so redesignated—

(i) by striking ''(b)(1)(A) In the case of'' and inserting the following:

''(b) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.—

''(1)(A) In the case of'';

(ii) by moving two ems to the right—

(I) subparagraphs (B) and (C) of paragraph (1);

(II) clauses (i), (ii), and (iii) of such subparagraph (C); and

(III) paragraph (2); and

(iii) in paragraph (1)(A), by striking ''acting through the Director of the National Center for Research Resources'' and inserting ''acting through the Director of the National Institute of General Medical Sciences''.

(c) ASSIGNMENT OF CERTAIN OFFICES AND FUNCTIONS TO NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.—

(1) CURES ACCELERATION NETWORK.—Section 402C of the Public Health Service Act (42 U.S.C. 282d)—

(A) is redesignated as section 480 and is moved to follow section 479;

(B) in subsection (b), is amended in the matter that precedes paragraph (1) by striking ''within the Office of the Director of NIH'' and inserting ''within the Center'';

(C) by striking ''Director of NIH'' each place it appears and inserting ''Director of the Center''; and

(D) in the headings of subsections (d)(4) and (d)(4)(B), by striking ''DIRECTOR OF NIH'' each place it appears and inserting ''DIRECTOR OF THE CENTER''.

(2) OFFICE OF RARE DISEASES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 404F—

(i) by redesignating such section as section 481 and moving such section to follow section 480, as redesignated by paragraph (1);

(ii) in subsection (a)—

(I) by striking ''within the Office of the Director of NIH'' and inserting ''within the Center''; and

(II) by striking ''Director of NIH'' and inserting ''Director of the Center''; and

(iii) in subsection (b)(1)(C), by striking ''404G'' and inserting ''481A''; and

(B) in section 401(c)(2)(A), by striking ''the Office of Rare Diseases,''.

(3) RARE DISEASE REGIONAL CENTERS OF EXCELLENCE.—Section 404G of the Public Health Service Act (42 U.S.C. 283i) is redesignated as section 481A and is moved to follow section 481, as redesignated by paragraph (2).

(4) GENERAL CLINICAL RESEARCH CENTERS.—Section 481D of the Public Health Service Act (42 U.S.C. 287a–4)—

(A) is redesignated as section 481B; and

(B) in subsection (a), is amended by striking ''Director of the National Center for Research Resources'' and inserting ''Director of the Center''.

(d) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 402(b)(24) (42 U.S.C. 282(b)(24)), by striking ''402C'' and inserting ''480'';

(2) in section 404C(e)(3)(A) (42 U.S.C. 283e(e)(3)(A)), by striking ''and the Director of the Center for Research Resources'';

(3) in section 464z–3(i)(1) (42 U.S.C. 285t(i)(1))—

(A) by striking ''Director of National Institute for Research Resources'' and inserting ''Director of NIH'';

(B) by striking ''481(c)(3)'' and inserting ''404I(c)(2)''; and

(C) by inserting ''under such section'' after ''Institutions of Emerging Excellence'';

(4) in section 499(c)(1)(E) (42 U.S.C. 290b(c)(1)(E)), by striking ''section 402C'' and inserting ''section 480''.

Sec. 222. The discretionary appropriation for CDC is hereby reduced by $20,000,000: Provided, That the reduction should be taken from contracting and administrative costs in each of the CDC accounts.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2012''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as ''ESEA'') and section 418A of the Higher Education Act of 1965 (referred to in this Act as ''HEA''), $15,750,983,000, of which $4,817,117,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $10,841,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That $6,584,750,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $3,992,000 of these funds shall be available to the Secretary of Education (referred to in this title as ''Secretary'') on October 1, 2011, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,288,183,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,288,183,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That $3,200,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That $534,562,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: Provided further, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: Provided further, That $160,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that

have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, $1,293,631,000, of which $1,155,724,000 shall be for basic support payments under section 8003(b), $48,505,000 shall be for payments for children with disabilities under section 8003(d), $17,474,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2013, $67,074,000 shall be for Federal property payments under section 8002, and $4,854,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2011–2012, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,550,018,000, of which $2,725,246,000 shall become available on July 1, 2012, and remain available through September 30, 2013, and of which $1,681,441,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: Provided further, That $51,210,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $17,652,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That up to 1.5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal training or professional enhancement activities to national not-for-profit organizations.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, $131,027,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, $1,530,429,000: Provided, That the Secretary may use up to $550,000,000, which shall remain available for obligation through December 31, 2012, for section 14006 of division A of Public Law 111–5, as amended, to make awards (including on the basis of previously submitted applications) to States or to local educational agencies, or both, in accordance with the applicable requirements of that section, as determined by the Secretary, and may use up to 5 percent of such funds for technical assistance and evaluation of the activities carried out under that section: Provided further, That up to $149,700,000 shall be available for obligation through December 31, 2012 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: Provided further, That $300,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than $23,000,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $55,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to $11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, $256,237,000: Provided, That $65,000,000 shall be available for subpart 2 of part A of title IV: Provided further, That $60,000,000 shall be available for Promise Neighborhoods and shall be available through December 31, 2012.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $733,530,000, which shall become available on July 1, 2012, and shall remain available through September 30, 2013, except that 6.5 percent of such amount shall be available on October 1, 2011, and shall remain available through September 30, 2013, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,647,066,000, of which $3,115,716,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $9,283,383,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2011, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2011: Provided further, That $2,000,000, to remain available for obligation through September 30, 2013, shall be for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, which may include competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, including both physical and emotional health, and education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the families or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the

funds to other public and private, non-profit entities.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,512,019,000: Provided, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, including competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the family or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: Provided further, That any funds made available subsequent to reallotment for activities aimed at improving the outcomes of children receiving SSI and their families shall remain available until September 30, 2013: Provided further, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or insurance program: Provided further, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: Provided further, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,551,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $65,546,000: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $125,754,000, of which $7,990,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (referred to in this Act as the ''AEFLA''), $1,738,946,000, of which $947,946,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $791,000,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013: Provided, That of the amount provided for Adult Education State Grants, $74,850,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $11,323,000 shall be for national leadership activities under section 243.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, and part C of title IV of the HEA, $24,538,521,000, which shall remain available through September 30, 2013.

The maximum Pell Grant for which a student shall be eligible during award year 2012–2013 shall be $4,860.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, $1,045,363,000, to remain available until September 30, 2013.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,873,196,000: Provided, That $608,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (referred to in this Act as ''HEOA''), that would have otherwise received a continuation award for fiscal year 2012 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: Provided further, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award.

HOWARD UNIVERSITY

For partial support of Howard University, $234,507,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $460,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,188,000, as authorized pursuant to part D of title III of the HEA: 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 $367,255,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $353,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $594,788,000, which shall remain available through September 30, 2013: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $11,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $447,104,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $102,818,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $59,933,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of

schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the ESEA.

SEC. 306. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting ''2012'' for ''2009''.

SEC. 307. (a) Notwithstanding any other provision of law, the Secretary is authorized to modify the terms and conditions of gulf hurricane disaster loans to affected institutions pursuant to section 2601 of Public Law 109–234 using the authority provided herein, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interests of both the United States and the borrowers, and necessary to mitigate the economic effects of Hurricanes Katrina and Rita. Any modification under this section shall not result in any net cost to the Federal Government, as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, beginning on the date on which the Secretary modifies a loan under this section.

(b) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any modification of loans under paragraph (a) that—

(1) establishes the terms and conditions governing the modifications authorized by paragraph (a);

(2) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the modification of the loans made under this title; and

(3) describes how the use of such methodology and consideration of such factors used to determine the modifications will ensure that loan modifications do not result in any net cost to the Federal Government.

(c) FEES.—An affected institution that receives a modification to its disaster loan pursuant to section 2601 of Public Law 109–234 shall pay a fee to the Secretary which shall be credited to the HBCU Hurricane Supplemental Loan Program. Such fees shall remain available without fiscal year limitation to pay the modification costs. The amount of the fee paid shall be equal to the modification cost as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such loan.

SEC. 308. Section 14006(c)(2) of division A of the American Recovery and Reinvestment Act of 2009 (as amended by section 1832(b) of division B of Public Law 112–10) is amended by inserting before the period, ''except that such a State may use its grant funds to make subgrants to public or private agencies and organizations for activities consistent with the purposes of the grant''.

SEC. 309. (a) FEDERAL PELL GRANT ELIGIBILITY.—

(1) MINIMUM LEVEL.—Section 401(b)(4) of the HEA (20 U.S.C. 1070a(b)(4)) is amended by striking '', except that'' and all that follows and inserting a period.

(2) DURATION OF AWARD PERIOD.—Section 401(c)(5) of the HEA (20 U.S.C. 1070a(c)(5)) is amended—

(A) by striking ''18'' each place it appears and inserting ''12''; and

(B) by striking the last sentence.

(b) ZERO EXPECTED FAMILY CONTRIBUTION.—Section 479(c) of the HEA (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking ''$30,000'' and inserting ''$23,000''; and

(2) in paragraph (2)(B), by striking ''$30,000'' and inserting ''$23,000''.

(c) STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—

(1) AMENDMENT.—Section 484(d) of the HEA (20 U.S.C. 1091(d)) is amended—

(A) in the matter preceding paragraph (1), by striking ''meet one of the following standards:'';

(B) by striking paragraphs (1), (2), and (4); and

(C) in paragraph (3), by striking ''(3) The student has'' and inserting ''have''; and

(2) TRANSITION.—The amendment made by paragraph (1) shall apply to students who first enroll in a program of study on or after July 1, 2012.

(3) CONFORMING CHANGE.—Section 101(a)(1) of the HEA (20 U.S.C. 1001(a)(1) is amended by striking ''section 484(d)(3)'' and inserting ''section 484(d)''.

(d) TEMPORARY ELIMINATION OF INTEREST SUBSIDY DURING STUDENT LOAN GRACE PERIOD.—

(1) Section 428(a)(3)(A)(i)(I) of the HEA (20 U.S.C. 1078(a)(3)(A)(i)(I)) is amended to read as follows:

''(I) which accrues prior to the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution), or''.

(2) The amendment made by paragraph (1) shall apply to new Federal Direct Stafford Loans made on or after July 1, 2012 and before July 1, 2014.

(e) REVISED SPECIAL ALLOWANCE CALCULATION.—

(1) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on April 1, 2012 and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending June 30, 2012, and each succeeding 3-month period, on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2010, if, not later than April 1, 2012, the holder of the loan (or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan), affirmatively and permanently waives all contractual, statutory, or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—

''(aa) IN GENERAL.—A waiver pursuant to subclause (II) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

''(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

''(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

''(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

''(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

''(AA) in accordance with an agreement entered into before the date of enactment of this section by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

''(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.''.

(2) CONFORMING AMENDMENTS.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(A) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I) (in accordance with clause (vii))''; and

(B) in clause (v)(III), by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

(f) REAPPROPRIATION OF MANDATORY SAVINGS.—Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended to read as follows:

''(iv) to carry out this section—

''(I) $13,500,000,000 for fiscal year 2011;

''(II) $13,795,000,000 for fiscal year 2012;

''(III) $7,587,000,000 for fiscal year 2013;

''(IV) $588,000,000 for fiscal year 2014;

''(V) $0 for fiscal year 2015;

''(VI) $0 for fiscal year 2016;

''(VII) $1,574,000,000 for fiscal year 2017;

''(VIII) $1,382,000,000 for fiscal year 2018;

''(IX) $1,409,000,000 for fiscal year 2019;

''(X) $1,430,000,000 for fiscal year 2020; and

''(XI) $1,145,000,000 for fiscal year 2021 and each succeeding fiscal year.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on July 1, 2012.

(h) INAPPLICABILITY OF NEGOTIATED RULEMAKING AND MASTER CALENDAR EXCEPTION.—

Sections 482(c) and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section, or to any regulations promulgated under those amendments.

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

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,385,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as ''CNCS'') to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as ''1973 Act'') and the National and Community Service Act of 1990 (referred to in this title as ''1990 Act''), $751,672,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $44,900,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $2,000,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $13,466,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (5) $31,942,000 shall be available to carry out subtitle E of the 1990 Act; and (6) $3,992,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That, with respect to amounts provided under this heading for State Service Commissions, section 126 of the 1990 Act shall be applied by substituting ''$200,000'' for ''$250,000'' each place that it appears.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the 1990 Act, $212,198,000, to remain available until expended: Provided, That CNCS may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $83,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $4,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2012, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (referred to in this Act as ''CPB''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2014, $445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,250,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,637,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $232,393,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $6,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,264,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $278,833,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISION

SEC. 405. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,436,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,689,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $51,000,000, which shall include amounts becoming available in fiscal year 2012 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2013, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $108,855,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,170,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $37,582,991,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $8,000,000 shall be available for research and demonstrations under sections 1110 and 1144 of the Social Security Act and remain available through September 30, 2013.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2013, $18,200,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $10,555,494,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: Provided, That not less than $2,150,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2012 not needed for fiscal year 2012 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $274,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $161,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2012 exceed $161,000,000, the amounts shall be available in fiscal year 2013 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,942,000, together with not to exceed $73,535,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

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. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and Expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and Expenses''.

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. 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.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 515. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds 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 or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) 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 in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction 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 Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 516. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 517. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2012 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2012 budget request.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2012, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. 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 3 years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 520. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 521. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

(RESCISSION)

SEC. 522. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, $6,367,964,000 are hereby rescinded.

SEC. 523. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(RESCISSION)

SEC. 524. Of the funds made available under section 1322 of Public Law 111–148, $400,000,000 are rescinded.

(RESCISSION)

SEC. 525. Of the funds made available for fiscal year 2012 under section 3403 of Public Law 111–148, $10,000,000 are rescinded.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 527. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.189 percent of—

(1) the budget authority provided for fiscal year 2012 for any discretionary account of this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2012 for any discretionary account in prior Acts making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in this Act or the accompanying statement of managers).

(c) EXCEPTION.—This section shall not apply to discretionary authority appropriated for the Federal Pell Grants program under the heading ''Department of Education, Student Financial Assistance''.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012''.

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $174,840.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $175,763,738, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,361,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $705,466.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,201,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,281,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $14,863,573.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,619,195 for each such committee; in all, $3,238,390.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $797,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,653,905 for each such committee; in all, $3,307,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $405,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, $24,194,115.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $73,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,722,388.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $42,684,460.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,995,300.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,449,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $131,305,860, of which $26,650,000 shall be available until September 30, 2014.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $487,822.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate $5,816,344 of which $4,200,000 shall remain available until September 30, 2016.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $130,722,080, which shall remain available until September 30, 2016.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,360,000, which shall remain available until September 30, 2014.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $396,180,000 of which $18,921,206 shall remain available until September 30, 2014.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $281,436.

ADMINISTRATIVE PROVISION

PAYMENT OF CERTAIN EXPENSES

SEC. 1. (a) IN GENERAL.—Subject to the approval of the Committee on Appropriations of the Senate, if in any fiscal year amounts in any appropriations account under the heading ''SENATE'' under the heading ''LEGISLATIVE BRANCH'' are available for more than 1 fiscal year, the Secretary of the Senate may establish procedures for the payment of expenses with respect to that account from any amounts available for that fiscal year.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,225,680,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $23,275,773, including: Office of the Speaker, $6,942,770, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,277,595, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,432,812, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,971,050, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,524,951, including $5,000 for official expenses of the Minority Whip; Republican Conference, $1,572,788; Democratic Caucus, $1,553,807. In addition to the amounts made available above, for salaries and expenses under this heading, to be available during the period beginning September 30, 2012, and ending December 31, 2013; $5,818,948, including: Office of the Speaker, $1,735,694, including $6,250 for official expenses of the Speaker; Office of the Majority Floor Leader, $569,399, including $2,500 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,858,205, including $2,500 for official

expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $492,763, including $1,250 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $381,238, including $1,250 for official expenses of the Minority Whip; Republican Conference, $393,197; Democratic Caucus, $388,452.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $573,939,282.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $125,964,870: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $26,665,785, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

SALARIES, OFFICERS AND EMPLOYEES

For salaries and expenses of officers and employees, as authorized by law, $177,628,400, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $26,114,400, of which $2,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $12,585,000 of which $4,445,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $116,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $347,000; and for salaries and expenses of the Historian, $170,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $292,386,942, including: supplies, materials, administrative costs and Federal tort claims, $3,696,118; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $264,848,219; Business Continuity and Disaster Recovery, $17,112,072, of which $5,000,000 shall remain available until expended; transition activities for new members and staff, $1,721,533; Wounded Warrior Program $2,500,000, to remain available until expended; Office of Congressional Ethics, $1,548,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2012. Any amount remaining after all payments are made under such allowances for fiscal year 2012 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

REPUBLICAN POLICY COMMITTEE

SEC. 102. (a) Section 109(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 74a–13(a)) is amended by striking ''the chair of the Republican Conference'' and inserting the following: ''the Speaker of the House of Representatives (or, if the Speaker is not a member of the Republican Party, the Minority Leader of the House of Representatives)''.

(b) Section 109(b) of such Act (2 U.S.C. 74a–13(b)) is amended by striking the period at the end and inserting the following: '', and which shall be obligated and expended as directed by the Speaker (or, if the Speaker is not a member of the Republican party, the Minority Leader).''.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

AUTHORITY OF SPEAKER AND MINORITY LEADER TO ALLOCATE FUNDS AMONG CERTAIN HOUSE LEADERSHIP OFFICES

SEC. 103. (a) AUTHORITY OF SPEAKER.—

(1) AUTHORITY DESCRIBED.—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Speaker of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) OFFICES AND AUTHORITIES DESCRIBED.—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Speaker.

(B) The Speaker's Office for Legislative Floor Activities.

(C) The Republican Steering Committee (if the Speaker is a member of the Republican party) or the Democratic Steering and Policy Committee (if the Speaker is a member of the Democratic party).

(D) The Republican Policy Committee (if the Speaker is a member of the Republican party).

(E) Training and program development—majority (as described under the heading ''House leadership offices'' in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(F) Cloakroom personnel—majority (as so described).

(b) AUTHORITY OF MINORITY LEADER.—

(1) AUTHORITY DESCRIBED.—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Minority Leader of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) OFFICES AND AUTHORITIES DESCRIBED.—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Minority Leader.

(B) The Democratic Steering and Policy Committee (if the Minority Leader is a member of the Democratic party) or the Republican Steering Committee (if the Minority Leader is a member of the Republican party).

(C) The Republican Policy Committee (if the Minority Leader is a member of the Republican party).

(D) Training and program development—minority (as described under the heading ''House leadership offices'' in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(E) Cloakroom personnel—minority (as so described).

(F) Nine minority employees (as so described).

(c) EFFECTIVE DATE.—This section shall apply with respect to any months occurring during the One Hundred Twelfth Congress that begin after the date of the enactment of this Act, and to any succeeding Congress.

REPUBLICAN CONFERENCE AND THE DEMOCRATIC STEERING AND POLICY COMMITTEE

SEC. 104. (a) Section 103(b) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 74a–8(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Subject to the allocation described in subsection (c), funds'' and inserting ''Funds'';

(2) in paragraph (1), by striking ''direct;'' and inserting the following: ''direct (or, if the Speaker is not a member of the Republican Party, under such terms and conditions as the Minority Leader of the House of Representatives may direct);''; and

(3) in paragraph (2), by striking ''direct.'' and inserting the following: ''direct (or, if the Speaker is a member of the Democratic Party, under such terms and conditions as the Speaker may direct).''.

(b) Section 103 of such Act (2 U.S.C. 74a–8(c)) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

TRANSFER OF HOUSE EMERGENCY PLANNING, PREPAREDNESS, AND OPERATIONS FUNCTIONS TO SERGEANT AT ARMS

SEC. 105. Effective February 1, 2010—

(1) section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed; and

(2) the functions and responsibilities of the Office of Emergency Planning, Preparedness and Operations under section 905 of such Act are transferred and assigned to the Sergeant at Arms of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2013

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States,

January 20, 2013, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2013, $1,237,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2013. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2012: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2013 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,004,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,427,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,400,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,363,000, to be disbursed by the Secretary of the Senate.

ADMINISTRATIVE PROVISION

SEC. 1001. (a) IN GENERAL.—Section 102(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(a)) is amended—

(1) in paragraph (1), by inserting '', *except as provided under subsection (b)(3)'' after ''means an individual''; and*

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

''(2) EMPLOYEE OF THE SENATE.—The term 'employee of the Senate'—

''(A) has the meaning given the term under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301); and

''(B) includes any employee of the Office of Congressional Accessibility Services whose pay is disbursed by the Secretary of the Senate.

''(3) EMPLOYING OFFICE.—The term 'employing office'—

''(A) means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate; and

''(B) includes the Office of Congressional Accessibility Services with respect to employees of that office whose pay is disbursed by the Secretary of the Senate.''.

(b) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Section 102(b) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by adding at the end the following:

''(3) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Notwithstanding section 5379 of title 5, United States Code, an employee of the Office of Congressional Accessibility Services may not participate in the student loan repayment program through an agreement under that section and participate in the student loan repayment program through a service agreement under this section at the same time.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to service agreements entered into under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or section 5379 of title 5, United States Code, on or after that date.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $277,133,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $63,004,000, of which $2,400,000 shall remain available until September 30, 2014, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2012 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1101. Amounts appropriated for fiscal year 2012 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

WAIVER BY CHIEF OF CAPITOL POLICE OF CLAIMS ARISING OUT OF ERRONEOUS PAYMENTS TO OFFICERS AND EMPLOYEES

SEC. 1102. (a) WAIVER OF CLAIM.—Subject to the joint approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief of the United States Capitol Police may waive in whole or in part a claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, to an officer, member, or employee of the United States Capitol Police, if the collection of the claim would be against equity and good conscience and not in the best interests of the United States.

(b) INVESTIGATION OF APPLICATION; REPORT.—The Chief shall investigate each application for the waiver of a claim under subsection (a) and shall submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, except that if the aggregate amount of the claim involved exceeds $1,500, the Comptroller General may also investigate the application and submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate.

(c) PROHIBITION OF WAIVER UNDER CERTAIN CIRCUMSTANCES.—The Chief may not exercise the authority to waive a claim under subsection (a) if—

(1) in the Chief's opinion, there exists in connection with the claim an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer, member, or employee involved or of any other person having an interest in obtaining a waiver of the claim; or

(2) the Chief receives the application for the waiver after the expiration of the 3-year period that begins on the date on which the erroneous payment of pay or allowances was discovered.

(d) CREDIT FOR WAIVER.—In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under subsection (a).

(e) EFFECT OF WAIVER.—An erroneous payment, the collection of which is waived under subsection (a), is deemed a valid payment for all purposes.

(f) CONSTRUCTION WITH OTHER LAWS.—This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(g) RULES AND REGULATIONS.—Subject to the approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief shall promulgate rules and regulations to carry out this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to payments of pay and allowances made at any time after the Chief became the disbursing officer for the United States Capitol Police pursuant to section 1018(a) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(a)).

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,817,000, of which $700,000 shall remain available until September 30, 2013: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $43,787,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $101,340,000, of which

$3,749,000 shall remain available until September 30, 2016.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $36,154,000, of which $11,063,000 shall remain available until September 30, 2016.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,852,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $71,128,000, of which $13,128,000 shall remain available until September 30, 2016.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $94,154,000, of which $45,631,000 shall remain available until September 30, 2016.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $30,000,000, shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $123,229,000, of which $37,617,000 shall remain available until September 30, 2016: Provided, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2012.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $46,876,000, of which $21,116,000 shall remain available until September 30, 2016.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $21,500,000, of which $3,473,000 shall remain available until September 30, 2016.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $12,000,000: Provided, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $21,276,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

USE OF CONSTRUCTION PROJECT FUNDS TO REIMBURSE CAPITOL POLICE FOR RELATED OVERTIME COSTS

SEC. 1201. (a) PAYMENT OF OVERTIME COSTS.—The Architect of the Capitol shall transfer amounts made available for construction projects during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for overtime costs incurred in connection with such projects.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

TRANSFER TO ARCHITECT OF THE CAPITOL

SEC. 1202. (a) TRANSFER.—To the extent that the Director of the National Park Service has jurisdiction and control over any portion of the area described in subsection (b) and any monument or other facility which is located within such area, such jurisdiction and control is hereby transferred to the Architect of the Capitol as of the date of the enactment of this Act.

(b) AREA DESCRIBED.—The area described in this subsection is the property which is bounded on the north by Pennsylvania Avenue Northwest, on the east by First Street Northwest and First Street Southwest, on the south by Maryland Avenue Southwest, and on the west by Third Street Southwest and Third Street Northwest.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $420,093,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2012, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2012 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $6,959,000 shall remain available until expended for the digital collections and educational curricula program.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $51,650,000, of which not more than $28,029,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2012 under section 708(d) of title 17, United States Code: Provided, That not more than $2,000,000 shall be derived from prior year available unobligated balances: Provided further, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,484,000 shall be derived from collections during fiscal year 2012 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections and prior year available unobligated balances are less than $35,513,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $106,790,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,674,000: Provided, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1301. (a) IN GENERAL.—For fiscal year 2012, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $169,725,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2012, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the

subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1302. (a) IN GENERAL.—Amounts appropriated for fiscal year 2012 for the Library of Congress may be transferred during fiscal year 2012 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2012 may be transferred from that account by all transfers made under subsection (a).

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1303. (a) IN GENERAL.—Available balances of expired Library of Congress appropriations shall be available to the Library of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2012 and each fiscal year thereafter.

PERMITTING USE OF PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1304. (a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) USE OF PROCEEDS.—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,700,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $35,000,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating congressional serial sets and other related publications for fiscal years 2010 and 2011 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $500,000 for information technology development: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with 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 programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $511,296,000: Provided, That, in addition, $22,304,000 of payments received under sections 782, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1401. (a) Section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) is amended—

(1) by striking subsection (d); and

(2) in subsection (f)(2)(A), by striking ''United States Code'' and inserting ''United States Code, but excluding the Government Accountability Office''.

(b) Section 3521(1) of title 5, United States Code, is amended by striking ''section 105'' and inserting ''section 105 (other than the Government Accountability Office)''.

(c) The amendments made by this section shall apply with respect to voluntary separation incentive payments made during fiscal year 2012 or any succeeding fiscal year.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $10,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2012 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under 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 under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. 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.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

SEC. 211. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

SEC. 212. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

This division may be cited as the ''Legislative Branch Appropriations Act, 2012''.

DIVISON H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,006,491,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $229,741,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,112,823,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $84,362,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,227,058,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $81,913,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,431,957,000, to remain available until September 30, 2016: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $430,602,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, $24,118,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: Provided further, That the Department of Defense shall not award a design contract to exceed the 20 percent design level for the Landstuhl Regional Medical Center in Germany until the Secretary of Defense: (1) provides the Committees on Appropriations of the House of Representatives and the Senate a plan for implementing the recommendations of the Government Accountability Office with respect to the plans, baseline data, and estimated cost of the facility; and (2) certifies in writing to the Committees that the facility is properly sized and scoped to meet current and projected healthcare requirements.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $773,592,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $20,671,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $116,246,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $12,225,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $280,549,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed

$28,924,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $26,299,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,591,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,620,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,200,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $247,611,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $176,897,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $493,458,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $100,972,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $367,863,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $60,042,000, to remain available until September 30, 2016.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $429,523,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,723,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,184,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $1,284,000, to remain available until expended: Provided, That the Secretary of Defense shall not issue any regulation or otherwise take any action to limit the submission prior to September 30, 2012, of applications for benefits, including permanent change of station benefits, as provided under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $323,543,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $258,776,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

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

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

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

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 126. (a) Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than 1 year after the completion of chemical demilitarization activities required under the Chemical Weapons Convention.

(b) The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 110–510; 10 U.S.C. 2687 note).

(c) Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot, totaling approximately 7,500 acres, as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

SEC. 127. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement

the Department of Defense Inspector General recommendations outlined in report number DODIG–2012–024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 128. None of the funds appropriated or otherwise made available by this title may be obligated or expended for a permanent United States Africa Command headquarters outside of the United States until the Secretary of Defense provides the congressional defense committees an analysis of all military construction costs associated with establishing a permanent location overseas versus in the United States.

SEC. 129. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 130. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

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

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

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

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 131. Of the unobligated balances available under the following headings from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), the following amounts are hereby rescinded: ''Military Construction, Army'', $100,000,000; ''Military Construction, Navy and Marine Corps'', $25,000,000; ''Military Construction, Air Force'', $32,000,000; and ''Military Construction, Defense-Wide'', $131,400,000.

(INCLUDING RESCISSION OF FUNDS)

SEC. 132. Of the unobligated balances available for ''Department of Defense Base Closure Account 2005'', from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $258,776,000 are hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $51,237,567,000, to remain available until expended: Provided, That not to exceed $32,187,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses, Veterans Benefits Administration'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $12,108,488,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $100,252,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2012, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,698,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,019,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $343,000, which may be paid to the appropriation for ''General operating expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,116,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note) $41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,746,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,441,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $581,000,000, plus reimbursements, shall remain available until September 30, 2013.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities

under the jurisdiction of the National Cemetery Administration, $250,934,000, of which not to exceed $25,100,000 shall remain available until September 30, 2013: Provided, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions until the National Cemetery Administration submits to the Committees on Appropriations of both Houses of Congress a detailed strategy to serve the burial needs of veterans residing in rural and highly rural areas: Provided further, That the report shall include a timeline for implementation of such strategy and cost estimates of establishing new burial sites in at least five rural or highly rural locations.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $416,737,000, of which not to exceed $20,837,000 shall remain available until September 30, 2013: Provided, That funds provided under this heading may be transferred to ''General operating expenses, Veterans Benefits Administration''.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,018,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $105,000,000 shall remain available until September 30, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,111,376,000, plus reimbursements: Provided, That $915,000,000 shall be for pay and associated costs, of which not to exceed $25,000,000 shall remain available until September 30, 2013: Provided further, That $1,616,018,000 shall be for operations and maintenance, of which not to exceed $110,000,000 shall remain available until September 30, 2013: Provided further, That $580,358,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2013: Provided further, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the Joint Explanatory Statement of the Committee of Conference.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $112,391,000, of which $6,000,000 shall remain available until September 30, 2013.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $589,604,000, to remain available until expended, of which $5,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2012, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2012; and (2) by the awarding of a construction contract by September 30, 2013: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $482,386,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2012 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: Provided, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount

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

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

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

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

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2012, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General operating expenses, Veterans Benefits Administration'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2012 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2012 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses, Veterans Benefits Administration'', ''General administration'', and ''National Cemetery Administration'' accounts for fiscal year 2012, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the ''Information technology systems'' account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under

the ''Medical facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2012 for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', up to $241,666,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Of the amounts available in this title for ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'', a minimum of $15,000,000, shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 227. (a) Of the funds appropriated in title X of division B of Public Law 112–10, the following amounts which became available on October 1, 2011, are hereby rescinded from the following accounts in the amounts specified:

(1) ''Department of Veterans Affairs, Medical services'', $1,400,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $100,000,000.

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

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2013:

(1) ''Department of Veterans Affairs, Medical services'', $1,400,000,000.

(2) ''Department of Veterans Affairs, Medical support and compliance'', $100,000,000.

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

SEC. 228. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 229. The scope of work for a project included in ''Construction, major projects'' may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 230. (a) EXCEPTION WITH RESPECT TO CONFIDENTIAL NATURE OF CLAIMS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l) Under regulations the Secretary shall prescribe, the Secretary may disclose information about a veteran or the dependent of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.''.

(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(G) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.''.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000. The first report shall be submitted no later than April 15, 2012.

SEC. 232. None of the funds made available by this Act may be used to declare as excess to the needs of the Department of Veterans Affairs or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the St. Albans campus, consisting of approximately 55 acres of land, with borders near Linden Boulevard on the northwest, 115th Avenue on the west, the Long Island Railroad on the northeast, and Baisley Boulevard on the southeast.

SEC. 233. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 234. Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $61,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,770,000: Provided, That $2,726,323 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $45,800,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease of Department of Defense Real Property for Defense Agencies'' account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $67,700,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the ''Armed Forces Retirement Home'', $14,630,000, to remain available until expended, for expenses necessary to mitigate structural damage sustained to buildings on the Armed Forces Retirement Home—Washington, District of Columbia, campus as a result of the August 2011 earthquake.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $80,000,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $189,703,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in title IV, division E of Public Law 111–117, $269,703,000 are hereby rescinded: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

GENERAL PROVISIONS

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

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

SEC. 503. Such sums as may be necessary for fiscal year 2012 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E–Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 507. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains confidential or proprietary information.

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

SEC. 510. (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. 511. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

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

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

(2) is—

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

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

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

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

SEC. 514. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, or to make a grant to, any corporation that was 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 and made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the ''Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012''.

DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,550,947,000, of which up to $1,355,000,000 is for Worldwide Security Protection (to remain available until expended): Provided, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,277,862,000, to remain available until September 30, 2013, of which not less than $121,814,000 shall be available only for public diplomacy American salaries, and up to $203,800,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,109,293,000, to remain available until September 30, 2013, of which not less than $347,572,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $822,513,000, to remain available until September 30, 2013.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,341,279,000, to remain available until September 30, 2013, of which up to $1,151,200,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act;

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized; and

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the amount made available under this heading, up to $6,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Department of State, Administration of Foreign Affairs, Capital Investment Fund'': Provided, That the transfer authority of this subparagraph is in addition to any other transfer authority available to the Secretary of State.

(E)(i) The headings ''Civilian Stabilization Initiative'' in titles I and II of prior acts making appropriations for the Department of State, foreign operations, and related programs shall be renamed ''Conflict Stabilization Operations''.

(ii) Of the funds appropriated under this heading, up to $35,000,000, to remain available until expended, may be transferred to, and merged with, funds previously made available under the heading ''Conflict Stabilization Operations'' in title I of prior acts making appropriations for the Department of State, foreign operations and related programs, as amended by subparagraph (i).

(F) None of the funds appropriated under this heading may be used for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $59,380,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $583,200,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $27,000,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $762,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $775,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,300,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,447,000, as authorized, of which $710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to ''Diplomatic and Consular Programs'': 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.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,449,700,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, on any credits available to the United States from the United Nations Tax Equalization Fund (TEF) and provide updated fiscal year 2013 assessment costs including offsets from available TEF credits and updated foreign currency exchange rates: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,828,182,000, of which 15 percent shall remain available until September 30, 2013: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has taken necessary measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts, and to make information about such cases publicly available in the country where an alleged crime occurs and on the United Nations' Web site; and (3) pursuant to section 7015 of this Act, and the procedures therein followed, setting forth the source of funds that will be used to pay the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that such troops have not violated human rights: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation: Provided further, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United States assessed contributions up to the amount specified in Annex IV accompanying United Nations General Assembly Resolution 64/220: Provided further, That such funds may be made available above the amount authorized in section 404(b)(2)(B) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 287e note) only if the Secretary of State determines and reports to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate that it is important to the national interest of the United States: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, of any credits available to the United States resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $44,722,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $31,453,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,687,000: Provided, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $36,300,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $740,100,000: Provided, That funds appropriated under this heading shall be made available to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: Provided further, That the circumvention technologies and programs supported by such funds shall undergo a review, to include an assessment of protections against such technologies being used for illicit purposes: Provided further, That the BBG shall coordinate the development and use of such technologies with the Secretary of State, as appropriate: Provided further, That of the total amount appropriated under this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: Provided further, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, $7,030,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $30,589,000, to remain available until September 30, 2013, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $117,764,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $17,764,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $634,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until September 30, 2013: Provided, That section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting ''September 30, 2012'' for ''September 30, 2011'': Provided further, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code: Provided further, That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives: Provided further, That for the purposes of employment rights, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code and the Commission shall be treated as a congressional employing office.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,715,000, to remain available until September 30, 2013.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911–6919), $1,996,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,493,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2013: Provided, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,092,300,000, to remain available until September 30, 2013, of which not less than $25,000,000 should be for costs associated with procurement reform: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading during fiscal year 2013 may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new or reorganized USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: Provided further, That any reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the joint explanatory statement accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $129,700,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $46,500,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,625,000,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,542,860,000, to remain available until September 30, 2016, which shall be apportioned directly to the Department of State: Provided, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That the amount of such contribution should be $1,050,000,000: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,519,950,000, to remain available until September 30, 2013: Provided, That relevant bureaus and offices of the

United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: Provided further, That of the funds appropriated under this heading, not less than $23,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than $10,000,000 shall be made available for USAID cooperative development programs within the Office of Private and Voluntary Cooperation.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $825,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,141,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $10,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961, as amended by this Act: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed $300,000,000: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $750,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,300,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: Provided, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,001,745,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, $250,000,000 shall be available for assistance for Egypt, including not less than $35,000,000 for education programs of which not less than $10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need, and to implement section 7041(a)(3) and (b) of this Act: Provided further, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: Provided further, That of the funds appropriated under this heading, not less than $360,000,000 shall be available for assistance for Jordan: Provided further, That up to $30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: Provided further, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to a country: Provided further, That of the funds appropriated under this heading, not less than $179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $7,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: Provided further, That in consultation with the Secretary of the Treasury, the Secretary of State may transfer up to $200,000,000 of the funds made available under this heading to funds appropriated in this Act under the headings ''Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions'' for additional payments to such institutions, facilities, and funds enumerated under such headings: Provided further, That prior to exercising the transfer authority under the previous proviso the Secretary of State shall consult with the Committees on Appropriations.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $114,770,000, to remain available until September 30, 2013, of which $68,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $46,770,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,639,100,000, to remain available until expended, of which $20,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $27,200,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $375,000,000, of which $5,150,000 is for the Office of Inspector General, to remain available until September 30, 2013: Provided, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $898,200,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: Provided further, That section 605(e) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That notwithstanding section 606(a)(2) of the Millennium Challenge Act of 2003, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That notwithstanding section 606(b)(1) of the Millennium Challenge Act of 2003, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That any Millennium Challenge Corporation candidate country under section 606 of the Millennium Challenge Act of 2003 with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the two subsequent fiscal years: Provided further, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2013: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,448,000, to remain available until September 30, 2014, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $12,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,061,100,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that such funds are in the national security interest of the United States: Provided further, That, notwithstanding any other provision of law, of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): Provided further, That the reporting requirements contained in section 1404 of Public Law 110–252 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority: Provided further, That the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law, shall be provided in accordance with the provisions of sections 481(b) and 622(c) of the Foreign Assistance Act of 1961.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $590,113,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: Provided further, That of the funds made available under this heading, not to exceed $30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral

and multilateral activities relating to nonproliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $302,818,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That of the funds appropriated under this heading, up to $91,818,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: Provided further, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,788,000, of which up to $4,000,000 may remain available until September 30, 2013, and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That the Secretary of State shall provide to the Committees on Appropriations, not later than 45 days after enactment of this Act, a report on the proposed uses of all program funds under this heading on a country-by-country basis, including a detailed description of proposed activities: Provided further, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,210,000,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than $3,075,000,000 shall be available for grants only for Israel, and $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York: Provided further, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: Provided further, That, not later than 90 days after enactment of this Act and 6 months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations detailing any crowd control items, including tear gas, made available with appropriated funds or through export licenses to foreign security forces that the Secretary of State has credible information have repeatedly used excessive force to repress peaceful, lawful, and organized dissent: Provided further, That the Secretary of State should consult with the Committees on Appropriations prior to obligating funds for such items to governments of countries undergoing democratic transition in the Middle East and North Africa: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: Provided further, That not more than $836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $348,705,000, of which up to $10,000,000 may be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $89,820,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,325,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $167,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, $117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,928,990,899.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for

the Clean Technology Fund by the Secretary of the Treasury, $184,630,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $49,900,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $135,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $75,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $172,500,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed $1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance 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 may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2012: Provided further, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103–428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through May 31, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: 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 such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $89,900,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: Provided further, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: Provided further, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2012 in excess of obligations, up to $50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $54,990,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $25,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: 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 such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: Provided further, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal

year 2014 remain available for disbursement through 2022: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2012 or any previous fiscal year: Provided, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of 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.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking ''providing new,'' and inserting in its place ''providing, maintaining, repairing, and renovating''.

(f)(1) None of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'' in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design or construction of the New London Embassy.

(2) Within 60 days of enactment of this Act and every 6 months thereafter until completion of the New London Embassy, the Secretary of State shall submit to the Committees on Appropriations a report on the project: Provided, That such report shall include revenue and cost projections, cost containment efforts, project schedule and actual project status, the impact of currency exchange rate fluctuations on project revenue and costs, and options for modifying the scope of the project in the event that proceeds of real property sales in London fall below the total cost of the project.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I 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 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: Provided further, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations and other relevant congressional committees.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of 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.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of 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.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of 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.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this

Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: Provided, That such audits shall be transmitted to the Committees on Appropriations: Provided further, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', and ''Pakistan Counterinsurgency Capability Fund'': Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That the Secretary of State shall provide a report to the Committees on Appropriations at the beginning of each fiscal year, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2012 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2013 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(h) REPORT.—The Secretary of State shall submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act detailing steps taken by the Department of State to comply with the requirements provided in subsections (a) and (f).

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: Provided, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments 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 or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds 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) closes or opens a mission or post;

(6) creates, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or

(8) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds: Provided, That unless previously justified to the Committees on Appropriations, the requirements of this subsection shall apply to all obligations of funds appropriated under title I of this Act for items (5) and (6) above.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of 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 agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 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, 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 Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Conflict Stabilization Operations'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Pakistan Counterinsurgency Capability Fund'', and ''Peace Corps'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the Russian Federation, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961 or section 7049(a) of this Act, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds

appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as:

(1) justified to the Congress; or

(2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: Provided further, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For the purposes of this Act ''international financial institutions'' shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) Funds appropriated by this Act may be made available for direct Government-to-Government assistance only if—

(A) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed; and

(i) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(ii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iii) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes; and

(iv) no level of acceptable fraud is assumed.

(B) the Government of the United States and the government of the recipient country have agreed, in writing—

(i) on clear and achievable objectives for the use of such assistance; and

(ii) that such assistance should be made on a cost-reimbursable basis.

(2) In addition to the requirements in subsection (a), no funds may be made available for such assistance without prior consultation with, and notification to, the Committees on Appropriations: Provided, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): Provided further, That the requirements of this paragraph shall only apply to direct Government-to-Government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) The USAID Administrator or the Secretary of State, as appropriate, shall suspend any such assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary determines and reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance.

(4) Not later than 90 days after the enactment of this Act and 6 months thereafter, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in subsection (a) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a cost-reimbursable basis.

(5) The USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2013 congressional budget justification materials, amounts planned for assistance described in subsection (a) by country, proposed funding amount, source of funds, and type of assistance.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: Provided, That the Secretary of State shall develop ''minimum standards of fiscal transparency'' to be updated and strengthened, as appropriate, to reflect best practices: Provided further, That the Secretary shall make an annual determination of ''progress'' or ''no progress'' for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available in an annual ''Fiscal Transparency Report''.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For purposes of paragraph (1), ''minimum standards of fiscal transparency'' shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interest of the United States: Provided, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short- and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to

support civil society organizations in such countries that promote budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(c) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: Provided, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

MULTI-YEAR COMMITMENTS

SEC. 7033. None of the funds appropriated by this Act may be used to make a future year funding pledge for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(c) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development (USAID), from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(d) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(e) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508).

(f) CONTINGENCIES.—During fiscal year 2012, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations, and other relevant congressional committees, not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: Provided, That reports are considered ''substantially duplicative'' if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: Provided further, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(h) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Funds appropriated under the heading ''Economic Support Fund'' shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication as identified in the Department of State's Internet freedom strategy: Provided, That funds made available by this paragraph should be matched by sources other than the United States Government, as appropriate: Provided further, That the Secretary of State shall coordinate the development and uses of circumvention and secure communications technologies with the Administrator of the United States Agency for

International Development and the Broadcasting Board of Governors, as appropriate: Provided further, That the circumvention technologies and programs supported by funds made available by this Act, shall undergo a review, to include an assessment of the protection against such technologies being used for illicit purposes.

(5) Funds appropriated by this Act that are made available to promote democracy and human rights shall also be made available to support freedom of religion, especially in the Middle East and North Africa.

(i) PARTNER VETTING.—Funds appropriated in this Act or any prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be used by the Secretary of State and the Administrator of the United States Agency for International Development (USAID), as appropriate, to support the development and implementation of a Partner Vetting System (PVS) pilot program: Provided, That such pilot program shall be implemented not later than September 30, 2012: Provided further, That the Secretary of State and the USAID Administrator shall jointly submit a report to the Committees on Appropriations not later than 30 days after completion of the pilot program on the estimated timeline and criteria for evaluating the PVS for expansion.

(j) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): Provided, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: Provided further, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: Provided further, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(k) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking ''evidence'' and inserting ''information'' and by striking ''gross violations'' and inserting ''a gross violation'';

(3) in subsection (b), by striking ''measures'' and inserting ''steps''; and

(4) by adding the following subsection:

''(d) CREDIBLE INFORMATION.—The Secretary shall establish, and periodically update, procedures to—

''(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

''(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

''(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

''(4) ensure that such information is evaluated and preserved;

''(5) ensure that when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;

''(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

''(7) make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished pursuant to subsection (a).''

(l) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(m) EXTENSION OF AUTHORITIES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting ''September 30, 2012'' for ''September 30, 2010''.

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, 2012.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in paragraph (2).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in paragraph (2).

(6) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting ''September 30, 2012'' for ''October 1, 2010'' in subparagraph (B).

(7) The authority contained in section 1603(a)(2) of Public Law 109–234, as amended, shall remain in effect through September 30, 2012.

(8) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, 2012: Provided, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(n) REPORTS REPEALED.—Section 133(d) of Public Law 87–195; section 807 of Public Law 98–164; section 704(c) of Public Law 101–179; section 104 of Public Law 102–511; section 560(g) of Public Law 103–87; section 514(a) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; sections 694(a), 694(b), 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(o) GOVERNMENT EXPENDITURES.—Funds appropriated under title III and under the heading ''International Narcotics Control and Law Enforcement'' in this Act should not be made available for assistance for any government for programs or activities in fiscal year 2013 if the Secretary of State or the Administrator of the United States Agency for International Development has credible information that such government is reducing its own expenditures for such programs or activities as a result of the assistance provided and for reasons that are inconsistent with the purposes of such assistance.

(p) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated under title III of this Act for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: Provided, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

(q) REDESIGNATIONS.—

(1) The position of Advisor established pursuant to section 699B of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Advisor shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Advisor enumerated in section 699B(b) shall remain in full force and effect.

(2) The position of Coordinator established pursuant to section 664 of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Coordinator shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Coordinator enumerated in the first sentence of section 664(c) shall remain in full force and effect: Provided further, That the limitation in the second sentence of such section shall hereafter no longer apply to the Coordinator.

(r) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1)In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2011'' and inserting ''2011, and 2012''; and

(B) in subsection (e), by striking ''June 1, 2011'' each place it appears and inserting ''October 1, 2012''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2011'' and inserting ''2012''.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of

terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance for the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7041. (a) EGYPT.—

(1)(A) None of the funds appropriated under titles III and IV of this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) Prior to the obligation of funds appropriated by this Act under the heading ''Foreign Military Financing Program'', the Secretary of State shall certify to the Committees on Appropriations that the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law.

(C) The Secretary of State may waive the requirements of paragraphs (A) and (B) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national security interest of the United States: Provided, That such determination and report shall include a detailed justification for such waiver.

(2) The Secretary of State shall consult with the Committees on Appropriations prior to the transfer of funds appropriated by this Act under the heading ''Foreign Military Financing Program'' to an interest-bearing account for Egypt.

(3) Funds appropriated under the heading ''Economic Support Fund'' in this Act and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprises with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: Provided, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: Provided further, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the joint explanatory statement accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): Provided further, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: Provided further, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt is implementing economic development policies consistent with the objectives of such initiative: Provided further, That funds made available for such initiative shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) ENTERPRISE FUNDS.—Up to $60,000,000 of funds appropriated under the heading ''Economic Support Fund'' in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to $20,000,000 of such funds that are available for assistance for Tunisia, and up to $60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, and Jordan, respectively: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b), (c), (d)(3), and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: Provided further, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: Provided further, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: Provided further, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: Provided further, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund's activities during the previous year: Provided further, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: Provided further, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading ''Export-Import Bank of the United States'' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the date in subsection (c)(1) shall be deemed to be ''September 30, 2012''.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the cost-matching and other requirements in the Department of State's April 9, 2009 ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated by this Act under titles III and VI for assistance for Iraq may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) Funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'' shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(5)(A) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in title VIII of this Act that are made available for security and provincial operations for the Department of State in Iraq, 15 percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing—

(i) an assessment of the security environment in Iraq with respect to facilities and personnel, and the anticipated impact of the withdrawal of United States Armed Forces in Iraq on such environment, on a facility-by-facility basis;

(ii) an assessment of the security requirements at each facility, and the estimated cost of sustaining such requirements over the next 3 fiscal years;

(iii) the types of military equipment to be used to meet the security requirements at each facility;

(iv) the number of United States Government personnel anticipated at each facility, a general description of the duties of such personnel, and the number and cost of contractors anticipated at each facility required for operational and other support; and

(v) a description of contingency plans, including evacuation, at each facility for United States Government personnel and contractors.

(B) The report required by this paragraph may be submitted in classified form, if necessary.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for the Lebanese Armed Forces (LAF) if the LAF is controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

(2) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State submits a detailed spend plan to the Committees on Appropriations, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2012: Provided further, That the Secretary of State shall regularly consult with the Committees on Appropriations on the activities of the LAF and assistance provided by the United States: Provided further, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the actions taken to ensure that equipment provided to the LAF is used for intended purposes.

(3) Funds appropriated by this Act under titles III and VI for assistance for Lebanon may be made available notwithstanding any other

provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(f) LIBYA.—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, up to $20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students and professionals: Provided, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis: Provided further, That none of the funds appropriated by this Act may be made available for assistance for Libya for infrastructure projects, except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Prior to the obligation of funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Morocco, the Secretary of State shall submit a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria, a portion of which should be programmed in consultation with governments in the region, as appropriate.

(i) YEMEN.—None of the funds appropriated by this Act may be made available for the Armed Forces of Yemen if such forces are controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

AFRICA

SEC. 7043. (a) CONFLICT MINERALS.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda or Uganda unless the Secretary of State has credible information that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect humanitarian relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations or to conduct operations against the Lord's Resistance Army.

(b) COUNTERTERRORISM PROGRAMS.—Of the funds appropriated by this Act, not less than $52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than $21,300,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated by this Act under the heading ''Global Health Programs'' for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings ''Economic Support Fund'' and ''Transition Initiatives'' to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on anti-retroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: Provided, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to the Committees on Appropriations on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations, counterterrorism operations along the border with Somalia, and for assistance to the Ethiopian Defense Command and Staff College.

(f) SUDAN LIMITATION ON ASSISTANCE.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(3) The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan/Nuba Mountains State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(g) SOUTH SUDAN.—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: Provided, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve resource management and ensure transparency and accountability of funds.

(h) UGANDA.—Funds appropriated by this Act should be made available for programs and activities in areas affected by the Lord's Resistance Army.

(i) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States:

Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(j) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7044. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the appropriate international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: Provided, That such funds shall be made available for programs along Burma's borders and for Burmese groups and organizations located outside Burma, and may be made available to support programs in Burma: Provided further, That in addition to assistance for Burmese refugees appropriated under the heading ''Migration and Refugee Assistance'' in this Act, funds shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in Senate Report 112–85.

(e) NORTH KOREA.—None of the funds made available by this Act under the heading ''Economic Support Fund'' may be made available for energy-related assistance for North Korea.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in Senate Report 112–85.

(h) VIETNAM.—Funds appropriated under the heading ''Economic Support Fund'' shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and funds under the heading ''Development Assistance'' shall be made available for related health/disability activities.

WESTERN HEMISPHERE

SEC. 7045. (a) COLOMBIA.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking, illegal armed groups, and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations: Provided further, That such aircraft may also be used to provide transport in support of alternative development programs and investigations by civilian judicial authorities: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, or other illegal armed group in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad or successor organizations: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That any complaints of harm to health or licit crops caused by aerial eradication shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims: Provided further, That funds may not be made available for aerial eradication unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) COLOMBIAN ARMED FORCES.—Of the funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, 25 percent may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a report to, the Committees on Appropriations that the Government of Colombia and Colombian Armed Forces are meeting the conditions that appear under this Section in the joint explanatory statement accompanying this Act: Provided, That the requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading ''International Narcotics Control and Law Enforcement'' in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State: Provided further, That not less than 30 days prior to making the certification the Secretary of State shall consult with Colombian and international human rights organizations.

(3) ILLEGAL ARMED GROUPS.—

(A) DENIAL OF VISAS.—Subject to paragraph (B), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible information—

(i) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or other illegal armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(ii) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of human rights in Colombia.

(B) WAIVER.—Paragraph (A) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis,

that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(b) GUATEMALA.—Funds appropriated by this Act under the headings ''International Military Education and Training'' (IMET) and ''Foreign Military Financing Program'' that are available for assistance for Guatemala may be made available only for the Guatemalan Air Force, Navy, and Army Corps of Engineers: Provided, That expanded IMET may be made available for assistance for the Guatemalan Army.

(c) HAITI.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) HONDURAS.—Prior to the obligation of 20 percent of the funds appropriated by this Act that are available for assistance for Honduran military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Honduras is implementing policies to protect freedom of expression and association, and due process of law; and is investigating and prosecuting in the civilian justice system, in accordance with Honduran and international law, military and police personnel who are credibly alleged to have violated human rights, and the Honduran military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(e) MEXICO.—Prior to the obligation of 15 percent of the funds appropriated by this Act that are available for assistance for Mexican military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Mexico is investigating and prosecuting in the civilian justice system, in accordance with Mexican and international law, military and police personnel who are credibly alleged to have violated human rights; is enforcing prohibitions on the use of testimony obtained through torture; and the Mexican military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(f) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

SOUTH ASIA

SEC. 7046. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies to the Committees on Appropriations that—

(A) The funds will be used to design and support programs in accordance with the June 2011 ''Administrator's Sustainability Guidance for USAID in Afghanistan''.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources;

(ii) taking credible steps to protect the human rights of Afghan women; and

(iii) taking significant steps to facilitate active public participation in governance and oversight.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(B) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7060 and 7061 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led organizations;

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: Provided, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism; and

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(C) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(D)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $50,000,000 shall be made available for rule of law programs: Provided, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: Provided further, That $250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(E) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(F) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the International Monetary Fund (IMF) country program for Afghanistan including actions requested by the IMF and taken by the Government of Afghanistan to address the Kabul Bank crisis and restore confidence in Afghanistan's banking sector.

(H) Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961.

(3) OVERSIGHT.—The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(b) NEPAL.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions of violations of human rights by civilian judicial authorities; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) CERTIFICATION.—

(A) None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'' for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

(i) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for

such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

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

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

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

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

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

(B) The Secretary of State may waive the requirements of paragraph (A) if to do so is in the national security interests of the United States.

(2) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(B) Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan should be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices, including calcium ammonium nitrate; to support programs to train border and customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan, $10,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(D) Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Pakistan may be made available for the Chief of Mission Fund, as authorized by section 101(c)(5) of Public Law 111–73.

(E) Funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(F) Funds appropriated by this Act under titles III and VI for assistance for Pakistan may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(3) REPORTS.—

(A)(i) The spend plan required by section 7078 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering development in Pakistan, countering extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: Provided, That such benchmarks may incorporate those required in title III of Public Law 111–73, as appropriate: Provided further, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in the spend plan.

(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by paragraph (A)(i) indicates that Pakistan is failing to make measurable progress in meeting these goals or benchmarks.

(B) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power.

(2) Paragraph (1) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (1), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (1)(D), (E), and (F) of this subsection.

(e) REGIONAL CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan and Pakistan may be provided notwithstanding any other provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7047. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7048. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7049. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading ''International Organizations and Programs'' in title V of this Act that are available for contributions to any United Nations agency or to the Organization of American States, 15 percent shall be withheld from obligation for such agency or organization if the Secretary of State determines and reports to the Committees on Appropriations that the agency or organization is not taking steps to—

(A) publish on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of the agency or organization, and provide the United States Government with necessary access to such financial and performance audits; and

(B) implement best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(2) The Secretary may waive the restriction in this subsection if the Secretary determines and reports that to do so is in the national interest of the United States.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restrictions in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—Funds appropriated by this Act may be made available for voluntary contributions or payment of United States assessments in support of the United Nations Human Rights Council if the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is in the national interest

of the United States: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2012, on the resolutions considered in the United Nations Human Rights Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151) under the heading ''Migration and Refugee Assistance'' in title XI shall apply to funds made available by this Act under such heading.

(e) UNITED NATIONS CAPITAL MASTER PLAN.—None of the funds made available in this Act for the United Nations Capital Master Plan may be used for the design, renovation, or construction of the United Nations Headquarters in New York in excess of the United States payment for the assessment agreed upon pursuant to paragraph 10 of United Nations General Assembly Resolution 61/251.

(f) REPORTING REQUIREMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriation detailing the amount of funds available for obligation or expenditure in fiscal year 2012 under the headings ''Contributions to International Organizations'' and ''International Organizations and Programs'' that are withheld from obligation or expenditure due to any provision of law: Provided, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: Provided further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7050. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7051. 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 of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: Provided, That the date ''September 30, 2009'' in subsection (f)(2)(B) shall be deemed to be ''September 30, 2011''.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7056. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by

the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 15 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL HEALTH MANAGEMENT.—

(1) Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations an analysis of short and long-term costs, to include potential cost savings or increases, associated with transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID: Provided, That such report shall also assess any programmatic advantages and disadvantages, including the ability to achieve results, of making such a transition.

(2)(A) Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following—

(i) the metrics developed to measure progress in meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics; and

(ii) the status of, and estimated completion date for, meeting each benchmark.

(B) Within 90 days of submitting the initial report required by subparagraph (A), and each 90 days thereafter until the GHI transition is completed, an update shall be provided to the Committees on Appropriations on the status of meeting each benchmark: Provided, That if as part of any such update it is determined that the QDDR target date of September 2012 will not be met, the Secretary of State, in consultation with the USAID Administrator, shall submit a detailed explanation of the delay and a revised target date for the transition to be completed.

(c) GLOBAL FUND REFORMS.—

(1) Of funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that—

(A) the Global Fund is maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(B) the Global Fund is providing sufficient resources to maintain an independent OIG that—

(i) reports directly to the Board of the Global Fund;

(ii) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(iii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents; and

(C) the Global Fund maintains an effective whistleblower policy to protect whistleblowers from retaliation, including confidential procedures for reporting possible misconduct or irregularities.

(2) The withholding required by this subsection shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2012 pursuant to the application of any other provision contained in this or any other Act.

(d) PANDEMIC RESPONSE.—If the President determines and reports to the Committees on Appropriations that a pandemic virus is efficient and sustained, severe, and is spreading internationally, funds made available under titles III, IV, and VIII in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat such virus: Provided, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7059. 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.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7060. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7061. (a) Funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for gender-based violence prevention and response efforts, and funds appropriated under the headings ''International Disaster Assistance'', ''Complex Crises Fund'', and ''Migration and Refugee Assistance'' should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons.

SECTOR ALLOCATIONS

SEC. 7062. (a) BASIC AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated by title III of this Act, not less than $800,000,000 shall be made available for assistance for basic education, of which not less than $288,000,000 should be made available under the heading ''Development Assistance''.

(B) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(C) Funds appropriated by title III of this Act for basic education may be made available for a contribution to the Global Partnership for Education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $200,000,000 shall be made available for assistance for higher education, of which $25,000,000 shall be to support such programs in Africa, including for partnerships between higher education institutions in Africa and the United States.

(b) DEVELOPMENT GRANTS PROGRAM.—Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of

Public Law 110–161), primarily for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: Provided, That funds made available under this subsection are in addition to other funds available for such purposes including funds designated by this Act by subsection (f).

(c) ENVIRONMENT PROGRAMS.—

(1) IN GENERAL.—Of the funds appropriated by this Act, not less than $1,250,000,000 should be made available for programs and activities to protect the environment.

(2) CLEAN ENERGY PROGRAMS.—The limitation in section 7081(b) of division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the proviso contained in such section shall not apply.

(3) ADAPTATION PROGRAMS.—Funds appropriated by this Act may be made available for United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities.

(4) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, and shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests: Provided, That funds that are available for the Central African Regional Program for the Environment and other tropical forest programs in the Congo Basin for the United States Fish and Wildlife Service (USFWS) shall be apportioned directly to the USFWS: Provided further, That funds made available for the Department of the Interior (DOI) for programs in the Guatemala Mayan Biosphere Reserve shall be apportioned directly to the DOI.

(5) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support environment programs.

(6) CONSULTATION.—Funds made available pursuant to this subsection are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(7) EXTRACTION OF NATURAL RESOURCES.—

(A) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of Public Law 110–246 and the Kimberley Process Certification Scheme, and providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(B)(i) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(I) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(II) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(III) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(ii) The requirements of subparagraph (i) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(8) CONTINUATION OF PRIOR LAW.—Section 7081(g)(2) and (4) of division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act.

(d) FOOD SECURITY AND AGRICULTURE DEVELOPMENT.—Of the funds appropriated by title III of this Act, $1,170,000,000 should be made available for food security and agriculture development programs, of which $31,500,000 shall be made available for Collaborative Research Support Programs: Provided, That such funds may be made available notwithstanding any other provision of law to address food shortages, and may be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) RECONCILIATION PROGRAMS.—(1) Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

(2) Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $10,000,000 should be made available for a ''New Generation in the Middle East'' initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.

(g) TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', and ''Assistance for Europe, Eurasia and Central Asia'' not less than $36,000,000 shall be made available for activities to combat trafficking in persons internationally.

(h) WATER.—Of the funds appropriated by this Act, not less than $315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(i) WOMEN'S LEADERSHIP CAPACITY.—Of the funds appropriated by title III of this Act, not less than $20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

(j) NOTIFICATION REQUIREMENTS.—Authorized deviations from funding levels contained in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

CENTRAL ASIA

SEC. 7063. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): Provided, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: Provided further, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: Provided further, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

REQUESTS FOR DOCUMENTS

SEC. 7064. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7065. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2012.

INTERNATIONAL PRISON CONDITIONS

SEC. 7066. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing—

(1) conditions in prisons and other detention facilities in at least 25 countries whose governments receive United States assistance and which the Secretary determines raise serious human rights or humanitarian concerns; and

(2) the extent to which such governments are taking steps to eliminate such conditions.

(b) For purposes of each determination made pursuant to subsection (a), the Secretary shall consider the criteria listed in section 7085(b)(1) through (10) of division F of Public Law 111–117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

PROHIBITION ON USE OF TORTURE

SEC. 7067. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act that are identified in the Department of State's most recent Country Reports on Human Rights Practices.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7069. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7070. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b)(1) Of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) The terms and conditions of sections 7086(b)(1) and (2) and 7090(a) of division F of Public Law 111–117 shall apply to this Act.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(c) The Secretary of the Treasury shall seek to ensure that the IMF is implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7072. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7073. None of the funds made available in this Act may be used for first-class travel by 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.

DISABILITY PROGRAMS

SEC. 7074. Funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, and shall also be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries: Provided, That of the funds made available by this section, up to 7 percent may be for management, oversight, and technical support.

ENTERPRISE FUNDS

SEC. 7075. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and no such funds may be available except through the regular notification procedures of the Committees on Appropriations.

CONSULAR AFFAIRS

SEC. 7076. (a) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers to include limited non-career appointment officers, in the People's Republic of China, Brazil, and India to reduce the wait time to interview visa applicants who have submitted applications.

(b) The Secretary of State shall conduct a risk and benefit analysis regarding the extension of the expiration period for B–1 or B–2 visas for visa applicants before requiring a consular officer interview and, unless such analysis finds that risks outweigh benefits, develop a plan to extend such expiration period in a manner consistent with maintaining security controls.

(c) The Secretary of State may develop and conduct a pilot program for the processing of B–1 and B–2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants: Provided, That any such pilot should be developed in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption: Provided further, That no pilot program should be conducted if the Secretary

determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

PROCUREMENT REFORM

SEC. 7077. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (USAID) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other acquisition instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the USAID Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: Provided, That the authority provided in this section may not be used to make awards in excess of $5,000,000 and shall not exceed more than 10 percent of the funds made available to USAID under this Act for assistance programs: Provided further, That such authority shall be available to support a pilot program with such funds: Provided further, That the USAID Administrator shall consult with the Committees on Appropriations and relevant congressional committees on the results of such pilot program.

(b) For the purposes of this section, local entity means an individual, a corporation, a nonprofit organization, or another body of persons that—

(1) is legally organized under the laws of;

(2) has as its principal place of business or operations in; and

(3) either is—

(A) majority owned by individuals who are citizens or lawful permanent residents of; or

(B) managed by a governing body the majority of whom are citizens or lawful permanent residents of;

a country receiving assistance from funds appropriated under title III of this Act.

(c) For purposes of this section, ''majority owned'' and ''managed by'' include, without limitation, beneficiary interests and the power, either directly or indirectly, whether exercised or exercisable, to control the election, appointment, or tenure of the organization's managers or a majority of the organization's governing body by any means.

OPERATING AND SPEND PLANS

SEC. 7078. (a) OPERATING PLANS.—Not later than 30 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan for the following—

(1) funds appropriated under the heading ''Democracy Fund'';

(2) funds made available in titles III and IV of this Act for assistance for Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and for the Central American Regional Security Initiative;

(3) funds made available for assistance for countries or programs and activities referenced in—

(A) section 7040;

(B) section 7041(a), (e), (f), and (i);

(C) section 7043(b);

(D) section 7046(a) and (c); and

(4) funds appropriated in title III for food security and agriculture development programs and for environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

RESCISSIONS

SEC. 7079. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $13,700,000 are rescinded, of which $8,000,000 shall be from funds for Worldwide Security Protection: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $400,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading ''Economic Support Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $100,000,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations at least 15 days prior to implementing the rescissions made in this section.

SPECIAL DEFENSE ACQUISITION FUND

(INCLUDING LIMITATION ON OBLIGATIONS)

SEC. 7080. (a) TRANSFER.—Of the funds made available pursuant to the last proviso in the second paragraph under the heading ''Foreign Military Financing Program'' in this Act, up to $100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

(b) LIMITATION ON OBLIGATIONS.—Not to exceed $100,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2015: Provided, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7081. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

''The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

"SEC. 70. CAPITAL STOCK INCREASES.

''(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

''(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

''(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

''(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

''(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, $9,780,361,991 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

''(A) $586,821,720 shall be for paid in shares of the Bank; and

''(B) $9,193,540,271 shall be for callable shares of the Bank.''.

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84–350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

''(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by $130,000,000.

''(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.''.

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 41. NINTH CAPITAL INCREASE.

''(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by $70,000,000,000 as described in Resolution AG–7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

''(b) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, $21,004,064,337 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $510,090,175 shall be for paid in shares of the Bank; and

''(B) $20,493,974,162 shall be for callable shares of the Bank.''.

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 1344. SIXTH CAPITAL INCREASE.

''(a) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,322,228,221 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $259,341,759 shall be for paid in shares of the Bank; and

''(B) $4,062,886,462 shall be for callable shares of the Bank.''.

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 290l et seq.), is further amended by adding at the end thereof the following new paragraph:

''(12) CAPITAL INCREASE.—

''(A) SUBSCRIPTION AUTHORIZED.—

''(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

''(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to $1,252,331,952 for payment by the Secretary of the Treasury.''.

REFORMS RELATED TO GENERAL CAPITAL INCREASES

SEC. 7082. (a) REFORMS.—Funds appropriated by this Act may not be disbursed for a United States contribution to the general capital increases of the International Bank for Reconstruction and Development (World Bank), the African Development Bank (AfDB), or the Inter-American Development Bank (IDB) until the Secretary of the Treasury reports to the Committees on Appropriations that such institution, as appropriate, is making substantial progress toward the following—

(1) implementing specific reform commitments agreed to by the World Bank and the AfDB as described in the Pittsburgh Leaders' Statement issued at the Pittsburgh G20 Summit in September 2009 concerning sound finances, effective management and governance, transparency and accountability, focus on core mission, and results;

(2) implementing specific reform commitments agreed to by the IDB in Resolution AG–7/10 ''Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank'' as approved by the Governors on July 12, 2010, including transfers of at least $200,000,000 annually to a grant facility for Haiti;

(3) implementing procurement guidelines that maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for borrowers;

(4) implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation;

(5) requiring that each candidate for budget support or development policy loans provide an assessment of reforms needed to budgetary and procurement processes to encourage transparency, including budget publication and public scrutiny, prior to loan approval;

(6) making publicly available external and internal performance and financial audits of such institution's projects on the institution's Web site;

(7) adopting policies concerning the World Bank's proposed Program for Results (P4R) to: limit P4R to no more than 5 percent of annual World Bank lending as a pilot for a period of not less than two years; require that projects with potentially significant adverse social or environmental impacts and projects that affect indigenous peoples are either excluded from P4R or subject to the World Bank's own policies; require that at the close of the pilot there will be a thorough, independent evaluation, with input from civil society and the private sector, to provide guidance concerning next steps for the pilot; and fully staff the World Bank Group's Integrity Vice Presidency, with agreement from Borrowers on the World Bank's jurisdiction and authority to investigate allegations of fraud and corruption in any of the World Bank's lending programs including P4R; and

(8) concerning the World Bank, strengthening the public availability of information regarding International Finance Corporation (IFC) subprojects when the IFC is funding a financial intermediary, including—

(A) requiring that higher-risk subprojects comply with the relevant Performance Standard requirements; and

(B) agreeing to periodically disclose on the IFC Web site a listing of the name, location, and sector of high-risk subprojects supported by IFC investments through private equity funds.

(b) REPORT.—Not later than 180 days after enactment of this Act and every 6 months thereafter until September 30, 2013, the Secretary of the Treasury shall submit to the Committees on Appropriations a report detailing the extent to which each institution has continued to make progress on each policy goal listed in subsection (a).

AUTHORITY FOR REPLENISHMENTS

SEC. 7083. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 26. SIXTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,075,500,000 for payment by the Secretary of the Treasury.

"SEC. 27. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $474,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 221. TWELFTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.

"SEC. 222. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7084. Up to $36,000,000 of funds appropriated for the account ''Department of the Treasury, Debt Restructuring'' by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

UNITED NATIONS POPULATION FUND

SEC. 7085. (a) CONTRIBUTION.—Of the funds made available under the heading ''International Organizations and Programs'' in this Act for fiscal year 2012, $35,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health Programs'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other

accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

LIMITATIONS

SEC. 7086. (a)(1) None of the funds appropriated under the heading ''Economic Support Fund'' in this Act may be made available for assistance for the Palestinian Authority if the Palestinians obtain, after the date of enactment of this Act, the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.

(2) The Secretary of State may waive the restriction in paragraph (1) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(b)(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(2) Not less than 90 days after the President is unable to make the certification pursuant to subsection (b)(1), the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: Provided, That any waiver of the provisions of section 1003 of Public Law 100–204 under paragraph (1) of this subsection or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(3) Any waiver pursuant to this subsection shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7087. If the Executive Branch makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/ GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $4,389,064,000, to remain available until September 30, 2013, of which $236,201,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to $230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONFLICT STABILIZATION OPERATIONS

For an additional amount for ''Conflict Stabilization Operations'', $8,500,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $67,182,000, to remain available until September 30, 2013, of which $19,545,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', as authorized, $15,600,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $33,000,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $101,300,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $4,400,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED PROGRAMS

UNITED STATES INSTITUTE OF PEACE

For an additional amount for ''United States Institute of Peace'', $8,411,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $255,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,500,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

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

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $6,554,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

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

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,761,462,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $229,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $1,552,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $983,605,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $120,657,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $81,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $1,102,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $850,000,000, to remain available until September 30, 2013, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: Provided, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: Provided further, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: Provided further, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: Provided further, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: Provided further, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: Provided further, That any required notification or report may be submitted in classified form: Provided further, That the amount in this paragraph is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Funds appropriated by this title under the headings ''International Disaster Assistance'', ''Transition Initiatives'', ''Complex Crises Fund'', ''Economic Support Fund'', ''Migration and Refugee Assistance'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'', ''Peacekeeping Operations'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'', may be transferred to, and merged with, funds appropriated by this title under such headings: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

SEC. 8004. If authorized during fiscal year 2012, there shall be established in the Treasury of the United States the ''Global Security Contingency Fund'' (the Fund): Provided, That notwithstanding any provision of law, during the current fiscal year, not to exceed $50,000,000 from funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Pakistan Counterinsurgency Capability Fund'' under title VIII of this Act may be transferred to the Fund: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of State, and shall be subject to prior consultation with the Committees on Appropriations: Provided further, That the Secretary of State shall, not later than 15 days prior to making any such transfer, notify the Committees on Appropriations in accordance with the regular notification procedures of the Committees on Appropriations, including the source of funds and a detailed justification, implementation plan, and timeline for each proposed project: Provided further, That, notwithstanding any provision of law, the requirements of this section, including the amount and source of transferred funds, shall apply to any transfer or other authority relating to the Fund enacted subsequent to the enactment of this Act unless such subsequently enacted provision of law specifically references this section.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012''.

And the Senate agree to the same.

HAROLD ROGERS,
C.W. BILL YOUNG,
JERRY LEWIS,
RODNEY P. FRELINGHUYSEN,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
KAY GRANGER,
MICHAEL K. SIMPSON,
JOHN ABNEY CULBERSON,
ANDER CRENSHAW,
DENNY REHBERG,
JOHN R. CARTER,
NORMAN D. DICKS,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
JAMES P. MORAN,
DAVID E. PRICE,
SANFORD D. BISHOP.

Managers on the part of the House.

TIM JOHNSON,
DANIEL K. INOUYE,
MARY LANDRIEU,
PATTY MURRAY,
JACK REED,
BEN NELSON,
MARK PRYOR,
PATRICK J. LEAHY,
KAY BAILEY HUTCHISON,
LISA MURKOWSKI,
ROY BLUNT,
JOHN HOEVEN,
THAD COCHRAN.

Managers on the part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 500, the previous question was ordered on the conference report to its adoption or rejection.

The SPEAKER pro tempore, Mr. WOODALL, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WOODALL, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶168.15 CLERK TO CORRECT ENGROSSMENT TO H.R. 3672

Mr. ROGERS of Kentucky, pursuant to House Resolution 500, called up for consideration the following concurrent resolution (H. Con. Res. 94):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the heading for title III, strike ''PROVISION'' and insert ''PROVISIONS''.

(2) After section 301, insert the following new section:

''SEC. 302. (a) ACROSS-THE-BOARD RESCISSION.—There is hereby rescinded an amount equal to 1.83 percent of—

''(1) the budget authority provided for fiscal year 2012 for any discretionary account

in any fiscal year 2012 appropriation Act (except the Department of Defense Appropriations Act, 2012 and the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012); and

''(2) the budget authority provided in any advance appropriation for fiscal year 2012 for any discretionary account (other than for the Department of Veterans Affairs) in any prior fiscal year appropriation Act.

''(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

''(1) to each discretionary account and each item of budget authority described in such subsection; and

''(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

''(c) EXCEPTIONS.—The rescission in subsection (a) shall not apply to budget authority provided for fiscal year 2012 that is designated by the Congress as being for—

''(1) disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(d) SUBSEQUENT APPROPRIATIONS LAWS.—In the case of any fiscal year 2012 appropriation law enacted after the enactment of this section, any rescission required by subsection (a) shall take effect immediately after the enactment of such law.

''(e) OMB REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (a).''.

When said concurrent resolution was considered and read twice.

After debate,

Pursuant to House Resolution 500, the previous question was ordered on the concurrent resolution.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. WOODALL, announced that the yeas had it.

Mr. ROGERS of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WOODALL, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶168.16 DISASTER RELIEF APPROPRIATIONS FY 2012

Mr. ROGERS of Kentucky, pursuant to House Resolution 500, called up for consideration the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 500, the previous question was ordered on the bill.

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

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WOODALL, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WOODALL, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶168.17 CONFERENCE REPORT TO H.R. 2055—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOODALL, pursuant to clause 8 of rule XX, announced the unfinished business to be the question of agreeing to said conference report to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. WOODALL, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 296 / Nays ..... 121 }

¶168.18 [Roll No. 941]

YEAS—296

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clay
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Foxx
Frelinghuysen
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
King (NY)
Kingston
Kissell
Kline
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Neal
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pitts
Platts
Pompeo
Price (GA)
Price (NC)
Rahall
Rehberg
Reichert
Renacci
Reyes
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stivers
Sullivan
Sutton
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Watt
Webster
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—121

Adams
Akin
Amash
Amodei
Austria
Bartlett
Berg
Bishop (UT)
Boustany
Brooks
Broun (GA)
Bucshon
Buerkle
Burton (IN)
Campbell
Capuano
Chabot
Chaffetz
Clarke (MI)
Clarke (NY)
Cleaver
Coffman (CO)
Cooper
Costello
Cravaack
DeFazio
DesJarlais
Doyle
Duncan (SC)
Duncan (TN)
Ellison
Flake
Fleming
Fortenberry
Frank (MA)
Franks (AZ)
Fudge
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Guinta
Hahn
Harris
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Johnson (OH)
Jones
Jordan
Kind
King (IA)
Kinzinger (IL)
Kucinich
Labrador
Lamborn
Landry
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Lummis
Mack
Manzullo
Marchant
Markey
Matheson
McClintock
McCotter
McHenry
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Pence
Petri
Pingree (ME)
Poe (TX)
Polis
Posey
Quayle
Quigley
Rangel
Reed
Ribble
Richardson
Rivera
Ross (FL)
Royce
Ryan (OH)
Schakowsky
Schilling
Schmidt
Schweikert
Scott (SC)
Sensenbrenner
Southerland
Stark
Stearns
Stutzman
Terry
Thompson (CA)
Tipton
Towns
Turner (OH)
Velázquez
Walberg
Walsh (IL)

Waters
Waxman
Westmoreland
Wilson (SC)
Wittman
Woolsey

NOT VOTING—16

Bachmann
Cardoza
Carson (IN)
Cassidy
Coble
Davis (KY)
Filner
Giffords
Guthrie
Gutierrez
Herger
Johnson, E. B.
Napolitano
Nunnelee
Paul
Speier

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶168.19 MOMENT OF SILENCE IN MEMORY OF TROOPS IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in honor of our brave men and women in uniform who have served or fallen in Afghanistan, and in honor of all who have served or fallen in Operation Iraqi Freedom as it draws to a close. Our men and women return home having freed Iraq from a vicious tyrant, thwarted a violent insurgency that threatened the Iraqi people, and helped to build a stable and democratic government that is a friend of the United States. We honor the hard work and sacrifice of our servicemembers, and the courage of their families.

¶168.20 H. CON. RES. 94—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOLD, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672.

The question being put,

Will the House agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 255 / Nays ..... 165 }

¶168.21 [Roll No. 942]

YEAS—255

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

NAYS—165

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

NOT VOTING—13

Bachmann
Coble
Davis (KY)
Filner
Giffords
Guthrie
Gutierrez
Herger
Johnson, E. B.
Napolitano
Nunnelee
Paul
Speier

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶168.22 H.R. 3672—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOLD, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on passage of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DOLD, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 351 / Nays ..... 67 }

¶168.23 [Roll No. 943]

YEAS—351

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson

Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NAYS—67

Amash
Barton (TX)
Benishek
Blackburn
Brady (TX)
Broun (GA)
Burgess
Camp
Campbell
Coffman (CO)
Conaway
Cooper
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Flake
Fleming
Flores
Franks (AZ)
Garrett
Gohmert
Gowdy
Graves (GA)
Harris
Huelskamp
Huizenga (MI)
Jordan
Kingston
Lamborn
Lummis
Mack
Marchant
McCotter
McHenry
Miller (MI)
Miller, Gary
Mulvaney
Neugebauer
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rogers (MI)
Rokita
Royce
Ryan (WI)
Schweikert
Sensenbrenner
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Tiberi
Upton
Walberg
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder

NOT VOTING—15

Bachmann
Coble
Davis (KY)
Filner
Garamendi
Giffords
Guthrie
Gutierrez
Johnson, E. B.
Napolitano
Nunnelee
Paul
Peters
Rangel
Speier

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶168.24 FURTHER CONTINUING APPROPRIATIONS FY 2012

On motion of Mr. ROGERS of Kentucky, by unanimous consent, called up for consideration the joint resolution (H.J. Res. 94) making further continuing appropriations for fiscal year 2012, and for other purposes.

When said joint resolution was ordered to be engrossed and read a third time, was read a third time by title and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶168.25 FURTHER CONTINUING APPROPRIATIONS FY 2012

On motion of Mr. ROGERS of Kentucky, by unanimous consent, called up for consideration the joint resolution (H.J. Res. 95) making further continuing appropriations for fiscal year 2012, and for other purposes.

When said joint resolution was ordered to be engrossed and read a third time, was read a third time by title and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶168.26 ADJOURNMENT OVER

On motion of Mr. ROGERS of Kentucky, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, December 19, 2011.

¶168.27 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 2009. An Act to improve the administration of programs in the insular areas, and for other purposes.

¶168.28 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1612. An Act to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; to the Committee on the Judiciary; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2009. An Act to improve the administration of programs in the insular areas, and for other purposes; to the Committee on Foreign Affairs; in addition to the Committee on the Judiciary 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; in addition to the Committee on Education and the Workforce 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.

And then,

¶168.29 ADJOURNMENT

On motion of Ms. NORTON, pursuant to the previous order of the House, at 4 o'clock and 30 minutes p.m., the House adjourned until 10 a.m. on Monday, December 19, 2011.

¶168.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. H.R. 2484. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to include a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, to provide for the development and implementation of a comprehensive research plan and action strategy to reduce harmful algal blooms and hypoxia, and for other purposes; with an amendment (Rept. 112–333, Pt. 1). Ordered to be printed.

¶168.31 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2484. Referral to the Committee on Natural Resources extended for a period ending not later than February 9, 2012.

¶168.32 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII,

H.R. 1981. the Committee on Energy and Commerce discharged from further consideration. H.R. 1981 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶168.33 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. BARTON of Texas (for himself, Mr. COHEN, and Mr. SIMPSON):

H.R. 3696. A bill to prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system; to the Committee on Energy and Commerce.

By Mrs. CAPITO:

H.R. 3697. A bill to honor the Nation's fallen miners by requiring improved mine safety practices and compliance in order to prevent future mine accidents; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, 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. McCAUL (for himself, Mr. MACK, Mr. AUSTIN SCOTT of Georgia, Mr. SCHOCK, Mr. YOUNG of Indiana, Mr. HARPER, Mr. FRELINGHUYSEN, Mr. PETERSON, Mr. WALSH of Illinois, Mr. POE of Texas, Mr. THORNBERRY, Mr. OLSON, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. CARTER, Mr. FARENTHOLD, and Mr. ROHRABACHER):

H.R. 3698. A bill to direct the Secretary of State to designate Iran's Revolutionary Guard Corps as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself and Mrs. MALONEY):

H.R. 3699. A bill to ensure the continued publication and integrity of peer-reviewed research works by the private sector; to the Committee on Oversight and Government Reform.

By Mr. McCAUL:

H.R. 3700. A bill to award a Congressional Gold Medal to Louis Zamperini, U.S. Olympian and World War II prisoner of war, for his service to the country, sacrifice during the war, and his inspiration to others through his courage as a survivor; to the Committee on Financial Services.

By Mr. LEWIS of Georgia:

H.R. 3701. A bill to amend title XX of the Social Security Act to provide grants to support job creation initiatives, and for other purposes; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself, Mr. TONKO, Mr. SCHIFF, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. HEINRICH, Mr. SHERMAN, Mr. CONYERS, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RUSH, Ms. HIRONO, Ms. HAHN, and Mr. JACKSON of Illinois):

H.R. 3702. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 3703. A bill to establish a program to provide student fellowships in fields of science, technology, engineering, and mathematics, with preference given to the study of technological development encompassing the fields of energy, environment, and economy; to the Committee on Science, Space, and Technology.

By Mr. ACKERMAN (for himself, Mr. KING of New York, Mr. MORAN, Ms. JACKSON LEE of Texas, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mr. KUCINICH, Ms. BORDALLO, Mr. BLUMENAUER, Mr. MICHAUD, and Ms. SCHAKOWSKY):

H.R. 3704. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mrs. CAPPS (for herself and Mr. BOUSTANY):

H.R. 3705. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing grants programs for provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. CHRISTENSEN:

H.R. 3706. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE (for himself and Mr. COOPER):

H.R. 3707. A bill to prohibit the consideration in the House of Representatives of any legislation containing an earmark; to the Committee on Rules.

By Mr. FORTENBERRY (for himself and Mr. TERRY):

H.R. 3708. A bill to prohibit the Secretary of Labor from issuing a final rule that prevents the agricultural employment of minors to detassel; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. BARTLETT, Mr. BENISHEK, Mr. BROOKS, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. DUNCAN of Tennessee, Ms. FOXX, Mr. GOSAR, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. LANKFORD, Mr. LATOURETTE, Mr. MILLER of Florida, Mr. MULVANEY, Mr. NUGENT, Mr. PENCE, Mr. REED, Mr. RIBBLE, Mr. ROONEY, Mr. ROSS of Florida, Mr. AUSTIN SCOTT of Georgia, Mr. SHIMKUS, Mr. SMITH of New Jersey, and Mr. STIVERS):

H.R. 3709. A bill to amend the War Powers Resolution to limit the use of funds for introduction of the Armed Forces into hostilities, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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 Ms. JACKSON LEE of Texas:

H.R. 3710. A bill to direct the Secretary of Interior and the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to initiate immediate action to create jobs in America, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, and Transportation and Infrastructure, 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. HASTINGS of Florida:

H.R. 3711. A bill to require the President to call a White House Conference on Haiti; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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. HEINRICH (for himself, Mr. LUJÁN, and Mr. PEARCE):

H.R. 3712. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDEN (for himself, Mr. MORAN, and Mr. MICHAUD):

H.R. 3713. A bill to direct the Foreign Claims Settlement Commission to receive and determine the validity and amount of claims for loss of wages and other property of those plaintiffs in the case Bruce D. Abbott et al. v. Socialist People's Libyan Arab Jamahiriya; to the Committee on Foreign Affairs.

By Mr. HOLT (for himself, Mr. GRIJALVA, Mr. COURTNEY, Ms. BORDALLO, Mr. POLIS, and Mr. PAYNE):

H.R. 3714. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 3715. A bill to encourage online workforce training; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP (for himself and Mrs. ELLMERS):

H.R. 3716. A bill to provide that Federal funds may not be used for National Heritage Areas and similar areas, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL (for himself, Ms. DELAURO, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. KING of New York, and Mr. SERRANO):

H.R. 3717. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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. KEATING:

H.R. 3718. A bill to prioritize certain returning workers for purposes of the numerical limitation on H-2B temporary workers; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBSACK, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. LATHAM, Mr. TERRY, and Ms. JENKINS):

H.R. 3719. A bill to provide that funds made available to the Corps of Engineers for certain Missouri River fish and wildlife purposes be used for the reconstruction of flood control structures, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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. KING of Iowa (for himself, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. ROHRABACHER, Mr. BURGESS, Mrs. MYRICK, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. BROOKS, Mr. BILBRAY, Mrs. BLACKBURN, Mr. ROYCE, Mr. BURTON of Indiana, Mr. GRAVES of Georgia, Mr. BARLETTA, Mr. POSEY, Mr. BARTLETT, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. NEUGEBAUER, Mr. MARINO, Mr. SENSENBRENNER, Mr. POE of Texas, and Mr. CHAFFETZ):

H.R. 3720. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid

to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, 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. MEEHAN (for himself, Mr. YODER, Mr. FATTAH, and Mr. ANDREWS):

H.R. 3721. A bill to authorize veterans' treatment courts and encourage services for veterans through drug courts under the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. DUNCAN of South Carolina, Mr. DESJARLAIS, Mr. HUIZENGA of Michigan, Mr. POSEY, Mr. KING of Iowa, and Mr. MULVANEY):

H.R. 3722. A bill to amend part A of title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families program; to the Committee on Ways and Means.

By Mr. SCHILLING (for himself, Mr. HULTGREN, Mr. MCKINLEY, Mr. SCHOCK, and Mr. WALSH of Illinois):

H.R. 3723. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to enter into contracts with health care providers to improve access to health care for veterans who have difficulty receiving treatment at a health care facility of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

H.R. 3724. A bill to amend the Controlled Substances Act to authorize physicians, pursuant to an agreement with the Attorney General, to transport controlled substances from a practice setting to another practice setting or to a disaster area; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. SHERMAN (for himself and Mr. BURTON of Indiana):

H.R. 3725. A bill to authorize the President to vest certain property of the Government of Libya seized or blocked by the United States and to authorize the use of that property to defray the full costs of Operation Odyssey Dawn and United States participation in NATO Operation Unified Protector, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STIVERS (for himself and Mr. HIGGINS):

H.R. 3726. A bill to amend the Homeland Security Act of 2002 to improve efficiency and guarantee accountability in the Urban Area Security Initiative grant program; to the Committee on Homeland Security.

By Mr. ROGERS of Kentucky:

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes; considered and passed.

By Mr. ROGERS of Kentucky:

H.J. Res. 95. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes; considered and passed.

By Mr. LATHAM (for himself and Mr. BOREN):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress that the Secretary of Labor should recognize the unique circumstances of farm family youth workers when issuing regulations under the Fair Labor Standards Act relating to hired farm workers under the age of 16; to the Committee on Education and the Workforce.

¶168.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. WEST.

H.R. 139: Mr. GUTIERREZ, Mr. RANGEL, and Mr. JOHNSON of Georgia.

H.R. 141: Mr. JONES.

H.R. 178: Mr. WELCH.

H.R. 266: Ms. CLARKE of New York.

H.R. 267: Ms. CLARKE of New York.

H.R. 303: Mr. SCHILLING.

H.R. 370: Mr. KUCINICH.

H.R. 371: Mr. JONES.

H.R. 376: Ms. PINGREE of Maine.

H.R. 422: Mr. CARNAHAN.

H.R. 466: Mr. RAHALL.

H.R. 487: Mr. LIPINSKI.

H.R. 576: Mr. CARNAHAN.

H.R. 657: Mr. POMPEO.

H.R. 676: Mr. BACA.

H.R. 718: Ms. TSONGAS and Mr. LUJÁN.

H.R. 721: Mr. KIND.

H.R. 733: Ms. LINDA T. SÁNCHEZ of California and Mr. LIPINSKI.

H.R. 813: Mr. MICHAUD.

H.R. 835: Mr. TIPTON, Ms. SLAUGHTER, Mr. HIGGINS, and Mr. TURNER of New York.

H.R. 860: Mr. ALEXANDER, Mr. GRAVES of Missouri, Mr. YODER, Mrs. HARTZLER, Mr. QUAYLE, Mr. YOUNG of Florida, Ms. MOORE, Mr. FRANKS of Arizona, and Mrs. LOWEY.

H.R. 894: Mr. PETERS and Mr. GONZALEZ.

H.R. 933: Mr. OLVER and Mr. HONDA.

H.R. 938: Mr. JONES.

H.R. 975: Mr. CLAY.

H.R. 995: Mr. BOSWELL.

H.R. 1005: Mr. HEINRICH.

H.R. 1116: Mr. BACA.

H.R. 1148: Mr. SAM JOHNSON of Texas.

H.R. 1175: Mr. BOREN and Mr. PASTOR of Arizona.

H.R. 1206: Mr. PENCE.

H.R. 1221: Mrs. NOEM.

H.R. 1236: Mr. SERRANO.

H.R. 1265: Mr. COFFMAN of Colorado and Mr. KIND.

H.R. 1288: Ms. DELAURO and Mr. DENT.

H.R. 1294: Ms. CHU.

H.R. 1295: Ms. CHU.

H.R. 1339: Mr. DOGGETT, Mr. COURTNEY, Mr. YARMUTH, Ms. SUTTON, Ms. KAPTUR, Mr. COHEN, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. TONKO, Ms. EDWARDS, Mr. LARSON of Connecticut, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Mr. PASTOR of Arizona, Mr. GRIJALVA, Ms. DELAURO, Mr. CROWLEY, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. HIGGINS, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Mr. FATTAH, Ms. SCHWARTZ, Mr. QUIGLEY Mr. DEFAZIO, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS, Mr. LANGEVIN, Mrs. DAVIS of California, Mr. COSTELLO, Mr. MATHESON, Mr. KIND, Mr. CARDOZA, Mr. SHULER, Mr. BOREN, Mr. KINGSTON, Mr. SMITH of Washington, Mr. POE of Texas, Mr. DICKS, Mr. BONNER, Mr. VAN HOLLEN, Mr. UPTON, Mr. DINGELL, Mr. HUNTER, Mr. BERMAN, Mr. JONES, Ms. MATSUI, Mr. CHAFFETZ, Mr. GARAMENDI, Mr. COLE, Ms. SPEIER, Ms. ESHOO, Ms. ZOE LOFGREN of California, Mr. SCHIFF, Mr. WAXMAN, Mr. THOMPSON of California, Mr. HOLT, Mr. LEVIN, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. WATT, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. BACA, Mr. RUSH, Mr. CLARKE of Michigan, Mr. KILDEE, Mr. MCNERNEY, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Mr. MCDERMOTT, Ms. HIRONO, and Mr. ISRAEL.

H.R. 1340: Ms. HOCHUL.

H.R. 1370: Mr. SULLIVAN, Mr. SESSIONS, Mr. WILSON of South Carolina, and Mr. ROSS of Florida.

H.R. 1418: Mr. HEINRICH.

H.R. 1501: Mr. STIVERS.

H.R. 1513: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HAYWORTH, Ms. SPEIER, Mr. MCCOTTER, and Ms. Linda T. SÁNCHEZ of California.

H.R. 1519: Mr. MILLER of North Carolina, Ms. HAHN, Mr. OWENS, and Mr. KISSELL.

H.R. 1537: Mr. PAYNE and Mr. BACA.

H.R. 1546: Mr. GUTHRIE and Ms. HANABUSA.

H.R. 1558: Mr. HALL.

H.R. 1621: Mr. WILSON of South Carolina.

H.R. 1639: Mr. SCHILLING.

H.R. 1648: Ms. WILSON of Florida and Ms. KAPTUR.

H.R. 1666: Ms. RICHARDSON.

H.R. 1681: Mr. MILLER of North Carolina and Mr. YARMUTH.

H.R. 1736: Mr. LUETKEMEYER.

H.R. 1738: Mr. GERLACH, Mr. NADLER, and Mr. PASCRELL.

H.R. 1895: Mr. LOBIONDO and Mr. ROTHMAN of New Jersey.

H.R. 1897: Mr. CHANDLER.

H.R. 1964: Mr. GOWDY, Mr. COFFMAN of Colorado, Mr. WALDEN, Mr. MCCAUL, Mr. OLSON, and Mr. KELLY.

H.R. 1971: Mr. TOWNS.

H.R. 1981: Mr. MCINTYRE, Mr. AUSTRIA, Mr. WOMACK, and Mr. FITZPATRICK.

H.R. 2016: Mr. SCHIFF and Mr. CONNOLLY of Virginia.

H.R. 2028: Mr. BLUMENAUER.

H.R. 2052: Mr. CRITZ.

H.R. 2069: Mr. GRIMM.

H.R. 2094: Mr. WITTMAN.

H.R. 2131: Mr. KIND, Mr. THOMPSON of California, Mr. PALAZZO, and Mr. COSTA.

H.R. 2139: Mr. RENACCI, Mr. YODER, and Mr. REED.

H.R. 2194: Mr. GRIJALVA.

H.R. 2239: Mr. HINCHEY.

H.R. 2252: Mr. BOUSTANY.

H.R. 2288: Mr. CRITZ and Mr. TURNER of New York.

H.R. 2341: Mr. LUJÁN.

H.R. 2353: Mr. HINCHEY, Mr. PASCRELL, Mr. BOSWELL, Mr. PLATTS, and Mr. LOEBSACK.

H.R. 2359: Mr. LEWIS of Georgia.

H.R. 2376: Ms. PINGREE of Maine.

H.R. 2429: Mr. BERG.

H.R. 2453: Ms. HERRERA BEUTLER.

H.R. 2464: Mr. PASTOR of Arizona.

H.R. 2492: Mr. TIPTON, Mr. UPTON, Mr. HIGGINS, Ms. RICHARDSON, Ms. VELÁZQUEZ, Ms. SPEIER, Mr. BISHOP of New York, Mrs. BONO MACK, Mr. MCINTYRE, Mr. SCHOCK, Ms. SLAUGHTER, Mr. LIPINSKI, Mr. DENHAM, and Mr. CALVERT.

H.R. 2563: Mr. MANZULLO.

H.R. 2569: Mr. SAM JOHNSON of Texas, Mr. BUCHANAN, and Mr. WALDEN.

H.R. 2580: Mr. MARINO.

H.R. 2677: Ms. HAHN.

H.R. 2678: Mr. FILNER and Ms. RICHARDSON.

H.R. 2689: Mr. ROTHMAN of New Jersey.

H.R. 2735: Mr. PASCRELL.

H.R. 2810: Mr. KING of Iowa.

H.R. 2885: Mr. BOREN and Mr. MANZULLO.

H.R. 2900: Mr. MCINTYRE.

H.R. 2936: Mr. CUELLAR.

H.R. 2948: Mr. DEFAZIO and Mr. HONDA.

H.R. 2959: Mrs. MILLER of Michigan.

H.R. 2962: Mr. KIND and Mr. MARCHANT.

H.R. 2966: Mr. THOMPSON of Mississippi, Ms. DELAURO, Mr. BISHOP of New York, Ms. VELÁZQUEZ, Mr. PAYNE, Mr. ENGEL, and Mr. MCCOTTER.

H.R. 2972: Ms. HOCHUL, Mr. SMITH of Washington, and Ms. SLAUGHTER.

H.R. 2977: Mr. MCCOTTER.

H.R. 2997: Mr. YODER, Mr. PITTS, Mr. BARTON of Texas, and Mr. WALDEN.

H.R. 3053: Ms. WATERS.

H.R. 3057: Mr. KINZINGER of Illinois.

H.R. 3059: Mr. DOLD.
H.R. 3061: Mr. GRIMM and Mr. SCOTT of South Carolina.
H.R. 3066: Mr. BARLETTA.
H.R. 3087: Mr. MCCOTTER.
H.R. 3144: Mr. HEINRICH.
H.R. 3159: Mr. REHBERG.
H.R. 3187: Ms. SPEIER.
H.R. 3193: Mr. HUIZENGA of Michigan.
H.R. 3200: Mr. BASS of New Hampshire.
H.R. 3206: Mr. MCCAUL.
H.R. 3208: Mr. AKIN.
H.R. 3209: Mr. BENISHEK and Mr. AKIN.
H.R. 3216: Mr. LUETKEMEYER and Mr. HEINRICH.
H.R. 3230: Mr. ROKITA.
H.R. 3258: Mr. ROSS of Arkansas.
H.R. 3266: Mr. KUCINICH.
H.R. 3271: Mr. KUCINICH.
H.R. 3286: Mr. HONDA, Mr. PASCRELL, and Ms. SPEIER.
H.R. 3288: Mr. HARRIS and Ms. DEGETTE.
H.R. 3324: Mr. DEFAZIO and Ms. BALDWIN.
H.R. 3337: Mr. MCDERMOTT, Mr. GRIFFIN of Arkansas, Mr. BLUMENAUER, Mr. CONNOLLY of Virginia, and Mr. HECK.
H.R. 3365: Mr. AMODEI and Mr. PASTOR of Arizona.
H.R. 3378: Mr. CONYERS and Mr. AMASH.
H.R. 3393: Mr. YOUNG of Florida.
H.R. 3425: Mr. MCDERMOTT and Mr. KUCINICH.
H.R. 3441: Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. FLORES, and Mr. WESTMORELAND.
H.R. 3461: Mr. SCOTT of South Carolina, Mr. CALVERT, Mr. BOREN, Mr. SCALISE, Mr. RAHALL, Mr. GUTHRIE, Mrs. ELLMERS, Mr. FINCHER, Mrs. NOEM, Mr. THOMPSON of Pennsylvania, Mr. REHBERG, Mr. PERLMUTTER, Ms. HAYWORTH, Mr. HUELSKAMP, and Ms. MOORE.
H.R. 3488: Mr. SENSENBRENNER.
H.R. 3506: Mr. RANGEL.
H.R. 3510: Mr. MCGOVERN and Mr. PEARCE.
H.R. 3521: Mr. PENCE.
H.R. 3523: Mr. WALBERG and Mr. CAMP.
H.R. 3529: Ms. HOCHUL.
H.R. 3553: Mr. COHEN and Mr. FILNER.
H.R. 3562: Mr. GRIJALVA.
H.R. 3564: Mr. CONYERS.
H.R. 3568: Mr. PALLONE.
H.R. 3573: Mr. CARSON of Indiana.
H.R. 3575: Mrs. BLACKBURN.
H.R. 3577: Mrs. BLACK and Mr. SHULER.
H.R. 3582: Mr. BARTLETT, Mr. ROE of Tennessee, and Mr. WESTMORELAND.
H.R. 3583: Mr. BENISHEK, Mr. CANSECO, and Mr. HUIZENGA of Michigan.
H.R. 3586: Mrs. BLACKBURN, Mr. BILBRAY, Mr. BURGESS, and Mr. LUETKEMEYER.
H.R. 3593: Mr. BISHOP of New York, Mr. ISRAEL, Mr. MEEKS, Mr. CROWLEY, Mr. NADLER, Mr. TURNER of New York, Mr. TOWNS, Ms. CLARKE of New York, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. HIGGINS, and Ms. SLAUGHTER.
H.R. 3594: Mr. JONES, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. BOUSTANY, Mr. NUNNELEE, Mr. KLINE, Mr. BURTON of Indiana, Mr. YOUNG of Florida, and Mr. WITTMAN.
H.R. 3599: Mr. INSLEE.
H.R. 3606: Ms. MOORE.
H.R. 3608: Ms. FOXX.
H.R. 3609: Mrs. MYRICK.
H.R. 3615: Mr. ROKITA, Mr. HARRIS, Mr. GOWDY, Mr. FLEMING, Mr. CONAWAY, Mr. POSEY, Mr. KING of Iowa, Mr. GOHMERT, Mr. MULVANEY, Mr. MARCHANT, Mr. STUTZMAN, Mr. MANZULLO, Mr. DESJARLAIS, Mr. BARTLETT, Mr. FRANKS of Arizona, and Mr. COLE.
H.R. 3620: Mr. HOLT.
H.R. 3626: Mr. HINCHEY.
H.R. 3627: Mr. BUCSHON.
H.R. 3634: Mr. SHULER.
H.R. 3635: Mr. JOHNSON of Georgia and Ms. MOORE.
H.R. 3638: Ms. CHU, Mr. GUTIERREZ, Mr. HONDA, and Ms. JACKSON LEE of Texas.
H.R. 3639: Mr. MCKINLEY.
H.R. 3643: Mr. LOEBSACK.
H.R. 3652: Mr. MULVANEY, Mr. WESTMORELAND, Mr. HUIZENGA of Michigan, Mr. ROE of Tennessee, Mr. GRAVES of Georgia, Mr. DUNCAN of South Carolina, Mr. FLEMING, Mr. LANDRY, Mr. GOWDY, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Mr. ROSS of Florida, and Mr. AUSTIN SCOTT of Georgia.
H.R. 3653: Mr. KIND.
H.R. 3658: Mr. SCHOCK and Mr. MCDERMOTT.
H.R. 3665: Ms. FUDGE.
H.R. 3676: Mr. CLEAVER, Mr. JORDAN, Ms. CLARKE of New York, and Mr. GIBSON.
H.R. 3680: Mr. INSLEE.
H.J. Res. 80: Mr. OLVER.
H.J. Res. 86: Mr. MCGOVERN.
H.J. Res. 90: Mrs. MALONEY, Ms. PINGREE of Maine, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. SUTTON, Mr. VAN HOLLEN, Mr. RANGEL, Mr. COHEN, and Ms. FUDGE.
H. Con. Res. 85: Mr. MILLER of North Carolina, Mr. MCNERNEY, Ms. PINGREE of Maine, and Mr. WELCH.
H. Res. 58: Mr. POE of Texas, Mr. SABLAN, Mr. LOEBSACK, Mr. CRITZ, Ms. HIRONO, and Ms. HAHN.
H. Res. 298: Mr. WOLF and Mr. STARK.
H. Res. 446: Mr. ISRAEL, Mr. MCNERNEY, and Mr. LIPINSKI.
H. Res. 460: Mr. MORAN, Mr. RUPPERSBERGER, and Mr. MEEKS.

¶168.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3589: Mr. HONDA.

MONDAY, DECEMBER 19, 2011 (169)

The House was called to order by the SPEAKER.

¶169.1 APPROVAL OF THE JOURNAL

The SPEAKER announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Friday, December 16, 2011, was approved.

¶169.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4327. A letter from the Acting Deputy Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program: Quality Control Error Tolerance Threshold [FNS-2011-0060] (RIN: 0584-AE24) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4328. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas in California [Docket No.: APHIS-2011-0074] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4329. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4330. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4331. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Repeal of Regulations (RIN: 2590-AA52) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4332. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Voluntary Mergers of Federal Home Loan Banks (RIN: 2590-AA37) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4333. A letter from the Director, Office of Management and Budget, transmitting a report for the Consolidated and Further Continuing Appropriations Act; to the Committee on the Budget.

4334. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Bidding by Affiliates in Open Seasons for Pipeline Capacity [Docket No.: RM11-15-000; Order No. 894] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 2 [NRC-2011-0008] (RIN: 3150-AI91) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 17-11 informing of an intent to sign a Memorandum of Understanding Among Canada, the Kingdom of Denmark, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, and New Zealand; to the Committee on Foreign Affairs.

4337. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 9, 2011; to the Committee on Foreign Affairs.

4338. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

4339. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2011 Annual Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4340. A letter from the Secretary, Department of Agriculture, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2011; to the Committee on Oversight and Government Reform.

4341. A letter from the Treasurer, National Gallery Of Art, transmitting the Gallery's Performance and Accountability Report including audited financial statements for fiscal year 2011; to the Committee on Oversight and Government Reform.

4342. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4343. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4344. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Norton Company in Worcester, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4345. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Proposed Method of Accounting for OID on a Pool of Credit Card Receivables [Notice 2011-99] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4346. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Rev. Proc. 2009-20 on Theft Loss Deductions for Fraudulent Investment Arrangements (Rev. Proc. 2011-58) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶169.3 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 16, 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 December 16, 2011 at 8:28 p.m.:

That the Senate agreed to without amendment H.J. Res. 94.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶169.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 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 December 17, 2011 at 4:19 p.m.:

That the Senate agreed to without amendment H.R. 789.

That the Senate agreed to without amendment H.R. 2422.

That the Senate agreed to without amendment H.R. 1264.

That the Senate passed S. 1874.

That the Senate passed S. 1710.

That the Senate passed S. 1959.

That the Senate concur in the amendment of The House of Representatives to the bill S. 278.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶169.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 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 December 17, 2011 at 11:23 a.m.:

That the Senate failed passage H. Con. Res. 94.

That the Senate passed with amendments H.R. 3630.

That the Senate agreed to Conference Report accompanying the bill H.R. 2055.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶169.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 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 December 17, 2011 at 12:56 p.m.:

That the Senate passed without amendment H.R. 3672.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶169.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 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 December 17, 2011 at 2:37 p.m.:

That the Senate agreed to without amendment H.J. Res. 95.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶169.8 RECESS—10:05 A.M.

The SPEAKER, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 5 minutes a.m., subject to the call of the Chair.

¶169.9 AFTER RECESS—4 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶169.10 ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore, Mr. LATOURETTE, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on the following dates:

On Friday, December 16, 2011:

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

On Saturday, December 17, 2011:

H.J. Res. 95. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

¶169.11 AMENDMENTS OF THE SENATE TO H.R. 2056

Mr. WESTMORELAND moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes:

On page 2, line 10, insert ''and'' after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller

General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. WESTMORELAND and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 20, 2011.

The point of no quorum was considered as withdrawn.

¶169.12 AMENDMENT OF THE SENATE TO H.R. 1801

Mr. CRAVAACK moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Risk-Based Security Screening for Members of the Armed Forces Act''.

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

''(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

''(A) leveraging existing security screening models used to reduce passenger wait times;

''(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

''(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Assistant Secretary to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

''(4) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.''.

(b) EFFECTIVE DATE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. CRAVAACK and Ms. RICHARDSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CRAVAACK objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 20, 2011.

The point of no quorum was considered as withdrawn.

¶169.13 AMENDMENT OF THE SENATE TO H.R. 1059

Mr. SMITH of Texas, moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes:

On page 2, line 6 through 8 strike and insert:

(1) in subparagraph (A), by striking ''Marshall'' and inserting ''Marshals'';

(2) in subparagraph (C), by inserting ''and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform'' after ''Senate''; and

(3) in subparagraph (E), by striking ''2011'' both places it appears and inserting ''2017''.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. SMITH of Texas, and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 20, 2011.

The point of no quorum was considered as withdrawn.

¶169.14 AMENDMENTS OF THE SENATE TO H.R. 515

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004:

On page 6, line 19, strike ''and'' and insert ''expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The''.

On page 10, line 9, strike ''continue to''.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Ms. ROS-LEHTINEN and Mr. CONNOLLY of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, December 20, 2011.

The point of no quorum was considered as withdrawn.

¶169.15 STATUE OR BUST OF SIR WINSTON CHURCHILL

Mr. Daniel E. LUNGREN of California, moved to suspend the rules and agree to the resolution (H. Res. 497):

Whereas Sir Winston Churchill was Prime Minister of the United Kingdom from 1940 through 1945 and from 1951 through 1955;

Whereas the United States and the United Kingdom led the Allied Powers during World War Two;

Whereas President Franklin Delano Roosevelt and Sir Winston Churchill formed a bond that united freedom-loving people throughout the world to defeat tyranny in Europe and Asia;

Whereas, on December 26, 1941, Sir Winston Churchill addressed a Joint Session of Congress;

Whereas during that speech, Sir Winston Churchill said, ''Sure I am that this day—now we are the masters of our fate; that the task which has been set us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable willpower, salvation will not be denied us. In the words of the Psalmist, 'He shall not be afraid of evil tidings; his heart is fixed, trusting in the Lord.' Not all the tidings will be evil.'';

Whereas December 26, 2011, is the 70th anniversary of this speech to a joint session of Congress;

Whereas Sir Winston Churchill was made an Honorary Citizen of the United States by an act of Congress in 1963;

Whereas Sir Winston Churchill was awarded the Congressional Gold Medal in 1969;

Whereas Sir Winston Churchill's persistence, determination and resolve remains an inspiration to freedom-fighters all over the world;

Whereas the United Kingdom remains and will forever be an important and irreplaceable ally to the United States; and

Whereas the United States Capitol does not currently appropriately recognize the contributions of Sir Winston Churchill or that of the United Kingdom: Now, therefore, be it

Resolved, That the Architect of the Capitol place an appropriate statue or bust of Sir

Winston Churchill in the United States Capitol at a location directed by the House Fine Arts Board in consultation with the Speaker.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. Daniel E. LUNGREN of California, and Mr. CONNOLLY of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶169.16 RECESS—5:31 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 31 minutes p.m., subject to the call of the Chair.

¶169.17 AFTER RECESS—11:02 P.M.

The SPEAKER pro tempore, Ms. FOXX, called the House to order.

¶169.18 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3630 AND H. RES. 501

Mr. SCOTT of South Carolina, by direction of the Committee on Rules, reported (Rept. No. 112–335) the resolution (H. Res. 502) providing for consideration of the amendments of the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes; and providing for consideration of the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries; and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶169.19 HOUR OF MEETING

On motion of Mr. SCOTT of South Carolina, pursuant to clause 4 of rule XVI, that when the House adjourns today, it adjourn to meet at 9 a.m. on Tuesday, December 20, 2011.

¶169.20 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1710. An Act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Transportation and Infrastructure.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; to the Committee on the Judiciary.

¶169.21 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 789. An Act to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the ''Sergeant Matthew J. Fenton Post Office.''

H.R. 1264. An Act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the ''M.D. Anderson Plaza'' and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 1892. An Act to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2422. An Act to designate the facility of the United States Postal Service located at 45 Bay Street, Suit 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office''.

H.R. 2845. An Act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 2867. An Act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

H.R. 3421. An Act to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attack on the United States on September 11, 2001.

H.R. 3672. An Act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

H.J. Res. 95. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

¶169.22 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 278. An Act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

¶169.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Eddie Bernice JOHNSON of Texas, for today and balance of the week; and

To Mr. DIAZ-BALART, for today.

And then,

¶169.24 ADJOURNMENT

On motion of Mr. SCOTT of South Carolina, pursuant to the previous order of the House, at 11 o'clock and 4 minutes p.m., the House adjourned until 9 a.m. on Tuesday, December 20, 2011.

¶169.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3029. A bill to reduce the size of the Federal workforce through attrition, and for other purposes; with an amendment (Rept. 112–334). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 502. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes; providing for consideration of the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to medicare beneficiaries; and for other purposes (Rept. 112–335). Referred to the House Calendar.

¶169.26 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. ADERHOLT:

H.R. 3727. A bill to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself and Mr. POSEY):

H.R. 3728. A bill to amend the Internal Revenue Code of 1986 to make members of health care sharing ministries eligible to establish health savings accounts; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky (for himself and Mr. LEVIN):

H.R. 3729. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. JOHNSON of Ohio):

H.R. 3730. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide notice to individuals whose sensitive personal information is involved in a data breach, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOHMERT:

H.R. 3731. A bill to amend the Internal Revenue Code of 1986 to tax bona fide residents of the District of Columbia in the same manner as bona fide residents of possessions of the United States; to the Committee on Ways and Means.

By Mr. GOHMERT:

H.R. 3732. A bill to provide for the retrocession of the District of Columbia to Maryland, and for other purposes; to the Committee on the Judiciary, 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 Mr. HASTINGS of Florida:

H.R. 3733. A bill to reduce the interest rates on mortgages owned or guaranteed by

Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. HEINRICH:

H.R. 3734. A bill to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN:

H.R. 3735. A bill to provide for enhanced penalties to combat Medicare and Medicaid fraud, a Medicare data-mining system and biometric technology pilot program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. WHITFIELD (for himself and Mr. BOSWELL):

H.R. 3736. A bill to provide $50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Georgia:

H. Res. 501. A resolution expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, House Administration, and Transportation and Infrastructure, 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.

¶169.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. STARK.
H.R. 32: Mr. PLATTS.
H.R. 145: Mr. JONES.
H.R. 178: Mr. SCHILLING.
H.R. 708: Mr. FILNER.
H.R. 835: Mr. MCINTYRE, Ms. EDWARDS, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACHUS.
H.R. 860: Mr. POE of Texas and Mr. HARPER.
H.R. 890: Ms. ESHOO.
H.R. 905: Mr. GIBSON.
H.R. 959: Mr. KUCINICH.
H.R. 1054: Mr. FRANK of Massachusetts.
H.R. 1063: Mr. DOYLE and Ms. SLAUGHTER.
H.R. 1148: Ms. WASSERMAN SCHULTZ.
H.R. 1166: Ms. BROWN of Florida, Mr. PAYNE, and Mr. BARROW.
H.R. 1294: Mr. KUCINICH and Ms. WILSON of Florida.
H.R. 1295: Mr. KUCINICH.
H.R. 1370: Mr. THOMPSON of Pennsylvania, Mr. BROUN of Georgia, and Mr. WALDEN.
H.R. 1385: Mr. QUIGLEY.
H.R. 1513: Ms. JACKSON LEE of Texas, Ms. EDWARDS, Mr. BISHOP of New York, Mr. SCHOCK, Mr. JACKSON of Illinois, and Mr. CALVERT.
H.R. 1519: Mr. PETERSON.
H.R. 1580: Mr. BOREN, Ms. BUERKLE, Mr. PETERSON, and Mr. CHANDLER.
H.R. 1614: Mr. PENCE.
H.R. 1648: Mr. LEVIN.
H.R. 1700: Mr. SCHOCK.
H.R. 1718: Mrs. MALONEY.
H.R. 1738: Mr. ISRAEL, Mr. DENT, Ms. CHU, and Ms. WILSON of Florida.
H.R. 1744: Mrs. HARTZLER.
H.R. 1815: Mr. BONNER, Mr. AUSTRIA, Mr. GIBSON, Mr. GOHMERT, Mr. FITZPATRICK, Mr. BROUN of Georgia, Mrs. LUMMIS, Mr. BOUSTANY, Mr. PAULSEN, Mr. MICA, Mrs. ADAMS, Mr. CARTER, Mr. SMITH of Texas, Mr. PETRI, Mr. TERRY, Mrs. CAPITO, Mr. HUIZENGA of Michigan, Mrs. BIGGERT, Mr. CHAFFETZ, Mr. FRELINGHUYSEN, Mr. SOUTHERLAND, Mr. PITTS, Mr. ROSS of Florida, Mr. SESSIONS, Mr. WHITFIELD, Mr. SCHOCK, Mr. HALL, Mr. BISHOP of Utah, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. COLE, Mr. ALEXANDER, Mr. SHUSTER, Mr. SCALISE, Mrs. EMERSON, Mr. WALDEN, Mr. CASSIDY, Mr. GOWDY, Mr. BILIRAKIS, Mr. ROYCE, Mr. GARRETT, Mr. PLATTS, Mr. THORNBERRY, Mr. LATHAM, Ms. HERRERA BEUTLER, Mr. FLEISCHMANN, Mr. MCCARTHY of California, Mr. GARDNER, Mr. ISSA, Mr. MULVANEY, Mr. HARRIS, Mr. JORDAN, Mr. DUNCAN of South Carolina, Mr. BERG, Mr. WESTMORELAND, Mr. PRICE of Georgia, Ms. HAYWORTH, Mr. KELLY, Mr. DUFFY, and Mr. UPTON.
H.R. 1842: Mr. KUCINICH.
H.R. 1897: Mr. SCHOCK.
H.R. 1964: Mr. FINCHER.
H.R. 1968: Ms. KAPTUR.
H.R. 1978: Ms. MOORE and Mr. JACKSON of Illinois.
H.R. 2070: Mr. HARPER.
H.R. 2077: Mr. GUTHRIE and Mr. STIVERS.
H.R. 2104: Mr. LIPINSKI.
H.R. 2139: Mr. YOUNG of Alaska.
H.R. 2159: Mr. FRELINGHUYSEN.
H.R. 2182: Mr. MCHENRY and Mr. WALDEN.
H.R. 2232: Mr. NUGENT.
H.R. 2248: Mr. COHEN.
H.R. 2288: Mr. FILNER and Mr. HIMES.
H.R. 2404: Ms. BALDWIN.
H.R. 2446: Mr. SHERMAN.
H.R. 2453: Mr. GRIJALVA, Mr. PASTOR of Arizona, Mr. BACA, Mr. BECERRA, Ms. ESHOO, Mr. GARAMENDI, Mr. HONDA, Ms. MATSUI, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Ms. WATERS, Ms. WOOLSEY, Mr. PERLMUTTER, Ms. BROWN of Florida, Ms. CASTOR of Florida, Mr. JOHNSON of Georgia, Ms. HIRONO, Mr. VISCLOSKY, Mr. BRALEY of Iowa, Mr. CHANDLER, Mr. YARMUTH, Mr. SARBANES, Mr. LEVIN, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. HOLT, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. HEINRICH, Mr. ACKERMAN, Mr. BISHOP of New York, Ms. CLARKE of New York, Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. CRITZ, Mr. DOYLE, Mr. FATTAH, Mr. HOLDEN, Ms. SUTTON, Ms. FUDGE, Mr. LANGEVIN, Mr. COHEN, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. REYES, Mr. MATHESON, Mr. CRENSHAW, and Mr. BROUN of Georgia.
H.R. 2492: Mr. RUPPERSBERGER, Ms. WILSON of Florida, Ms. EDWARDS, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCOTTER, and Mrs. LOWEY.
H.R. 2528: Mr. WALDEN.
H.R. 2569: Mr. WALBERG.
H.R. 2679: Ms. HANABUSA.
H.R. 2705: Mr. ROTHMAN of New Jersey.
H.R. 2746: Mr. REYES.
H.R. 2866: Mr. MCNERNEY, Mr. BURGESS, and Mr. COSTELLO.
H.R. 2925: Mr. RIBBLE.
H.R. 2948: Ms. SUTTON and Ms. WILSON of Florida.
H.R. 2962: Mr. DUFFY.
H.R. 2966: Mr. LIPINSKI, Ms. WILSON of Florida, Ms. EDWARDS, Mr. DOGGETT, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.
H.R. 2970: Mr. MILLER of North Carolina.
H.R. 2981: Ms. LEE of California.
H.R. 3000: Mr. CONAWAY, Mr. BUCSHON, Mr. WALBERG, and Mr. BISHOP of Utah.
H.R. 3367: Mr. RANGEL.
H.R. 3422: Mr. CANSECO.
H.R. 3425: Mr. JACKSON of Illinois.
H.R. 3432: Ms. SLAUGHTER.
H.R. 3461: Mr. AKIN, Mr. PAULSEN, and Mr. WOLF.
H.R. 3521: Mr. COOPER.
H.R. 3542: Mr. ELLISON, Mr. FILNER, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, and Ms. SCHAKOWSKY.
H.R. 3578: Mr. ROKITA and Mr. JOHNSON of Illinois.
H.R. 3582: Mr. REED and Mr. LANKFORD.
H.R. 3589: Mr. SENSENBRENNER.
H.R. 3601: Mr. WESTMORELAND.
H.R. 3626: Mr. CONYERS, Mr. PASCRELL, and Ms. SLAUGHTER.
H.R. 3638: Mr. NADLER and Ms. WATERS.
H.R. 3643: Mr. COFFMAN of Colorado.
H.R. 3676: Mr. TOWNS, Mr. BARLETTA, Ms. MOORE, and Mr. ROSS of Florida.
H.R. 3704: Mr. GRIMM.
H.R. 3717: Mrs. LOWEY.
H.R. 3720: Mr. SMITH of Texas.
H. Con. Res. 85: Ms. BERKLEY, Mr. MICHAUD, and Ms. HIRONO.
H. Con. Res. 87: Mr. MCINTYRE and Mr. YOUNG of Alaska.
H. Res. 137: Mr. MILLER of North Carolina.
H. Res. 295: Mr. RUSH.
H. Res. 460: Mr. NADLER and Mr. GRIJALVA.
H. Res. 489: Mr. CRAWFORD, Mrs. BLACK, Mr. PALAZZO, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. MCKINLEY, Mr. BURGESS, Mr. JORDAN, Mr. KLINE, Mr. GRIFFITH of Virginia, Mr. SOUTHERLAND, Mr. WALSH of Illinois, and Mr. HALL.
H. Res. 490: Mr. GRIFFIN of Arkansas, Mr. LUETKEMEYER, Mrs. BLACKBURN, Mr. WALBERG, Mr. LATTA, and Mr. BRADY of Texas.

TUESDAY, DECEMBER 20, 2011 (170)

¶170.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WOMACK, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 20, 2011.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶170.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WOMACK, announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Monday, December 19, 2011, was approved.

¶170.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4347. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations, (Montgomery, Alabama) [MB Docket No.: 11-137] (RM-11637) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4348. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Bastrop, Louisiana) [MB Docket No.: 11-87] (RM-11628) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4349. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2011, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

4350. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2011 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4351. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4352. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4353. A letter from the Managing Director/CFO, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Report for FY 2011; to the Committee on Oversight and Government Reform.

4354. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2011, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4355. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

4356. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region [Docket No.: 0906221072-91425-02] (RIN: 0648-XA781) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4357. 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; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA812) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4358. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BB47) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4359. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XA802) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4360. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-XA803) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4361. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of Herring Trip Limit in Atlantic Herring Management Area 3 [Docket No.: 0907301205-0289-02] (RIN: 0648-XA805) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4362. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Update to Information on the Effective Date of Atlantic Smoothhound Shark Fishery Management Measures [Docket No.: 110912579-1627-01] (RIN: 0648-BB43) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4363. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures [Docket No.: 110819519-1640-02] (RIN: 0648-BB22) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4364. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6 Turbofan Engines [Docket No.: FAA-2010-1151; Directorate Identifier 95-ANE-10-AD; Amendment 39-16855; AD 2011-23-04] (RIN: 2120-AA64) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Reciprocating Engines [Docket No.: FAA-2010-0683; Directorate Identifier 2010-NE-25-AD; Amendment 39-16852; AD 2011-23-01] (RIN: 2120-AA64) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶170.4 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3630 AND H. RES. 501

Mr. SCOTT of South Carolina, by direction of the Committee on Rules, called up the following resolution (H. Res. 502):

Resolved, That upon adoption of this resolution it shall be in order, without intervention of any point of order or question of consideration, to take from the Speaker's table the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, with the Senate amendments thereto, and to consider in the House a motion offered by the chair of the Committee on Ways and Means or his designee that the House disagree to the Senate amendments and request a conference with the Senate thereon. The Senate amendments and the motion shall be considered as read. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

SEC. 2. Upon adoption of this resolution it shall be in order, without intervention of any point of order or question of consideration, to consider in the House the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries. The resolution shall be considered as read. All points of order against provisions in the resolution are waived. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

SEC. 3. During consideration of a motion to instruct conferees pending their appointment to a conference on H.R. 3630, the previous question shall be considered as ordered to its adoption without intervening motion except one hour of debate under clause 7(b) of rule XXII. Such motion shall be considered as read and shall not be subject to any question of consideration.

SEC. 4. During consideration of a motion specified in the first section of this resolution or section 3 of this resolution, the chair may—

(a) notwithstanding the operation of the previous question, postpone further consideration of the motion to such time as may be designated by the Speaker as though under clause 1(c) of rule XIX; and

(b) postpone the question of adoption of the motion as though under clause 8 of rule XX.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of January 17, 2012.

SEC. 6. It shall be in order at any time through the calendar day of January 15, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1(c) of rule XV.

When said resolution was considered.

After debate,

Mr. SCOTT of South Carolina, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233; Nays ..... 187; Answered present 1

¶170.5 [Roll No. 944]

YEAS—233

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

NAYS—187

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—12

Bachmann
Buchanan
Coble
Diaz-Balart
Filner
Giffords
Johnson, E. B.
Olver
Paul
Platts
Schrader
Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WOMACK, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231; Nays ..... 187; Answered present 1

¶170.6 [Roll No. 945]

YEAS—231

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

NAYS—187

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins

Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—14

Bachmann
Buchanan
Coble
Diaz-Balart
Filner
Giffords
Gingrey (GA)
Hanna
Johnson, E. B.
Olver
Paul
Platts
Schrader
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶170.7 AMENDMENTS OF THE SENATE TO H.R. 3630

Mr. CAMP, pursuant to House Resolution 502, the bill (H.R. 3630) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Payroll Tax Cut Continuation Act of 2011''.

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

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

TITLE I—TEMPORARY PAYROLL TAX RELIEF

SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

''(c) PAYROLL TAX HOLIDAY PERIOD.—The term 'payroll tax holiday period' means—

''(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

''(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.''.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR 2012.—

''(1) LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.—In the case of—

''(A) any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer's self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

''(i) $18,350, over

''(ii) the amount of wages and compensation taken into account under subparagraph (B), and

''(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer's wages (as defined in section 3121(a) of such Code) and compensation (as defined section 3231(e) of such Code) as does not exceed $18,350.

''(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

'' ''(A) the sum of—

'' ''(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

'' ''(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus''.''

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting ''of such Code'' after ''164(f)'',

(2) by inserting ''of such Code'' after ''1401(a)'' in subparagraph (A), and

(3) by inserting ''of such Code'' after ''1401(b)'' in subparagraph (B).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''January 3, 2012'' each place it appears and inserting ''March 6, 2012'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''MARCH 6, 2012''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''August 15, 2012''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 4, 2012'' each place it appears and inserting ''March 7, 2012''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''August 15, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''August 15, 2012''.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking ''December 31, 2011'' and inserting ''February 29, 2012''; and

(B) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

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

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''August 31, 2011''; and

(2) by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''September 30, 2011'' and inserting ''November 30, 2011''.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2012'' and inserting ''before March 1, 2012''.

SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''and 2011'' and inserting ''2011, and the first two months of 2012''.

SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''January 1, 2012'' and inserting ''March 1, 2012''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2012'' and inserting ''March 1, 2012'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of Public Law 111–148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''January 1, 2012'' and inserting ''March 1, 2012''.

SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''January 1, 2012'' and inserting ''March 1, 2012''; and

(B) in the second sentence, by striking ''or 2011'' and inserting ''2011, or the first two months of 2012''; and

(2) in subclause (III)—

(A) in the first sentence, by striking ''2009, and'' and all that follows through ''for which'' and inserting ''2009, and before March 1, 2012, for which''; and

(B) in the second sentence, by striking ''2010, and'' and all that follows through ''the preceding'' and inserting ''2010, and before March 1, 2012, the preceding''.

SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking ''and 2011'' and inserting '', 2011, and the first 2 months of 2012''; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''and 2011'' and inserting '', 2011, and the first 2 months of 2012''; and

(ii) in subparagraph (C), by striking ''and 2011'' and inserting '', 2011, and the first 2 months of 2012''; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking ''or 2011'' and inserting '', 2011, or the first 2 months of 2012''.

SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2011'' and inserting ''February 2012''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

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

(B) in subparagraph (P), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraphs:

''(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is $150,000,000.''.

SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

TITLE IV—MORTGAGE FEES AND PREMIUMS

SEC. 401. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

''SEC. 1327. ENTERPRISE GUARANTEE FEES.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GUARANTEE FEE.—The term 'guarantee fee'—

''(A) means a fee described in subsection (b); and

''(B) includes—

''(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

''(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

''(2) AVERAGE FEES.—The term 'average fees' means the average contractual fee rate of single-

family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

''(b) INCREASE.—

''(1) IN GENERAL.—

''(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

''(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

''(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

''(A) the guarantee is inconsistent with the requirements of this section; or

''(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

''(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

''(c) PHASE-IN.—

''(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

''(A) provide for uniform pricing among lenders;

''(B) provide for adjustments in pricing based on risk levels; and

''(C) take into consideration conditions in financial markets.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

''(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

''(1) a description of—

''(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

''(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

''(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

''(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

''(e) ENFORCEMENT.—

''(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

''(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

''(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.''.

SEC. 402. FHA GUARANTEE FEES.

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

''(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

''(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).''.

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) EFFECT OF NO APPROVAL.—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

Subtitle B—Budgetary Provisions

SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

''(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

''(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

''(2) SUPERMAJORITY WAIVER AND APPEALS.—

''(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

''(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.''.

SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Amend the title so as to read: ''An Act A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes''.

Mr. CAMP, pursuant to House Resolution 502, moved to disagree to the amendments of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

After debate,

Pursuant to House Resolution 502, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. YODER, announced that the yeas had it.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 229 / Nays ..... 193 }

¶170.8 [Roll No. 946]

YEAS—229

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

NAYS—193

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

Tonko	Walz (MN)	Welch
Towns	Wasserman Schultz	Wilson (FL)
Tsongas	Waters	Wolf
Van Hollen	Watt	Yarmuth
Velázquez	Waxman	
Visclosky		

NOT VOTING—11

Bachmann	Filner	Paul
Buchanan	Giffords	Schrader
Coble	Johnson, E. B.	Woolsey
Diaz-Balart	Olver	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶170.9 MOTION TO INSTRUCT CONFEREES—H.R. 3630

Mr. HOYER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 3630, be instructed to recede from disagreement to the amendments of the Senate.

After debate,

Pursuant to House Resolution 502, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CROWLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶170.10 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Ms. EDWARDS, pursuant to clause 2(a)(1) of rule IX, announced her intention to call up the following resolution, as a question of the privileges of the House:

Whereas an article on December 15, 2011, on the ''Politico Pro'' newspaper website quoted the Representative from Florida, Mr. West, as saying, ''If Joseph Goebbels was around, he'd be very proud of the Democrat Party because they have an incredible propaganda machine. I think that you have, and let's be honest, you know, some of the people in the media are complicit in this, in enabling them to get that type of message out.'';

Whereas Joseph Goebbels served as the Third Reich's Minister of Public Enlightenment and Propaganda in Nazi Germany from 1933–1945;

Whereas Joseph Goebbels openly used xenophobia and racism in his quest to dehumanize European Jewry;

Whereas Joseph Goebbels made Jews the scapegoat of German economic insecurity, fostering flagrant anti-Semitism;

Whereas the United States Holocaust Memorial Museum reports ''that Joseph Goebbels delivered a passionate anti-Semitic speech to the Nazi party faithful in Munich on November 9, 1938 . . . After the speech, Nazi officials order the Storm Troopers (SA) and other party formations to attack Jews and to destroy their homes, businesses, and houses of worship. The violence against Jews lasts into the morning hours of November 10th, and becomes known as Kristallnacht--the 'Night of Broken Glass'. Several dozen Jews lose their lives and tens of thousands are arrested and sent to concentration camps.'';

Whereas Nazi Germany and their collaborators killed six million European Jews and millions of others as part of their ''Final Solution'';

Whereas by invoking the specter of Joseph Goebbels, the Representative from Florida, Mr. West, thoroughly belittles the horrors and suffering experienced by the victims and survivors of the Holocaust;

Whereas the American Jewish Committee issued a December 15, 2011, statement saying ''To make a linkage between any mainstream political party in the United States and the heinous atrocities committed by the Third Reich should be simply beyond the pale, whatever political differences may arise in a heated electoral season . . . By invoking the image of Joseph Goebbels and the Gestapo, Representative West has displayed a complete lack of understanding of the worst genocidal era in human history. Moreover, he has diminished and trivialized the unique evil perpetrated by the Third Reich through his unfortunate use of language'';

Whereas the Anti-Defamation League said in a December 16, 2011, letter to the Representative from Florida, Mr. West, ''We were deeply dismayed by Rep. West's remark comparing the Democratic Party's attempts to articulate views to the American people through the media to the efforts of the Nazi propaganda minister, Joseph Goebbels . . . Such outrageous Holocaust analogies have no place in our political dialogue. They are offensive, they trivialize real historical events, and they diminish the memory of the six million Jews and millions of others who perished in the Holocaust'';

Whereas the Representative from Michigan, Mr. Conyers, wrote in a letter to the Representative from Florida, Mr. West, that the Representative from Florida should ''help raise the level of congressional discourse in a vigorous debate'';

Whereas the Representative from Florida, Mr. West, responded back in a letter to the Representative from Michigan, Mr. Conyers, that ''The Democrat Party does indeed have a vicious propaganda machine, it espouses lies and deceit and the Master of deceptive information would be truly proud'';

Whereas in the repetition of this abhorrent and outrageous sentiment to the Representative from Michigan, Mr. Conyers, the Representative from Florida, Mr. West, demonstrates not only the willful and malicious misapplication of history, but also his disdain for the decorum of the Congress; and

Whereas the conduct of the Representative from Florida was repugnant: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the Representative from Florida, Mr. West, for bringing discredit to the House by offending the memory of those who died during the Holocaust.

The SPEAKER pro tempore, Mr. SIMPSON, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentlewoman from Maryland [Ms. EDWARDS] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶170.11 PAYROLL TAX HOLIDAY

Mr. PRICE of Georgia, pursuant to House Resolution 502, called up for consideration the following resolution (H. Res. 501):

Whereas a two-month extension of the payroll tax cut instead of a full-year extension would cause additional uncertainty and complexity for private-sector job creators already struggling in the current economy;

Whereas, on December 17, 2011, President Barack Obama said, ''It would be inexcusable for Congress not to further extend this middle-class tax cut for the rest of the year.'';

Whereas, on December 17, 2011, House Minority Leader Nancy Pelosi said, ''House Democrats will return to Washington to take up this legislation without delay, and we will keep up the fight to extend these provisions for a full year.'';

Whereas, on December 17, 2011, House Minority Whip Steny Hoyer (D–MD): ''I'm disappointed that Senate Republicans would not agree to a longer-term extension of critical policies.'';

Whereas in 2011 working Americans received a temporary payroll tax rate reduction which allowed the average family to keep $1,000 more of their annual wages;

Whereas, on December 31, 2011, without action by the Congress, the temporary payroll tax rate reduction will expire, leaving nearly 170 million American workers with less disposable income as the economy continues to struggle;

Whereas the imminent expiration of the temporary payroll tax rate reduction is creating further uncertainty for families as well as employers who must adjust withholding amounts from their employees' paychecks;

Whereas the Social Security Trust Fund is now running a cash deficit, and over the next 75 years will require an additional $6.5 trillion to pay scheduled benefits;

Whereas, on January 1, 2012, without Congressional action, Medicare physician payments will be cut by 27.4 percent;

Whereas in order to preserve access to health care for the nation's seniors, two years of stable Medicare payment rates would provide the most certainty physicians have had since 2004;

Whereas a two-year period of stability would provide Congress time to develop a long-term replacement to the Sustainable Growth Rate formula;

Whereas 13 million Americans remain unemployed and the unemployment rate has been above eight percent for 34 consecutive months, the Congress should enact needed reforms to ensure a fiscally responsible unemployment insurance program;

Whereas H.R. 3630 as passed by the House provided a fully offset extension of unemployment insurance benefits in line with previous periods of economic duress and integrated common-sense reforms into the program, including a requirement that benefit recipients search for work and participate in reemployment services to help them get back to work;

Whereas construction of the Keystone XL pipeline from Hardisty, Alberta, to Steele City, Nebraska, and to the United States Gulf Coast through Cushing, Oklahoma, is a

$7 billion energy project that will enhance the energy security and economy of the United States;

Whereas the Keystone XL pipeline will create 20,000 direct jobs and 118,000 indirect jobs;

Whereas the Keystone XL pipeline has been subjected to three years of intensive environmental review, and was deemed environmentally sound by the U.S. Department of State in its August 26, 2011, Final Environmental Impact Statement (FEIS);

Whereas Keystone XL pipeline legislation passed by the House and Senate would allow the state of Nebraska to continue its environmental review of a new pipeline route to avoid the Sand Hills region and the Ogallala Aquifer;

Whereas H.R. 3630 as passed by the House will reduce the cost for employers to purchase and place in service new equipment next year, and continued expensing will serve as an incentive to make investments and foster greater business investment and job creation;

Whereas EPA's new proposed rules for boilers would cost manufacturers, colleges and universities, municipalities, and small businesses $15 billion and put up to 240,000 jobs at risk;

Whereas significant concerns with EPA's new proposed rules cannot be adequately addressed or remedied unless Congress passes legislation; and

Whereas the House of Representatives passed on October 13, 2011, by a vote of 275 to 142, with the support of 41 Democrats, legislation that would overturn EPA's Boiler MACT rules and require the agency to repropose new rules in 15 months after date of enactment, with achievable standards, and an extension of the compliance period from three years to five years: Now, therefore, be it

Resolved, That it is the Sense of the House of Representatives that any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries—

(1) extend the payroll tax holiday through December 31, 2012;

(2) extend and reform Federally funded unemployment insurance benefits;

(3) eliminate for two years the dramatic cut in reimbursement for physicians who provide care to Medicare beneficiaries;

(4) reduce spending from areas throughout the Federal Government, including a freeze on congressional salaries, in order to protect the Social Security Trust Fund, whose solvency would otherwise be diminished as result of the payroll tax holiday; and

(5) provide immediate job creation through—

(A) final approval of the Keystone XL pipeline;

(B) expensing for capital assets placed in service in 2012; and

(C) drafting new regulations for boilers that are achievable and cost-effective.

When said resolution was considered.

After debate,

Pursuant to House Resolution 502, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CLYBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶170.12 PRIVILEGES OF THE HOUSE

Ms. EDWARDS, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution previously noticed (H. Res. 504):

Whereas Joseph Goebbels served as the Third Reich's Minister of Public Enlightenment and Propaganda in Nazi Germany from 1933–1945;

Whereas Joseph Goebbels openly used xenophobia and racism in his quest to dehumanize European Jewry;

Whereas Joseph Goebbels made Jews the scapegoat of German economic insecurity, fostering flagrant anti-Semitism;

Whereas the United States Holocaust Memorial Museum reports "that Joseph Goebbels delivered a passionate anti-Semitic speech to the Nazi party faithful in Munich on November 9, 1938 . . . After the speech, Nazi officials order the Storm Troopers (SA) and other party formations to attack Jews and to destroy their homes, businesses, and houses of worship. The violence against Jews lasts into the morning hours of November 10th, and becomes known as Kristallnacht—the 'Night of Broken Glass'. Several dozen Jews lose their lives and tens of thousands are arrested and sent to concentration camps.";

Whereas Nazi Germany and their collaborators killed six million European Jews and millions of others as part of their "Final Solution";

Whereas by invoking the specter of Joseph Goebbels, the Representative from Florida, Mr. West, thoroughly belittles the horrors and suffering experienced by the victims and survivors of the Holocaust;

Whereas the American Jewish Committee issued a December 15, 2011, statement saying "To make a linkage between any mainstream political party in the United States and the heinous atrocities committed by the Third Reich should be simply beyond the pale, whatever political differences may arise in a heated electoral season . . . By invoking the image of Joseph Goebbels and the Gestapo, Representative West has displayed a complete lack of understanding of the worst genocidal era in human history. Moreover, he has diminished and trivialized the unique evil perpetrated by the Third Reich through his unfortunate use of language";

Whereas the Anti-Defamation League said in a December 16, 2011, letter to the Representative from Florida, Mr. West, "We were deeply dismayed by Rep. West's remark comparing the Democratic Party's attempts to articulate views to the American people through the media to the efforts of the Nazi propaganda minister, Joseph Goebbels . . . Such outrageous Holocaust analogies have no place in our political dialogue. They are offensive, they trivialize real historical events, and they diminish the memory of the six million Jews and millions of others who perished in the Holocaust";

Whereas the Representative from Michigan, Mr. Conyers, wrote in a letter to the Representative from Florida, Mr. West, that the Representative from Florida should "help raise the level of congressional discourse in a vigorous debate";

Whereas the Representative from Florida, Mr. West, responded back in a letter to the Representative from Michigan, Mr. Conyers, that "The Democrat Party does indeed have a vicious propaganda machine, it espouses lies and deceit and the Master of deceptive information would be truly proud";

Whereas in the repetition of this abhorrent and outrageous sentiment to the Representative from Michigan, Mr. Conyers, the Representative from Florida, Mr. West, demonstrates not only the willful and malicious misapplication of history, but also his disdain for the decorum of the Congress; and

Whereas the conduct of the Representative from Florida was repugnant: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the Representative from Florida, Mr. West, for bringing discredit to the House by offending the memory of those who died during the Holocaust.

The SPEAKER pro tempore, Mr. SIMPSON, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. PRICE of Georgia, moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CLYBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 188

¶170.13 [Roll No. 947]

YEAS—231

Adams	Denham	Hensarling
Aderholt	Dent	Herger
Akin	DesJarlais	Herrera Beutler
Alexander	Dreier	Huelskamp
Amash	Duffy	Huizenga (MI)
Amodei	Duncan (SC)	Hultgren
Bachus	Duncan (TN)	Hunter
Barletta	Ellmers	Hurt
Bartlett	Emerson	Issa
Barton (TX)	Farenthold	Jenkins
Bass (NH)	Fincher	Johnson (OH)
Benishek	Fitzpatrick	Johnson, Sam
Berg	Flake	Jordan
Biggert	Fleischmann	Kelly
Bilbray	Fleming	King (NY)
Bilirakis	Flores	Kingston
Bishop (UT)	Forbes	Kinzinger (IL)
Black	Fortenberry	Kline
Blackburn	Foxx	Labrador
Bonner	Franks (AZ)	Lamborn
Bono Mack	Frelinghuysen	Lance
Boustany	Gallegly	Landry
Brady (TX)	Gardner	Lankford
Brooks	Garrett	Latham
Broun (GA)	Gerlach	LaTourette
Buchanan	Gibbs	Latta
Bucshon	Gibson	Lewis (CA)
Buerkle	Gingrey (GA)	LoBiondo
Burgess	Gohmert	Long
Burton (IN)	Goodlatte	Lucas
Calvert	Gosar	Luetkemeyer
Camp	Gowdy	Lummis
Campbell	Granger	Lungren, Daniel E.
Canseco	Graves (GA)	Mack
Cantor	Graves (MO)	Manzullo
Capito	Griffin (AR)	Marchant
Carter	Griffith (VA)	Marino
Cassidy	Grimm	McCarthy (CA)
Chabot	Guinta	McCaul
Chaffetz	Guthrie	McClintock
Coffman (CO)	Hall	McCotter
Cole	Hanna	McHenry
Conaway	Harper	McKeon
Cravaack	Harris	McKinley
Crawford	Hartzler	McMorris Rodgers
Crenshaw	Hastings (WA)	Meehan
Culberson	Hayworth	
Davis (KY)	Heck	

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—188

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

NOT VOTING—14

Austria
Bachmann
Coble
Diaz-Balart
Filner
Giffords
Johnson, E. B.
King (IA)
Olver
Paul
Schrader
Smith (NE)
Smith (WA)
Woolsey

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶170.14 MOTION TO INSTRUCT CONFEREES TO H.R. 3630—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. HOYER, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 183 / Nays 238

¶170.15 [Roll No. 948]

YEAS—183

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

NAYS—238

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

NOT VOTING—12

Austria
Bachmann
Coble
Diaz-Balart
Filner
Giffords
Johnson, E. B.
Olver
Paul
Schrader
Smith (WA)
Woolsey

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶170.16 H. RES. 501—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 501) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 185

¶170.17 [Roll No. 949]

YEAS—226

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

NAYS—185

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

NOT VOTING—22

Austria
Bachmann
Barton (TX)
Coble
Diaz-Balart
Eshoo
Farr
Filner
Giffords
Gutierrez
Hunter
Johnson, E. B.
Lofgren, Zoe
Olver
Paul
Schrader
Smith (WA)
Speier
Thompson (CA)
Wilson (FL)
Woolsey
Yarmuth

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶170.18 HOUR OF MEETING

On motion of Mr. ROSKAM, pursuant to clause 4 of rule XVI, that when the House adjourns today, it adjourn to meet at 10 a.m. on Wednesday, December 21, 2011.

¶170.19 APPOINTMENT OF CONFEREES—H.R. 3630

The SPEAKER appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes: Messrs. CAMP, UPTON, BRADY of Texas, WALDEN, PRICE of Georgia, REED, Mrs. ELLMERS, and Ms. HAYWORTH.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶170.20 AMENDMENTS OF THE SENATE TO H.R. 2056—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. WOMACK, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶170.21 AMENDMENT OF THE SENATE TO H.R. 1801—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. WOMACK, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶170.22 AMENDMENT OF THE SENATE TO H.R. 1059—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. WOMACK, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶170.23 AMENDMENTS OF THE SENATE TO H.R. 515—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WOMACK, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. WOMACK, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶170.24 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BROOKS, laid before the House the following communication from Michael Nielsen, Casework Supervisor/Office Manager, office of the Honorable Xavier Becerra:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 12, 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 was served with a subpoena, issued by Superior Court of California, County of Los Angeles for witness testimony.

Prior to my required appearance, however, the defendant in the case pled no contest to a lesser charge, thereby alleviating any need for my testimony. After consultation with the Office of General Counsel and as a result of developments in the case, no determination regarding compliance with the subpoena is required.

Sincerely,

MICHAEL NIELSEN,
Casework Supervisor/Office Manager.

¶170.25 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

December 7, 2011:

H.R. 394. An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

December 13, 2011:

H.R. 2192. An Act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

December 16, 2011:

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

December 17, 2011:

H.J. Res. 95, A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

December 20, 2011:

H.R. 470. An Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An Act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

¶170.26 SENATE BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

December 13, 2011:

S. 1541. An Act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An Act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

December 19, 2011:

S. 535. An Act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An Act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

¶170.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DIAZ-BALART, for today.

And then,

¶170.28 ADJOURNMENT

On motion of Mr. JOHNSON of Georgia, pursuant to the previous order of the House, at 6 o'clock and 41 minutes p.m., the House adjourned until 10 a.m. on Wednesday, December 21, 2011.

¶170.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the matter of Allegations Relating to Representative Don Young (Rept. 112–336). Referred to the House Calendar.

¶170.30 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. STEARNS (for himself and Mr. TOWNS):

H.R. 3737. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to fast track approval of certain orphan drugs; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 3738. A bill to amend title 18, United States Code, to increase from 1 to 2 years the post employment restrictions on Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. FITZPATRICK:

H.R. 3739. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to terminate payments to States certified under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. SHULER, Mr. KISSELL, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. WATT):

H.R. 3740. A bill to provide supplemental emergency disaster assistance to agricultural producers for certain crop losses during the 2011 crop year, to eliminate limitations on certain waivers for borrowers eligible for direct farm operating loans, and to suspend the limitation on the period for which borrowers are eligible for guaranteed farm operating loans, for farming or ranching operations in counties subject to a disaster declaration issued in 2011; to the Committee on Agriculture.

By Ms. WILSON of Florida (for herself, Ms. BASS of California, Ms. BROWN of Florida, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DEUTCH, Mr. DIAZ-BALART, Ms. EDWARDS, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr.

GRIMM, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HASTINGS of Florida, Mr. HIGGINS, Ms. HOCHUL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KEATING, Mr. KILDEE, Mr. KUCINICH, Mr. JOHNSON of Georgia, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Mr. POLIS, Mr. POSEY, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. RIVERA, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WELCH, Mr. WEST, Ms. WOOLSEY, Mr. HINOJOSA, Ms. MCCOLLUM, Mr. WOLF, Mr. SIRES, Mr. PETERS, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mrs. LOWEY, Mr. COOPER, Mr. MCGOVERN, Ms. DELAURO, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. PIERLUISI, Ms. PINGREE of Maine, Ms. LORETTA SANCHEZ of California, Mrs. MCCARTHY of New York, Mr. BARLETTA, Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. LIPINSKI, Mr. MILLER of North Carolina, and Mr. SERRANO):

H.R. 3741. A bill to require State child welfare agencies to promptly report information on missing or abducted children to law enforcement authorities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. PEARCE:

H.R. 3742. A bill to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the ''Edwin L. Mechem United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. ISRAEL, Ms. SLAUGHTER, Mr. VAN HOLLEN, Mr. PALLONE, Mrs. MALONEY, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Ms. BASS of California, Mr. BERMAN, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRITZ, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEUTCH, Mr. DICKS, Mr. DINGELL, Mr. DONNELLY of Indiana, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HANABUSA, Ms. HAHN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Ms. HOCHUL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KILDEE, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUJÁN, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MEEKS, Mr. MICHAUD, Mr. MILLER of North Carolina, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR of Arizona, Mr. PAYNE, Mr. PERLMUTTER, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROSS of Arkansas, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL, Mr. SHULER, Mr. SIRES, Mr. SMITH of Washington, Ms. SPEIER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. SHERMAN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. BISHOP of Georgia, Mr. FALEOMAVAEGA, Mr. PETERS, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Mr. KISSELL, and Mr. KUCINICH):

H.R. 3743. A bill to provide incentives for the creation of jobs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget, 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. ADERHOLT:

H.R. 3744. A bill to provide that the United States Postal Service shall maintain postal service to rural areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. BROWN of Florida:

H.R. 3745. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Mr. LOEBSACK:

H.R. 3746. A bill to provide a temporary employee payroll tax cut for 2012; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. GARRETT):

H.R. 3747. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax exemption amount and index such amount for inflation; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Ms. JACKSON LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3748. A bill to establish a grant program for stipends to assist in the cost of compensation paid by employers to certain recent college graduates and to provide funding for their further education in subjects relating to mathematics, science, engineering, and technology; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 3749. A bill to amend the Older Americans Act of 1965 to expand the Senior Community Service Employment Program; to the Committee on Education and the Workforce.

By Ms. RICHARDSON (for herself and Ms. JACKSON LEE of Texas):

H.R. 3750. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to provide grants to States and units of local government for the video recording of custodial interrogations; to the Committee on the Judiciary.

By Ms. RICHARDSON:

H.R. 3751. A bill to establish the History Is Learned from the Living grant program to enable communities to learn about historical movements in the United States in the past century through the oral histories of community members who participated in those movements, and for other purposes; to the Committee on Natural Resources.

By Ms. RICHARDSON:

H.R. 3752. A bill to amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H.R. 3753. A bill to establish a grant program to encourage fire stations to establish or upgrade restroom, shower, and changing facilities to create more equitable conditions for women firefighters; to the Committee on Science, Space, and Technology.

By Ms. RICHARDSON:

H.R. 3754. A bill to amend the Small Business Act to improve the program under section 8(a), and for other purposes; to the Committee on Small Business.

By Ms. RICHARDSON:

H.R. 3755. A bill to amend title 38, United States Code, to prohibit demonstrations at places of mourning during a funeral, memorial service, or other bereavement ceremony honoring a deceased veteran; to the Committee on Veterans' Affairs.

By Ms. RICHARDSON:

H.R. 3756. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for interest paid on indebtedness incurred in connection with the purchase of a new automobile or light truck; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself and Ms. BASS of California):

H.R. 3757. A bill to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Space, and Technology, and Natural Resources, 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 Ms. RICHARDSON:

H.R. 3758. A bill to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a $250 payment in the event that no cost-of-living adjustment is payable in a calendar year; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHMIDT (for herself, Mr. LATOURETTE, Mr. TURNER of Ohio, Mr. AUSTRIA, Mr. JOHNSON of Ohio, Mr. GIBBS, Mr. STIVERS, Mr. CHABOT, Mr. LATTA, Mr. RYAN of Ohio, Mr. TIBERI, and Mr. RENACCI):

H.R. 3759. A bill to ensure the viability of a technology described in section 1703(b) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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. SIRES:

H.R. 3760. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to Tourette syndrome; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. CONYERS, Mr. BERMAN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. FILNER, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN):

H.R. 3761. A bill to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO (for himself and Ms. SCHAKOWSKY):

H.R. 3762. A bill to amend the Public Health Service Act to include occupational therapists as behavioral and mental health professionals for purposes of the National Health Service Corps; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3763. A bill to amend title 5, United States Code, to provide for additional requirements for public comments submitted in connection with certain proceedings before the Federal Communications Commission; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 3764. A bill to revise the 90-10 rule under the Higher Education Act of 1965 to count veterans' education benefits under such rule, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK:

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve to 4 in the House of Representatives and 2 in the Senate; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself and Mr. JONES):

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures with respect to Federal elections; to the Committee on the Judiciary.

By Mr. NUGENT:

H. Res. 503. A resolution expressing the sense of the House of Representatives that the United States should leave no member of the Armed Forces unaccounted for in the withdrawal of forces from Iraq and Afghanistan; to the Committee on Armed Services.

By Ms. EDWARDS:

H. Res. 504. A resolution raising a question of the privileges of the House.

By Mr. AUSTRIA:

H. Res. 505. A resolution expressing the sense of sympathy of the House of Representatives to those who perished or were displaced in the Philippines as a result of the December 16, 2011 flooding; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Mr. GRIMM, Mr. SARBANES, and Ms. BERKLEY):

H. Res. 506. A resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself, Mr. SMITH of Texas, Mr. BONNER, Mr. LUETKEMEYER, Mr. DUNCAN of Tennessee, Mr. CASSIDY, Mr. BOUSTANY, Mr. HARPER, Mr. CULBERSON, and Mr. SESSIONS):

H. Res. 507. A resolution expressing the sense of the House of Representatives regarding the Government of Antigua and Barbuda and its actions relating to the Stanford Financial Group fraud; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON (for herself, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. CLARKE of New York, Mrs. MALONEY, Mr. MEEKS, Mrs. CHRISTENSEN, Ms. NORTON, Mr. GUTIERREZ, Mr. RANGEL, Mr. RUSH, Mr. NADLER, Mr. TOWNS, Ms. MOORE, and Ms. LEE of California):

H. Res. 508. A resolution supporting the goals and ideals of International Day for the Abolition of Slavery, recognizing the tenth anniversary of the adoption by the United Nations of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, and commending the efforts of modern day abolitionists following in the tradition of Frederick Douglass; to the Committee on Foreign Affairs.

¶170.31 MEMORIALS

Under clause 4 of rule XXII,

172. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Senate Resolution memorializing the Congress to enact legislation to encourage the annual observance of a national 2-minute moment of silence; to the Committee on Veterans' Affairs.

¶170.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Ms. HOCHUL.

H.R. 139: Mr. LEVIN and Ms. WATERS.

H.R. 157: Mr. LONG and Mr. JOHNSON of Ohio.

H.R. 178: Mr. LANGEVIN.

H.R. 210: Ms. BALDWIN and Mr. MCNERNEY.

H.R. 265: Mr. ELLISON.

H.R. 266: Mr. ELLISON.

H.R. 267: Mr. ELLISON.

H.R. 418: Mr. MCDERMOTT.

H.R. 507: Mr. FITZPATRICK, Ms. CHU, Mr. STIVERS, Mr. KUCINICH, Ms. SUTTON, and Mr. REICHERT.

H.R. 512: Mr. BUTTERFIELD.

H.R. 529: Mr. REICHERT.

H.R. 593: Mr. WITTMAN.

H.R. 612: Ms. WATERS.

H.R. 665: Mr. NEUGEBAUER.

H.R. 676: Mr. THOMPSON of Mississippi.

H.R. 708: Mr. HANNA.

H.R. 721: Mr. BRADY of Texas and Mr. AMODEI.

H.R. 733: Mr. BILIRAKIS and Mr. HASTINGS of Florida.

H.R. 750: Mr. SMITH of Texas.

H.R. 835: Mr. RUPPERSBERGER, Ms. WILSON of Florida, and Ms. JACKSON LEE of Texas.

H.R. 1001: Mr. MCCOTTER.

H.R. 1116: Mr. PASCRELL.

H.R. 1148: Mr. GONZALEZ and Ms. ROS-LEHTINEN.

H.R. 1167: Mr. JONES, Mr. KINZINGER of Illinois, and Mr. AMODEI.

H.R. 1171: Ms. SCHAKOWSKY.

H.R. 1244: Mr. RIBBLE and Mr. YODER.

H.R. 1288: Ms. WILSON of Florida.

H.R. 1289: Mr. AL GREEN of Texas.

H.R. 1348: Mr. MURPHY of Connecticut.

H.R. 1370: Mr. GOODLATTE.

H.R. 1375: Ms. WATERS and Mr. PASCRELL.

H.R. 1416: Mrs. BACHMANN.

H.R. 1418: Mr. BONNER.

H.R. 1426: Mr. MILLER of North Carolina.

H.R. 1513: Mr. RUPPERSBERGER and Mr. CARNEY.

H.R. 1515: Mr. WEST.

H.R. 1519: Mr. SMITH of Washington.

H.R. 1533: Mr. DUFFY, Mr. CLARKE of Michigan, Mr. KEATING, and Mr. MCCOTTER.

H.R. 1546: Mr. BLUMENAUER.

H.R. 1574: Ms. WATERS.

H.R. 1621: Mr. THOMPSON of Mississippi.

H.R. 1697: Mr. BONNER.

H.R. 1704: Mr. MILLER of North Carolina, Mr. DENT, Mr. LEVIN, and Ms. WILSON of Florida.

H.R. 1718: Mr. SCHIFF.

H.R. 1739: Mr. FRELINGHUYSEN.

H.R. 1744: Mr. NEUGEBAUER.

H.R. 1761: Mr. MARKEY, Ms. ZOE LOFGREN of California, Mr. FILNER, Mrs. CAPPS, Mr. GRIJALVA, and Mr. GRIMM.

H.R. 1781: Ms. SPEIER.

H.R. 1834: Mr. MURPHY of Pennsylvania.

H.R. 1865: Mr. MCINTYRE.

H.R. 1895: Mr. FARENTHOLD.

H.R. 2020: Mr. LEVIN.

H.R. 2077: Ms. BUERKLE.

H.R. 2088: Mr. PASCRELL, Mr. TIERNEY, Mr. KUCINICH, and Mr. BACA.

H.R. 2098: Mr. KUCINICH.

H.R. 2148: Mr. STARK.

H.R. 2159: Mr. HASTINGS of Florida.

H.R. 2198: Mr. REHBERG and Mr. ROKITA.

H.R. 2245: Mr. COHEN and Mr. PASTOR of Arizona.

H.R. 2256: Mr. STARK, Mr. SMITH of Washington, Ms. SLAUGHTER, Mr. LANCE, Mr. BRADY of Pennsylvania, Mr. HONDA, and Mr. ENGEL.

H.R. 2268: Mr. CONNOLLY of Virginia.

H.R. 2288: Mr. RAHALL and Mr. STARK.

H.R. 2359: Mr. HASTINGS of Florida.

H.R. 2425: Mr. CONYERS.

H.R. 2492: Ms. JACKSON LEE of Texas and Mr. OWENS.

H.R. 2501: Mr. SERRANO.

H.R. 2505: Mr. SCHOCK and Mr. GERLACH.

H.R. 2536: Mr. KUCINICH, Mr. SCHOCK, and Mr. REICHERT.

H.R. 2541: Mr. ADERHOLT.
H.R. 2554: Mr. BLUMENAUER.
H.R. 2683: Mr. DANIEL E. LUNGREN of California.
H.R. 2695: Mr. POSEY.
H.R. 2696: Mr. POSEY.
H.R. 2697: Mr. TOWNS.
H.R. 2698: Mr. MCDERMOTT.
H.R. 2866: Mr. SCHILLING.
H.R. 2962: Mr. BERG and Mr. TIBERI.
H.R. 2966: Mr. CARNEY.
H.R. 2969: Ms. DEGETTE.
H.R. 2982: Mr. FRELINGHUYSEN.
H.R. 2997: Mr. GIBBS.
H.R. 3039: Mr. STIVERS.
H.R. 3042: Mr. HUNTER.
H.R. 3067: Mr. CASSIDY, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. OWENS, Mr. REED, Mr. BRALEY of Iowa, Mr. KIND, Ms. CHU, Mr. LANGEVIN, Mr. RIBBLE, Mr. KING of Iowa, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. LOEBSACK, Mr. DAVID SCOTT of Georgia, Mr. OLVER, and Mrs. LOWEY.
H.R. 3074: Mr. PETRI.
H.R. 3086: Mr. YOUNG of Florida.
H.R. 3099: Mr. YOUNG of Florida.
H.R. 3102: Mrs. MALONEY.
H.R. 3142: Mr. KLINE and Mr. HALL.
H.R. 3167: Mr. CONNOLLY of Virginia and Mr. SCHILLING.
H.R. 3179: Mr. COHEN, Mr. JOHNSON of Georgia, and Ms. PINGREE of Maine.
H.R. 3192: Mr. MORAN.
H.R. 3200: Ms. LORETTA SANCHEZ of California and Mr. RUSH.
H.R. 3216: Mr. BUCSHON.
H.R. 3244: Mr. HUIZENGA of Michigan.
H.R. 3265: Mr. JOHNSON of Ohio.
H.R. 3269: Mr. WOLF, Mr. PASCRELL, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Kentucky, Mr. BACHUS, Ms. PINGREE of Maine, Mr. SMITH of Texas, Mr. POSEY, and Mr. HUIZENGA of Michigan.
H.R. 3275: Mr. JONES.
H.R. 3276: Mrs. ADAMS.
H.R. 3316: Ms. NORTON.
H.R. 3317: Ms. NORTON.
H.R. 3323: Mr. GIBBS.
H.R. 3324: Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. NADLER, and Mr. STARK.
H.R. 3346: Mr. RUSH and Mr. PASTOR of Arizona.
H.R. 3365: Mr. WALDEN.
H.R. 3368: Ms. WATERS.
H.R. 3393: Mr. GRIMM.
H.R. 3395: Mr. COURTNEY.
H.R. 3397: Mr. HUNTER.
H.R. 3400: Mr. MCHENRY.
H.R. 3401: Mr. LONG.
H.R. 3410: Mr. HECK.
H.R. 3435: Ms. KAPTUR, Mr. LUJÁN, Mr. REYES, Mr. JOHNSON of Georgia, Mr. INSLEE, Mr. BECERRA, Mr. CUMMINGS, Mr. HOLT, Ms. HOCHUL, Ms. BALDWIN, Mr. SCHRADER, Mr. JONES, Ms. SCHWARTZ, Ms. HIRONO, Mr. KISSELL, Mr. LANGEVIN, Mr. RYAN of Ohio, and Mr. MCNERNEY.
H.R. 3465: Ms. WATERS.
H.R. 3510: Mr. CONYERS, Mr. CARNAHAN, Mr. RIVERA, and Mr. HULTGREN.
H.R. 3511: Mr. CONNOLLY of Virginia.
H.R. 3515: Mr. STARK, Ms. NORTON, and Ms. MOORE.
H.R. 3521: Mr. FLORES.
H.R. 3523: Ms. ESHOO and Mr. MICHAUD.
H.R. 3538: Mr. GOODLATTE.
H.R. 3545: Mr. CRITZ and Mr. GERLACH.
H.R. 3573: Ms. DELAURO.
H.R. 3575: Mr. FLORES.
H.R. 3576: Mr. FLORES.
H.R. 3578: Mr. FLORES.
H.R. 3579: Mr. FLORES.
H.R. 3580: Mr. DUNCAN of South Carolina, Mr. MCCLINTOCK, Mr. RIBBLE, and Mr. FLORES.
H.R. 3582: Mr. ROSS of Florida and Mr. BROUN of Georgia.
H.R. 3583: Mr. WESTMORELAND.
H.R. 3586: Mr. ROGERS of Michigan.
H.R. 3589: Mrs. SCHMIDT and Mr. JOHNSON of Ohio.
H.R. 3606: Mr. NEUGEBAUER.
H.R. 3614: Mr. JACKSON of Illinois.
H.R. 3643: Mr. MICHAUD and Mr. RIBBLE.
H.R. 3652: Mr. WEST, Mr. REED, Mr. KINGSTON, Mr. LABRADOR, Mr. HARRIS, and Mr. WALSH of Illinois.
H.R. 3661: Mr. LARSON of Connecticut and Mr. SCHOCK.
H.R. 3676: Mr. HUIZENGA of Michigan, Mr. SHERMAN, and Mr. MCDERMOTT.
H.R. 3681: Mr. RENACCI.
H.R. 3702: Mr. TOWNS, Ms. LEE of California, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. RYAN of Ohio, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. INSLEE, Mr. HONDA, Mr. MCGOVERN, Mr. RANGEL, Mr. ELLISON, and Mr. HASTINGS of Florida.
H.R. 3713: Mr. PETRI.
H.R. 3714: Ms. SCHAKOWSKY.
H.J. Res. 88: Mr. OLVER and Mr. FARR.
H.J. Res. 90: Mr. LARSON of Connecticut and Mr. FARR.
H.J. Res. 92: Ms. NORTON.
H. Con. Res. 85: Mr. PASCRELL, Mr. FARR, Ms. MCCOLLUM, Ms. SPEIER, Mr. FATTAH, and Ms. HOCHUL.
H. Res. 58: Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, and Mr. HOLT.
H. Res. 98: Mr. GIBBS.
H. Res. 367: Mr. HIMES.
H. Res. 374: Mr. KINZINGER of Illinois.
H. Res. 475: Mr. AKIN, Mr. ROSS of Florida, Mr. JOHNSON of Ohio, Mr. THORNBERRY, Mr. KINGSTON, Mr. AUSTRIA, Mr. OLSON, and Mr. FLORES.
H. Res. 489: Mr. FINCHER, Mr. AUSTRIA, Mrs. CHRISTENSEN, Mr. NUNES, Mr. SULLIVAN, Mrs. BACHMANN, Mr. WITTMAN, and Ms. FOXX.

WEDNESDAY, DECEMBER 21, 2011 (171)

¶171.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. FITZPATRICK, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 21, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶171.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FITZPATRICK, announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Tuesday, December 20, 2011, was approved.

¶171.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4366. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Transactions (RIN: 3038-AC79) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4367. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Liquidity and Funding (RIN: 3052-AC54) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4368. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the submission of the report on DoD purchases from foreign entities; to the Committee on Armed Services.

4369. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the State of Missouri since May 22, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

4370. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

4371. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4372. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4373. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4374. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting 2 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4375. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4376. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4377. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Public Law 109-59, section 6005(h); to the Committee on Transportation and Infrastructure.

4378. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief With Respect to IRAs Whose Owners Have Entered Into Certain Agreements With Brokers or Other Financial Institutions [Announcement 2011-81] received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4379. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Ronald Andrew Mayo and Leslie Archer Mayo v. Commissioner, 136 T.C. 81 (2011) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4380. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-100] received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4381. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Cumulative List of Changes in Plan Qualification Requirements [Notice 2011-97] received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Foreign Base Company Sales Income [TD 9563] (RIN: 1545-BI45) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Guidance on the Measurememt of Continuity of Interest [TD 9565] (RIN: 1545-BG15) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4384. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reporting of Specified Foreign Financial Assets [TD 9567] (RIN: 1545-BK17) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparer Penalties Under Section 6695 [TD 9570] (RIN: 1545-BK16) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

And then,

¶171.4 ADJOURNMENT

The SPEAKER pro tempore, Mr. FITZPATRICK, pursuant to section 3(b) of House Resolution 493, at 10 o'clock and 2 minutes a.m., declared the House adjourned until 10 a.m. on Friday, December 23, 2011.

¶171.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. Second Semiannual Report of the Activities of the Committee on Energy and Commerce for the 112th Congress (Rept. 112–337). Referred to the Committee of the Whole House on the state of the Union.

FRIDAY, DECEMBER 23, 2011 (172)

The House was called to order by the SPEAKER.

¶172.1 APPROVAL OF THE JOURNAL

The SPEAKER announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Wednesday, December 21, 2011, was approved.

¶172.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4386. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's final rule — Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration (RIN: 0580-AB07) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4387. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4388. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-119, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4389. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-094, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4390. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-144, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4391. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4392. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-130, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4393. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4394. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-131, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4395. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-110, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4397. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-120, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4398. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

4399. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-138, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-123, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-087, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4404. A letter from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4405. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2011-0907; Directorate Identifier 2011-NM-146-AD; Amendment 39-16790; AD 2011-18-08] (RIN: 2120-AA64) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4406. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶172.3 TEMPORARY PAYROLL TAX CUT

On motion of Mrs. EMERSON, by unanimous consent, the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Natural Resources, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Budget were discharged from further consideration of the bill (H.R. 3765) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶172.4 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), amended by the Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I am pleased to reappoint the following individuals to the United States-China Economic and Security Review Commission.

Ms. Carolyn Bartholomew, Washington, DC
Mr. Jeffrey L. Fiedler, Great Falls, VA

Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶172.5 ENROLLED BILLS SIGNED

The SPEAKER announced that, pursuant to clause 4 of rule I, he signed the following enrolled bills on Wednesday, December 21, 2011:

H.R. 515. An Act to reauthorize the Belarus Democracy Act of 2004.

H.R. 1059. An Act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 1540. An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 1801. An Act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2055. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 2056. An Act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

¶172.6 APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 3630

The SPEAKER, pursuant to clause 11 of rule I, announced the appointment of the following Members as additional conferees on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R 3630) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes: Messrs. LEVIN, BECERRA, VAN HOLLEN, Ms. SCHWARTZ, and Mr. WAXMAN.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

And then,

¶172.7 ADJOURNMENT

The SPEAKER, pursuant to section 3(b) of House Resolution 493, at 10 o'clock and 8 minutes a.m., declared the House adjourned until 1 p.m. on Tuesday, December 27, 2011.

¶172.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on December 22, 2011]

Mr. KLINE: Committee on Education and the Workforce. Second Semiannual Report on the Activities of the Committee on Education and the Workforce During the 112th Congress (Rept. 112–338). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. Second Semiannual Report on the Activity of the Committee on Small Business During the 112th Congress (Rept. 112–339). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. Second Semiannual Report on the Activity of the Committee on Agriculture During the 112th Congress (Rept. 112–340). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. Second Semiannual Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112–341). Referred to the Committee of the Whole House on the state of the Union.

[Filed December 23, 2011]

Mr. UPTON: Committee on Energy and Commerce. H.R. 1173. A bill to repeal the CLASS program; with an amendment (Rept. 112–342 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2682. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (Rept. 112–343 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2779. A bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; with an amendment (Rept. 112–344 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2586. A bill to refine the definition of swap execution facility in the provisions regulating swap markets added by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act; with amendments (Rept. 112–345 Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. Second Semiannual Report of the Legislative and Oversight Activities of the Committee on Natural Resources During the 112th Congress (Rept. 112–346). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. Second Semiannual Report of Activities of the Committee on Science, Space, and Technology for the 112th Congress (Rept. 112–347). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. Second Semiannual Report of the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (Rept. 112–348). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. Second Semiannual Report of the Activities of the Committee on Oversight and Government Reform for the 112th Congress (Rept. 112–349). Referred to the Committee of the Whole House on the state of the Union.

¶172.9 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1173. Referral to the Committee on Ways and Means extended for a period ending not later than February 1, 2012.

H.R. 2586. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2682. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2779. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

¶172.10 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. CAMP:

H.R. 3765. A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget, 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. FITZPATRICK (for himself, Mr. MEEHAN, and Mr. MCKINLEY):

H.R. 3766. A bill to amend title 18, United States Code, to provide penalties with respect to employers' conduct relating to persons engaging in sexual conduct with children, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. MILLER of Florida (for himself, Mr. TURNER of Ohio, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WITTMAN, Mr. WOMACK, Mr. KISSELL, Mr. MICHAUD, Mr. JONES, Mr. MANZULLO, and Mr. FORBES):

H.R. 3767. A bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶172.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. SHERMAN.
H.R. 304: Mrs. NAPOLITANO.
H.R. 750: Mr. GOSAR.
H.R. 835: Mr. CARNEY and Mr. PIERLUISI.
H.R. 1111: Mr. MURPHY of Pennsylvania.
H.R. 1167: Mr. ROSS of Florida.
H.R. 1172: Mr. TOWNS.
H.R. 1219: Mr. GRAVES of Georgia.
H.R. 1351: Mr. TURNER of New York.
H.R. 1513: Mr. COSTELLO and Mr. SHULER.
H.R. 1653: Mr. SHULER.
H.R. 1681: Ms. HANABUSA.
H.R. 1738: Ms. WATERS.
H.R. 1956: Mr. POSEY.
H.R. 1964: Mr. MURPHY of Pennsylvania.
H.R. 1978: Mr. RIVERA and Ms. DELAURO.
H.R. 2090: Mr. ROHRABACHER.
H.R. 2412: Mr. ACKERMAN.
H.R. 2492: Mr. TOWNS and Mr. CARNEY.
H.R. 2524: Mr. MCDERMOTT.
H.R. 2529: Mr. KISSELL.
H.R. 3200: Mr. GERLACH.
H.R. 3269: Mr. GRAVES of Georgia, Mrs. HARTZLER, Mr. PETERS, and Mr. CRAVAACK.
H.R. 3307: Mr. CLARKE of Michigan.
H.R. 3324: Mr. SMITH of Washington, Ms. WATERS, and Mrs. DAVIS of California.
H.R. 3506: Mr. WELCH.
H.R. 3589: Mr. CARTER and Mr. ROYCE.
H.R. 3608: Mr. BROUN of Georgia.
H.R. 3698: Mr. WOLF, Mr. BROOKS, Mr. LONG, and Mr. BURTON of Indiana.
H.R. 3702: Mr. FARR.
H.R. 3713: Ms. SCHWARTZ.
H.R. 3743: Mr. COHEN.
H.J. Res. 80: Ms. HIRONO, Mr. VAN HOLLEN, and Mr. MURPHY of Connecticut.
H. Res. 489: Mr. FLEMING.
H. Res. 505: Mr. HONDA, Mr. ROYCE, Mr. CROWLEY, and Mr. SMITH of Washington.

TUESDAY, DECEMBER 27, 2011 (173)

¶173.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HARRIS, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 27, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶173.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HARRIS, announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Friday, December 23, 2011, was approved.

¶173.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4407. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-11 informing of an intent to sign a Memorandum of Understanding Among Australia, Canada, United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

4408. A letter from the Acting Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4409. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fiscal year 2011 financial report; to the Committee on Oversight and Government Reform.

4410. A letter from the Secretary, Department of Education, transmitting the forty-fifth Semiannual Report to Congress on Audit Follow-up, covering the six month period ending September 30, 2011 in compliance with the Inspector General Act Amendment of 1988; to the Committee on Oversight and Government Reform.

4411. A letter from the Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4412. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1232; Directorate Identifier 2011-NM-039-AD; Amendment 39-16873; AD 2011-24-09] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524G2-19; -524G2-T-19; -524G3-19; -524G3-T-19; 524H2-19; -524H2-T-19; -524H-36; and -524H-T-36 Turbofan Engines [Docket No.: FAA-2011-1109; Directorate Identifier 2011-NE-33-AD; Amendment 39-16863; AD 2011-23-12] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes [Docket No.: FAA-2011-0716; Directorate Identifier 2011-NM-013-AD; Amendment 39-16858; AD 2011-23-07] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Turboshaft Engines [Docket No.: FAA-2011-1159; Directorate Identifier 2011-NE-34-AD; Amendment 39-16864; AD 2011-23-13] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers [Docket No.: FRA-2008-0059, Notice No. 4] (RIN: 2130-AB96) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶173.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. HARRIS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 December 23, 2011 at 11:16 a.m.:

That the Senate agreed to without amendment H.R. 3765.

Appointment:

The United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶173.5 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. HARRIS, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, December 23, 2011:

H.R. 3765. An Act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provided for the consideration of the Keystone XL pipeline, and for other purposes.

And then,

¶173.6 ADJOURNMENT

The SPEAKER pro tempore, Mr. HARRIS, pursuant to section 3(b) of House Resolution 493, at 1 o'clock and 4 minutes p.m., declared the House adjourned until 1 p.m. on Friday, December 30, 2011.

¶173.7 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. Second Semiannual Legislative Review and Oversight Activities of the Committee on Foreign Affairs for the 112th Congress (Rept. 112–350). Referred to the Committee of the Whole House on the state of the Union.

¶173.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. TOWNS.
H.R. 1236: Mr. KISSELL.
H.R. 1964: Mr. CHABOT.
H.R. 3400: Mr. LONG, Mr. CONAWAY, and Mr. JOHNSON of Ohio.
H.R. 3581: Mr. FLORES.
H. Res. 490: Mr. KINGSTON, Mr. MANZULLO, Mr. NUGENT, and Mr. HECK.

FRIDAY, DECEMBER 30, 2011 (174)

¶174.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ROONEY,

who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
December 30, 2011.

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

JOHN A. BOEHNER,
Speaker.

¶174.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ROONEY, announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Tuesday, December 27, 2011, was approved.

¶174.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4417. A communication from the President of the United States, transmitting a letter regarding the designation of Overseas and Contingency Operations/Global War on Terrorism funding; (H. Doc. No. 112—75); to the Committee on Appropriations and ordered to be printed.

4418. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of two officers to wear the authorized insignia of the grade rear admiral (lower half); to the Committee on Armed Services.

4419. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, April 1, 2011 — September 30, 2011; to the Committee on Armed Services.

4420. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4421. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4422. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments [Docket No.: FR-5474-I-01] (RIN: 2506-AC29) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4423. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4424. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2010'', in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

4425. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's seventh annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4426. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Switzerland (Transmittal No. 01-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4427. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-11 informing of an intent to sign a Project Agreement with the State of Israel; to the Committee on Foreign Affairs.

4428. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Audit of the Public Service Commission Agency Fund for Fiscal Years 2006, 2007, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4429. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2011 through September 30, 2011; and the semiannual Management Report on the Status of Audits for the same period; to the Committee on Oversight and Government Reform.

4430. A letter from the Chairman, Federal Communications Commission, transmitting Commission's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

4431. A letter from the Administrator, General Services Administration, transmitting the Administration's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

4432. A letter from the Board Member, Merit Systems Protection Board, transmitting a report entitled: ''Blowing the Whistle: Barriers to Federal Employees Making Disclosures''; to the Committee on Oversight and Government Reform.

4433. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4434. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [EOIR Docket No.: 172; AG Order No.: 3309-2011] (RIN: 1125-AA69) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4435. A letter from the Chair, Sentencing Commission, transmitting a letter in response to the directive in Section 107 of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, pursuant to Public Law 111-195, section 107; to the Committee on the Judiciary.

4436. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. arriel 2B Turboshaft Engines [Docket No.: FAA-2011-1031; Directorate Identifier 2011-NE-27-AD; Amendment 39-16871; AD 2011-24-07] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4437. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30815; Amdt. No. 3454] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4438. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Evansville, IN [Docket No.: FAA-2011-0429; Airspace Docket No. 11-AGL-9] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4439. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30816; Amdt. No. 3455] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4440. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30812; Amdt. No. 3452] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4441. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30813; Amdt. No. 3453] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4442. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Certification of Part 23 Turbofan- and Turbojet-Powered Airplanes and Miscellaneous Amendments [Docket No.: FAA-2009-0738; Amendment No. 23-62] (RIN: 2120-AJ22) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4443. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Harmonization of Various Airworthiness Standards for Transport Category-Flight Rules [Docket No.: FAA-2010-0310; Amdt. No.:25-135] (RIN: 2120-AJ72) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4444. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures [Docket No.: FAA-2009-0660; Amdt. Nos. 27-47, 29-54] (RIN: 2120-AJ52) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4445. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Recurring item exception to the economic performance requirement (Rev. Rul. 2012-1) received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Standard Mileage Rates [Notice 2012-1] received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4447. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Evaluation of the Quality Improvement Organization Program for Medicare Beneficiaries for Fiscal

Year 2008''; jointly to the Committees on Ways and Means and Energy and Commerce.

And then,

¶174.4 ADJOURNMENT

The SPEAKER pro tempore, Mr. ROONEY, pursuant to section 3(b) of House Resolution 493, at 1 o'clock and 2 minutes p.m., declared the House adjourned until 11 a.m. on Tuesday, January 3, 2012.

¶174.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on December 28, 2011]

Mr. KING of New York: Committee on Homeland Security. Second Semiannual Report on Legislative and Oversight Activities of the Committee on Homeland Security (Rept. 112–351). Referred to the Committee of the Whole House on the state of the Union.

[The following report was filed on December 29, 2011]

Mr. SMITH of Texas: Committee on the Judiciary. Second Semiannual Activity Report of the Committee on the Judiciary of the United States House of Representatives for the Period January 5, 2011 through November 30, 2011 (Rept. 112–352). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. Second Semiannual Report of the Activity of the House Permanent Select Committee on Intelligence for the One Hundred and Twelfth Congress (Rept. 112–353). Referred to the Committee of the Whole House on the state of the Union.

[Submitted December 30, 2011]

Mr. ROGERS of Kentucky: Committee on Appropriations. Second Semiannual Report on Activities of the Committee on Appropriations During the 112th Congress, First Session (Rept. 112–354). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. Second Semiannual Report on the Activities of the Committee on Financial Services During the 112th Congress (Rept. 112–355). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. Second Semiannual Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 112th Congress (Rept. 112–356). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. Second Semiannual Survey of Activities of the House Committee on Rules for the First Session of the 112th Congress (Rept. 112–357). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Second Semiannual Activities and Summary Report of the Committee on the Budget Second Quarter 112th Congress (Rept. 112–358). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCKEON: Committee on Armed Services. Second Semiannual Report on the Activities of the Committee on Armed Services for the One Hundred Twelfth Congress (Rept. 112–359). Referred to the Committee of the Whole House on the state of the Union.

Mr. DANIEL E. LUNGREN of California: Committee on House Administration. Second Semiannual Report on the Activities of the Committee on House Administration During the One Hundred Twelfth Congress. (Rept. 112–360). Referred to the Committee of the Whole House on the state of the Union.

¶174.6 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. KELLY introduced a bill (H.R. 3768) to amend the Internal Revenue Code of 1986 to repeal the credit for plug-in electric drive vehicles; which was referred to the Committee on Ways and Means.

¶174.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. ADERHOLT.

H.R. 1063: Mr. RANGEL, and Mr. DANIEL E. LUNGREN of California.

H.R. 3042: Mr. SCHILLING.

TUESDAY, JANUARY 3, 2012 (175)

¶175.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
January 3, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker.

¶175.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced that, pursuant to section 3(a) of House Resolution 493, the Journal of the proceedings of Friday, December 30, 2011, was approved.

¶175.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4448. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Homeless Emergency Assistance and Rapid Transition to Housing: Defining ''Homeless'' [Docket No.: FR–5333–F–02] (RIN: 2506–AC26) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4449. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Federal Housing Administration (FHA) Appraiser Roster: Appraiser Qualifications for Placement on the FHA Appraiser Roster [Docket No.: FR–5458–F–02] (RIN: 2502–AI96) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4450. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Animal Food Labeling; Declaration of Certifiable Color Additives [Docket No.: FDA–2009–N–0025] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4451. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 97 of the Commission's Rules to Facilitate Use by the Amateur Radio Service of the Allocation at 5 MHz [ET Docket No.: 10–98] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4452. A letter from the Deputy Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule—Universal Service Reform—Mobility Fund [WT Docket No.: 10–208] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4453. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11–43, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4454. A letter from the Executive Analyst, Department of Heath and Human Services, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4455. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4456. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4457. A letter from the Director, Peace Corps, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

¶175.4 RECESS—11:03 A.M.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 3 minutes a.m., subject to the call of the Chair.

¶175.5 AFTER RECESS—11:55 A.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶175.6 BILLS APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 23, 2011:

H.R. 2055. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 3672. An Act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 3765. An Act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

December 31, 2011:

H.R. 1540. An Act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

¶175.7 SENATE BILL APPROVED

The President notified the Clerk of the House that on the following date, he had approved and signed the bill of the Senate of the following title:

December 23, 2011:

S. 278. An Act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

And then,

¶175.8 ADJOURNMENT SINE DIE

On the motion of the SPEAKER pro tempore, Mr. LATOURETTE, pursuant to the 20th amendment of the Constitution of the United States, at 11 o'clock and 56 minutes a.m., declared the 1st session of the 112th Congress adjourned sine die.

¶175.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1876: Mr. CLARKE of Michigan.

H.R. 3676: Mr. RUSH.

H. Res. 505: Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. BILBRAY, Ms. BORDALLO, Ms. RICHARDSON, Ms. SPEIER, Ms. HANABUSA, and Mr. FILNER.